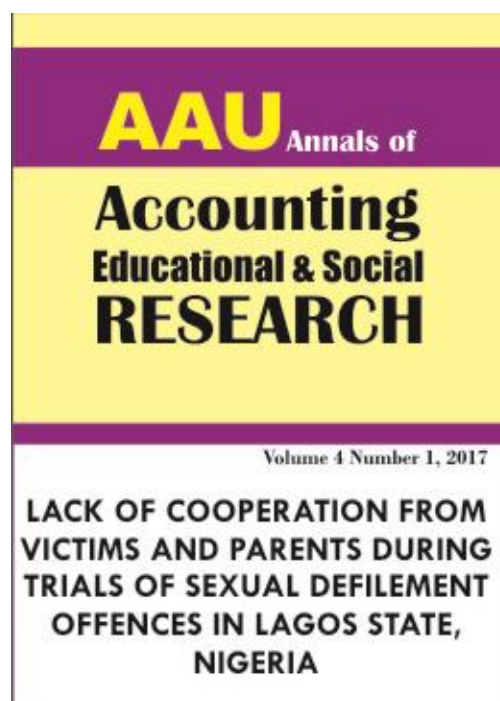




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Abstract:

Lack of cooperation from victims and their parents during prosecution of cases of sexual defilement is a strong reason why prosecution of sexual defilement may be unsuccessful in law courts. This study, therefore, investigated the reasons why victims of sexual defilement and their parents would not give their total cooperation to the state prosecutors handling cases of sexual defilement. The study adopted descriptive survey design. Data were collected through qualitative and quantitative methods. These involved two in-depth interviews and 100 questionnaire survey of court officials (77) and social workers (23). Qualitative data were analysed using content analysis, while quantitative data were analysed using frequency distribution. Fifty – Six percent of the sampled court officials were female; 79.0% of them were married and 81.0% of them had between 1 to 3 children. Compensation from offenders (mean = 4.08); willingness to settle out of court (mean = 4.16); when offenders are ready to marry victims (mean = 3.58); when victims and parents do not trust police (mean = 3.88); when victims and parents lack confidence in judiciary (mean = 3.68); when victims and parents cannot afford cost, and time involved in prosecution (mean = 3.93) and when victims and parents decide to trust God for divine justice (mean = 3.97) were the reasons identified by respondents why victims and parents may not give their total cooperation to state prosecutors. When victims of sexual defilement and their parents do not give total cooperation to state prosecutors, there is little or nothing that can be achieved in giving justice for victims. Encouragement to victims and their parents, discouraging them from settling cases out of court and re-instatement of trust in police and courts were recommended.

Key-words:

sexual defilement, cooperation, minors, prosecution, victims, court.

INTRODUCTION

The issue of sexual defilement has become a recurrent social phenomenon. It is a kind of sexual offence within the spectrum of sexual violence and rape. The act maybe carried out by physical force, coercion, abuse of authority or against a person who is incapable of valid consent, such as one who is unconscious, incapacitated, or below the legal age consent. In recent years it has become not only a far rampant phenomenon but an almost a daily issue. The incidence of sexual defilement in Lagos has tremendously increased due to cosmopolitan nature of the state and the consequent effect of the classification of the state as a mega city.

The sexual defilement of children in the state is perhaps the highest in the country though there seems to be no central statistics to refer to as basis. However, the frequent reports of the incidences over the media show that the rate is very high in Lagos state. The problem of sexual defilement from judicial experiences has been very difficult to tackle. In some of the cases, the victims and their parents may not cooperate with prosecuting team during trials. This study was carried out therefore to uncover the reasons why victims and their parents may not cooperate with prosecutors during trials, which may affect the course of justice.

Statement of problem

The problem of sexual defilement of children is pretty difficult to deal with in our society. The experiences have shown that most perpetrators were usually close to the victims. In most cases, they were family members. Hence, most of the cases were not usually reported to the police. Moreover, it has been known that in some instances, the family members of the victims and the victims may not cooperate adequately with the prosecution team. It is expected that in the presence of the law and the availability of an effective and efficient prosecution team, justice should be brought to the victims, which in turn will prevent re-occurrence of the same or similar offences and thereby ensure the existence of a safe society. But quite unfortunately, it is difficult to achieve this because of lack of cooperation from the victims and their parents during prosecution of cases involving sexual defilement of female minors.

Justification of study

The high rate of sexual defilement of minors in Lagos metropolis, as being reported in the dailies, has become a great worry to the parents, concerned non-governmental organizations and the government of the state as well. The non-cooperation of the parents and the victims during trial of cases of sexual defilement of minors is also source of problem. Hence, it is worthwhile, therefore, to conduct this study in order to investigate the reasons why parents or guardians of the victims would not give their adequate cooperation during trials.

The study would serve as a vital tool in the hands of criminologists, social workers, law enforcement agencies, the academia's, the government and other stakeholders in the matters pertaining to the minors in our society.

Research question

The following was the research question posed by this study:

What are the reasons why the parents/guardians may not cooperate with the prosecuting team during trial of the cases of sexual defilement of their minors?

Objective of the study

The objective of this study is to investigate the reasons why parents/guardians may not cooperate with the prosecuting team during trial of cases of sexual defilement of their minors.

Scope of the study

The centre-piece of this study was to study sexual defilement of female minors in Lagos state. The study was restricted to the reasons why prosecuting team may not have total cooperation of the parents/guardians and the victims. Cases of sexual defilement of minors occur throughout the country but the scope of this study was restricted to Lagos state only, where the cases were assumed to be very high as reported in the media.

Limitations of the study

The social problem of sexual defilement of minors cuts across every part of Nigeria. However, because of time and resources, the study was limited to Lagos state only. Aside the limitation of time and resources, accessibility to proceedings of the cases on sexual defilement of minors was denied by the courts involved, this unfortunately limited the strength of the study. The study relied only on primary data which, however, paid off for the limitation.

LITERATURE REVIEW

The social problem of sexual defilement of minors is very common in every society of the world. In Nigeria, for instance, the problem is gradually becoming alarming. Nnadi (2012) argued that rape, indecent assault, incest and defilement of the minors are some common sexual assaults that women in Nigeria are confronted with. It is the same story in other African countries like Uganda where incest, forced marriage, early marriage and sexual defilement of minors are now very rampant (Muhwezi et al, 2011).

Although, statistics do not show so many reported cases of child sexual abuse in Nigeria (Bejide, 2014), however, the daily reported cases in the print and electronic media showed that it has become a worrisome problem in Nigeria. The notorious cases of forced marriage and sexual defilement of the minors is on the increase, especially in the Northern part of Nigeria.

The constitution of a sexual offence varies between societies and within society over time. Issues relating to gender, age, relationship, aggression, consent and location all influence whether a particular sexual act is considered an offence or not (Kanyanya et al, 2007). However, the World Health Organization (WHO) defines sexual violence or offence as any sexual act, attempt to obtain sexual act, unwanted sexual comments or advances using coercion, threats of harm or physical force, by any person regardless of relationship to the survivor, in any setting (Beninger, 2013). Sexual defilement is child sexual abuse at the hands of an adult (Finkelhor et al, 2014) it is the offence of rape of children (Morhe and Morhe, 2013). It is an act of having carnal knowledge of a girl who is a minor without her consent or under duress (Nnadi, 2012). Defilement of young girls is pervasive globally as babies from the cradle are not spared (Nnadi, 2012)

One may ask: who are the people that are likely to be perpetrators of sexual defilement of minors? In most cases, abusers are people who are close to the child. It may be a biological parent, or a step parent, uncles, cousins, grand parent or an extended relative or a care giver. It may be on some occasions the neighbours, employers or a police officer (Bejide,

2014, Finkelhor et al 2014 and Sampson and Hart, 2013) or soldiers called upon to keep peace during conflict or war (O'Brien, 2011).

A previous study showed that more young people were involved in sexual defilement than older people, but this offence was not limited to a particular age group of perpetrators and the vast majority of the offenders were usually non-professionals, comprising the lower socio-economic class of population (Kanyanya et al, 2007). The studies conducted on sexual defilement have shown that victims were usually girls and that majority of the offenders of defilement and attempted defilement target minors (Beninger 2013 and Kanyanya et al, 2007). Hence, this work is pertinent and would add more values to the existing pool of knowledge on sexual defilement of minors and the laxities involved in prosecution of the offenders involved.

Legal issues on sexual defilement

The issues of sexual defilement of minors is not a domestic matter to every nations of the world but a matter that is also rooted in the international laws to which many of the countries are signatories. Sexual defilement of female minors is a crime of violence against children. The right to be free from violence is protected in a number of international and regional human rights instruments. Both the convention on the Rights of the child (CRC) and the African Charter on the Rights and Welfare of the Child (African Children's Charter) specifically protect the right of children to be free from all forms of psychological and physical violence under articles 19 and 16 respectively (Yusuf and Fessha, 2013).

Sexual defilement of female minors is an act of violence. Sexual defilement is defined under section 218 of the criminal code of Nigeria as 'any person who has unlawful carnal knowledge of a girl under the age of 13 years is guilty of a felony and is liable to imprisonment for life (Onyejekwe, 2008). Sexual defilement of female minors falls within the purview of violence against women. The declaration on the elimination of violence against women (DEVAW), adopted by the United Nations General Assembly in 1993, defines Violence Against Women as 'any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women (Onyejekwe, 2008). The UN Declaration specifies that rape, marital rape and sexual abuse (sexual defilement of minor included) are forms of violence against women.

In Nigeria criminal code, defilement of girls under 13 years, householder permitting defilement of young girls on his premises, defilement of girls under 16 years, but above 13 years, indecent treatment of girls under 16 years; causing or permitting seduction of a girl under 16 years, allowing persons under 16 years to be in brothels, abduction of girls under 18 years with intent to have carnal knowledge of her, featured prominently and stipulated punishments for each of the categories of the offences. In Uganda, Sekiwunga and Whyte (2009) argued that there is an imprisonment for defilement of female minors. The defilement law prescribes a heavy punishment for sexual relationship with a girl under 18 years, even if the relationship is consensual and the partners are of the same age. However, some nations failed to enforce the laws meant to protect girls and their constitutional human rights. When a state fails to investigate defilement claims, the right to equality and freedom from discrimination, security of the person and right to access justice of the minor female victims are denied (Sampson and Hart, 2004). This may be as a result of poorly defined criminal laws and weak law enforcement which creates an environment where sexual violence is committed with impunity.

Legal definitions are therefore crucial in ensuring that perpetrators are punished (Onyejekwe, 2008), laws need to be applied to combat sexual abuse of minors (Evans, 2013).

Reasons and causes of sexual defilement

There are many obvious reasons why perpetrators of sexual defilement were motivated to commit the crime. Jewkes et.al (2010), in their study included wanting of sex from the girl involved, experimenting with sex, peer group influence, anger against or as a punishment for the girl and boredom are motivational reasons why adult defile female minors. Another reason identified was the possibility that there would not be consequences, especially when very young female children were involved.

The genesis of sexual violence (sexual defilement included), is rooted in the social and cultural norms that entrench patriarchal gender relations and perpetuate discrimination and inequality of girls (Beninger, 2013). This created problems of sexuality which is very much a socio-cultural invention that is closely linked to power and to the process of subjugation. How we 'do' and experience sexuality is influenced by our society and culture. How and with whom we have sex are all forms of learned behaviour from our culture and society (Tamale, 2014).

Another cause of sexual defilement of female minors is exposure to sexually explicit materials. Kanyanya et.al (2007), argued that there was a link between sexually explicit materials and pre-occupations with thoughts about sex and sexual defilement offence. Poverty is another factor identified as a cause of sexual defilement of female minor children. Kaye (2008) argued that overall economic circumstances which compel minors to engage in sex trade to provide support for themselves and their parents were a strong cause of sexual defilement of minors in the society. Beninger (2013) argued in the same way that some girls engage in transactional sex under economic pressure in order to afford school fees or obtain money to spend, or to secure good grades. The author added poor disciplinary standard and a culture of impunity for sexual misconduct and imbalance of power between girls and male counterparts as other factors.

Virginity is another cause of sexual defilement of minor female children. In south Africa and Zimbabwe, Tamale(2014) wrote that many young women voluntarily submit themselves for virginity test in a bid to gain public approval, response to demands for communal belonging and on account of the dignity and pride associated with it. However, such virginity test may open up such young women to sexual defilement from the adult male in the society. Bajaj (2008) in her study of Zambia society argued that sexual defilement of virgins is a common phenomenon because of the belief by older men that having unprotected sex with a virgin can cure HIV. Hence, many minor female children have been defiled and this also exacerbated the spread of the disease. This is a virgin sex cure for HIV (Jewkes, et.al, 2010)

Another cause of sexual defilement of minors is psychiatric problem in offender; Kanyanya et.al (2007) identified psychiatric morbidity or implicit personality disorder as cause of sexual defilement. Other factors identified by the authors are; substance use disorder, paraphilia, bipolar disorder, anxiety disorder and anti-social personality disorder. Kanyanya et.al (2007) also signified family variables, socio-economic factors, history of sexual abuse, impaired family functioning and alcohol, as other factors which may propel people to offend laws on sexual defilement.

Finally, conflict and war in the society may cause a big chance for the adult male fighters to engage in indiscriminate sexual defilement of minor female children. Blunt (2000) gave the historical explanation of how minor female British Nationals were defiled during the years of Indian mutiny. The exposure to conflict for a long time has implications on people's

sexual integrity. Women and girls were more likely to be victims of sexual abuse associated with the war and conflict. Reports of girls and women that had been victims of rape and defilement at the hands of rebel fighters were common. Therefore, during war, the possibility of sexual abuse of women and girls is known to be high (Wuhwezi et.al, 2011).

Consequences of sexual defilement on the victims

Sexual defilement has a lot of bad consequences on the victims. These are consequences that are lasting and very profound on the victims, even throughout the continuum of life. However, these effects or consequences of sexual defilement vary from victim to victim depending on a variety of factors. According to Bejide (2004), such factors include the age of the child when defiled, the personality of the abuser to the victim and the reaction of those whom the defiled child decides to share his experiences with.

Sexual defilement has many psychological effects on the victims. The first psychological effect is traumatic sexualisation which is a process in which a child's sexuality (including both sexual feelings and sexual attitudes) is shaped in a developmentally inappropriate and interpersonally dysfunctional fashion, as a result of sexual abuse (Finkelhor and Browne, 1985). Defilement evokes not just anxiety and fear, but disgust (Seidman, 2013). Other effects according to Bejide (2014) included depression; dissociation; hostility; anger; impaired relationships; low self-esteem; and sexual dysfunction; sleep disturbance; suicidal ideas and behaviour and substance abuse. There is obviously a serious emotional and psychological impact for girls who experience abuse (Beninger, 2013). Hence, victims of defilement suffer adverse psychological effects long after the offence has been committed. Victims were found to present psychiatric problems, somatic manifestation and disturbances in instinctive functions (Morhe and Morhe, 2013).

Sexual defilement also has a serious health implication on the victims. It leads to adverse long term health consequences. For instance, HIV/AIDS is a cause and a consequence of sexual exploitation of children (Morhe and Morhe, 2013). Sexual defilement, therefore, spreads sexually transmitted infections (Beninger 2013). Pathogens can be transmitted indiscriminately and unknowingly; contamination through bodily contact can spread exponentially (Seidman, 2013). Morhe and Morhe (2013) argued that some victims get pregnant and are also susceptible to long term health problems associated with early motherhood. Hence, sexual defilement causes unwanted pregnancy (Beninger, 2013). In area of education of the victims, sexual defilement severely affects the ability of girls to participate in school, and it therefore fully affects their right to education. It perpetuates gender discrimination and inequality, especially when it goes unnoticed and unpunished (Beninger, 2013).

Sexual defilement of minor female also has extensive consequences and devastating effects on the families and the communities at large (Nnadi, 2012). It causes enormous emotional pain and suffering to the victims and families in area of huge economic losses (Kanyanya et al, 2007). These economic losses and hardship are often associated with teenagers' pregnancy and attendant complications (Morhe and Morhe, 2013).

Sexual defilement would also create a problem where the victims would not trust people again. This is a problem of betrayal which refers to the dynamic by which children discover that someone on whom they were virtually dependent has caused them harm (Finkelhor and Browne, 1985). Another effect is powerlessness or disempowerment, the dynamic of rendering the victim powerless. It refers to the process in which the child's will, desires and sense of efficacy are continually contravened (Finkelhor and Browne, 1985). The

defiled is often considered a predatory figure engendering a trail of suffering and ruin (Seidman, 2013).

Stigmatization is another effect. This refers to the negative connotations (e.g badness, shame and guilt) that are communicated to the defiled child around the experiences and is then incorporated into the child's self-image. It may come from the abuser or reinforced by attitudes that the victim infers or hears from other persons in the family or community (Finkelhor and Browne, 1985).

Finally, sexual defilement may also lead to the death of the victim through murder. O'Brien (2011) argued that a US soldier engaged as part of the American peace keeping contingent to Kosovo raped and murdered a 10 years old girl. Hence, sexual defilement in the process may cause the victims their lives.

Laxities in prosecution of sexual defilement offences

There are many problems associated with successful prosecution of sexual defilement offences, in order to deter the offence in the society. The first problem or laxity in prosecution of sexual defilement offences is non-report of the offences to the police or other law enforcement officers, charged with the responsibility of addressing the problem. Many parents or guardians failed to make official report of sexual defilement of their children or ward because of the discomfort or shame (Finkelhor et al, 2014). Such parents or guardians would not apply the existing defilement law but opt to settle the issue with the person rather than involve the authorities, especially when pregnancy resulted. The parents and guardians asked for money in compensation for the school fees spent on the girl, thereby leaving perpetrator to go unpunished according to the law (Sekiwunga and Whyte, 2009)

Unfamiliarity with legal remedies and/or fear of or mistrust for the police and court system on behalf of victims and their families also contributed to under reporting and impunity of sexual defilement (Beninger, 2013). Non-reporting or under reporting of sexual defilement of minor is even worse when minor male children are involved (Bejide, 2014)

Non-reporting of sexual offences was the reason why Trinidad and Tobago made it mandatory for the parent or guardian of a minor; those who have custody, charge or control of a minor; those who have temporary custody, care, charge or control of a minor for a special purpose, as his/her attendant, employer or teacher or in any other capacity; or a medical practitioner or a registered, nurse or midwife, and has performed a medical examination in respect of a minor, to report any suspected offence of sexual defilement as stipulated in sexual offences Act 27 of 1986 (laws of Trinidad and Tobago, 1986).

Bejide (2014) also cited social stigma attached, more abuse and injury, consequent upon the report, fear of retribution and ridicule and lack of confidence in police and health workers, as reasons why victims and their parents or guardians would not make official report of cases of sexual defilement.

The stages involved in handling and prosecution of sexual defilement entailed investigation of the background to the abuse, apprehension and prosecution of the offender (Chomba et al, 2010). However, most families of victims of defilement prefer to drop prosecution when the offence results in pregnancy because the overriding concern is the upkeep of the victim and the unborn child (Morhe and Morhe, 2013). On some occasions, parents opted for out-of-court settlements because there were some immediate economic benefits (in the form of compensation); possibility of the man marrying the girl or at least

providing some support for the child, which would not be forthcoming if he were in prison (Sekiwunga and Whyte, 2009).

Parents also avoided litigation partly because of the question of morality attached to unplanned pregnancy and other factors like ensuring a good relation with the father of the child and his family (Sekiwunga and Whyte, 2009). At the end, majority of the sexual defilement offences were abandoned or withdrawn for settlement out of court. Settlement of defilement offences outside court violates the very spirit and letter of law on defilement and should, therefore, not be encouraged (Morhe and Morhe, 2013).

During prosecutions, there are many problems which affect successful prosecutions of sexual defilement offences. Police and legal services are limited by inadequate transport and resources, required effective forensic investigations, hostile, legal system, untrained prosecutors and doctors that are not keen to give expert opinion in court (Chomba, et al, 2010). In a similar case, Morhe and Morhe (2013) argued that laxities exist in prosecution of sexual defilement offences because of late reporting of cases, difficulty in obtaining medical report, logistics and administrative challenges, and families settling out of courts.

Corruption within the police is another problem involved in prosecution, policemen may ask for money before they can intervene and in some instances are not ready to assist the victim. Request for money, interrogating the victims in a humiliating manner, refusing to investigate, refusing to gather and bring physical evidence to court, refusing to make arrest and in some cases, even refusing to record the complaints at all, were factors which affect successful prosecutions of sexual defilement offences (Sampson and Hart, 2013).

States may also impede successful prosecution of sexual defilement offences. Beninger (2013) argued that the failure of the state to protect girls and punish perpetrators, in cases where it is known that they are being subjected to sexual violence, is analogous to the domestic violence cases as a breach of due diligence, and this attracts the same state responsibility at international law. Sampson and Hart (2013) wrote of 160 girls that were sexually abused in Kenya and concluded that state had violated several of the girls' rights under Kenyan constitution and other regional and international human rights treaties, by failing to properly investigate defilement claims made by them.

Furthermore, the rights of unborn child that resulted from sexual defilement need to be protected by the state. Namiseb (2009). on Children's Status Act, 2006 (No.6 of 2006) of Namibia provided that "in circumstances where a person is born as a result of rape, of which the perpetrator has been convicted, such perpetrator has no right to inherit as interstate heir from the estate of the person who is born as a result of the said rape. However, the person born as a result of the rape inherits interstate from the perpetrator, and is also deemed to be included in the terms 'children' and 'issue' in the relevant testamentary dispositions. Hence, the state needs to protect the victims of sexual violence and children that may be born as a result.

It is very interesting to note that hope is not lost on successful prosecution of sexual defilement offences. Beninger (2013) cited successful prosecution of case of 13years old student in Zambia (2006) who was defiled by his teacher and another 9years old girl that was raped by a school gardener.

Ending the problem

The first way of eliminating the problem of sexual defilement is to make strict and stiff law against it. There should be domestic legislation that seeks to protect children against sexual

exploitation. Female and male minors should be protected from being exposed to any form of sexual abuse that may be occasioned by an adult male (Bejide, 2014). The offenders should be prosecuted and punished if found guilty by the courts in order to act as deterrence.

Secondly, there should be calls for activism that eschews emotive appeals based on the defilement of childhood innocence in favour of politics that are more responsive to the actual needs of the victims (Kaye, 2008). Government should put in places, measures to meet the needs of the victims legally, medically and emotionally. Medically, there should be provisions for HIV post-exposure prophylaxis for Child Sexual Abuse, not only to prevent some children from acquiring HIV from the Child Sexually Abused but to attracts more children and guardians to the service, as well as inter professional referral to the service (Chesshyre and Molyneux, 2009).

Thirdly, awareness campaigns to enlighten the public of the fact that children are the most common victims of sexual defilements should be increased so that parents and guardians would be more vigilant over their children and wards (Kanyanya et al, 2007).

Finally, sexual offenders should be treated and rehabilitated to reduce the vices (Kanyanya et al, 2007). The victims need to be counselled too. They should be made to realize that sexual brokenness with its exploitation and distorted lusts is not the final word. We can find freedom from this slavery through the redeeming grace and love of Christ. We must bring our sexual brokenness to him and ask him to remove the shame (Smith, 2012). Hence, religious counselling should be included in the treatment of the cases of sexual defilement.

METHODS

This section discusses the research design, the study area, the study population, sampling methods and sampling size, method of data collection, method of data analysis, ethical issue and constraints.

Research design

Survey design (onetime survey or sample survey) was adopted in this study. It involved the collection of information from a sample of individuals through their responses to questions (Schutt, 2004). The study utilized triangulation of method where both qualitative and quantitative methods were used.

The study area

The study was conducted in Lagos state. It cuts across notable areas where family courts at the magisterial level and social workers' offices were located. These included areas like Ikeja, Yaba, Ibeju Lekki, Ajegunle, Surulere, Ogudu, Ikorodu, Badagry, Lagos Island, Apapa and Mushin.

The study population

The family court officials and social workers formed the study population. The court officials included the magistrates and the court administrative officials who have been working in these courts, at least a year before the commencement of the study. The social workers attached to the Ministry of Youth and Social Development, Mirabel Centre Lagos State and Lagos State Teaching Hospital were also included as part of the study population.

Sampling method and sampling size**The selected study areas.**

All the study areas selected for this work were purposively sampled because they suited this study. They were areas where family courts at magisterial levels and social workers' offices were located. Hence, they served the purpose of the study. Purposive sampling was used to select these areas because of judgment that they would facilitate the investigation of the study (Neuman, 2003, Adler and Clark, 1999). Eleven family courts at magisterial level and two social workers' offices were sampled for the study.

The court officials and social workers

Seventy-seven (77) court officials and twenty-three (23) social workers were sampled for the study. Being available subjects, sample random sampling was used in the selection. The method was employed so that each member of a study population had an equal probability of selection (Alder and Clark, 1999). However, the magistrate judge who participated in the study was purposively selected.

Methods of data collection

Primary data were collected and collated for this research work. The primary data were collected with use of questionnaire and in depth- interview.

Questionnaire

One hundred (100) questionnaires were administered among the court officials and social workers in the selected study areas. The entire number of the questionnaires administered (100) were returned because they were administered one - to - one with proper assistance and coordination from the researcher. The questionnaires were used to gather the quantitative data for this study.\

Study Areas and Questionnaire Administered

Study Areas	Number of Questionnaire Administered
1 Ministry of Youth and Social Development	18 copies
2 Mirabel Centre (LASUTH)	5 copies
3 Family Court Yaba	7 copies
4 Family Court Apapa	7 copies
5 Family Court 1 Mushin	7 copies
6 Family Court 4, Ikeja	7 copies
7 Family Court, Taylor Court House Lagos Island	7 copies
8 Family Court Ikorodu	7 copies
9 Family Court Ibeju – Lekki	7 copies
10 Family Court 2 Ikeja	7 copies
11 Family Court Surulere	7 copies
12 Family Court Ajegunle	7 copies
13 Family Court Badagry	7 copies
Total	100 copies

In-depth interview

In-depth interview (IDI) was conducted with one magistrate judge.

Method of data analysis

Questionnaires for the study were sorted out and properly cleaned. In order to minimize errors, data from questionnaire were coded so as to pave way for editing of data for the use of SPSS (statistical package for social sciences) software. The analysis of data emphasized relative frequencies. Univariate analyses were used in interpreting socio-demographic characteristics of the respondents, using frequency and percentage tables. These served as quantitative data.

The qualitative data which emerged from in-depth interview were analysed using manual content analysis. The process of the analysis involved deciding on the samples to be included in the analysis, defining the categories of content measured and finally, recording the units that were chosen (each item in it's entirety). The quantitative data from the questionnaire were presented separately from the qualitative data but results from each of the methods complemented the other.

Ethical issues

Ethical issues in social research were followed in this study. The consent of the respondents was sought before the commencement of the In-depth Interviews, Key Informant interview, Focus Group Discussion and before administering questionnaires. The anonymity of the respondent was guaranteed. References were not made to their names or anything that may identify them. The reports from the research were presented in aggregate data, not in personalized and recognizable form.

Finally, all the information and the data supported were kept strictly confidential and used only for the purpose of this study.

Constraints during the study

The nature of this study was sensitive because minors were involved. Hence, the request to obtain secondary data from the family courts, regarding the proceedings on various sexual defilement cases handled by these courts, was turned down. Although official letter was written to request for this and for other forms of assistance but the request was denied on the ground that it would complicate issues. This, unfortunately, limited the data for this study.

DATA PRESENTATION, ANALYSIS AND INTERPRETATION

This chapter deals with data presentation and analysis. The analyses are both descriptive and inferential. It is divided into two parts;

1. Analysis of respondents' socio-demographic characteristics
2. Discussions on research objective

Socio-demographic characteristics of the respondents

The first characteristic of the respondents examined was the sex of the respondents. The table 4.1 below shows the presentation and the analysis of the sex of the respondents who participated in the study.

Table 1: Sex Distributions of the Respondents

Sex	Frequency	Percent
Male	4	44.0
Female	56	56.0
Total	100	100.0

Source: Field Survey, 2016.

The above table shows that 44.0% of the respondents were male while 56.0% of them were female. This implies that more female respondents participated in the study than the male. Sexual defilement is majorly a female focused crime. Hence, it was not least unexpected to have more female who participated in the study than male.

The next characteristic of the respondents in the study was age of the respondents who participated in the study. The table 4.2 below shows the breakdown of the ages of the respondents who participated in the study.

Table 2: Age Distribution of Respondents

Age	Frequency	Percent
15-19	1	1.0
20-24	4	4.0
25-29	7	7.0
30-34	14	14.0
35-39	16	16.0
40-44	25	25.0
45 and above	33	33.0
Total	100	100.0

Source: Field Survey, 2016.

A cursory look at the above table shows that 1.0% of the respondents was between 15 years and 19 years, 4.0% of the respondents were between 20 years and 24 years; 7.0% were between 25 years and 29 years; 14.0% were between 30 years and 34 years, 16.0% of them were between 40 years and 44 years and finally; 33.0% of the respondents were 45 years and above. The above analyses show that many of the respondents who participated in the study were adults. The study, it can be inferred, had data and information from adults who are considered in African societies to be with experiences of life.

Marital statuses of the respondents were also put into consideration in the study. The table 4.3 below; shows the marital statuses of the respondents who participated in the study.

Table 3: Marital Statuses of the Respondents

Marital status	Frequency	Percent
Married	79	79.0
Single/Never Married Before	15	15.0
Widow/Widower	5	5.0
Cohabitation	1	1.0
Total	100	100.0

Source: Field Survey, 2016.

The analyses from the above table show that 79.0% of the respondents were married; 15.0% of them were single that never married before; 5.0% of them were either widows or widower while 1.0% was cohabitation. The analyses showed that overwhelming majority of our respondents were married. Being married would indicate possibility of parental responsibility. Additionally, married men and women are expected to have experience regarding child care, protection and guide. The vast majority of respondents who participated in the study indicated that the study engaged experienced respondents.

Since the issue of sexual defilement of minors centred on children, the study considered it very important to investigate the number of children of the respondents who participated in the study. Table 4.4 below analyses the data concerning this.

Table 4: Number of Children of the Respondents

Number of children	Frequency	Percent
1-3	81	81.0
4-6	18	18.0
7-9	1	1.0
Total	100	100.0

Source: Field Survey 2016

The table above, clearly shows that majority of the respondents; 81.0% had between 1 child to 3 children; 18.0% had between 4 children and 6 children; while 1.0% had between 7 children to 9 children. The large number who had between 1 child to 3 children may be attributed to economic conditions of the nation which has constrained many Nigerians to reduce their family sizes by embracing the modern method of birth control.

The religions of the respondents were also considered. The table 4.5 below shows the breakdown of the respondents' religion by religion.

Table 5: Respondents by Religion

Religion	Frequency	Percent
Christianity	74	74.0
Islam	25	25.0
Others	1	1.0
Total	100	100.0

Source: Field Survey, 2016.

From the table above, 74.0% of the respondents were Christians; 25.0% were Muslims and 1.0% an adherent of other religions. Religion is very valuable in impacting both the spiritual and moral values in the lives of the people to ensure that they live worthy and expected life in the society. Furthermore, religion shapes the opinions of people in society on many issues i.e. crime commission. Therefore, religions of the respondents are included in the study.

Lagos state which was the study area is an open door part of Nigeria to other West African countries; hence, the study investigated the Nationality of the respondents who participated in the study. The table 4.6 below shows the analyses.

Table 6: Nationality of the Respondents

Nationality	Frequency	Percent
Nigerian	98	98.0
Non-Nigerian	2	2.0
Total	100	100.0

Source: Field Survey, 2016.

The table above shows that majority; 98% of the respondents were Nigerians, while 2.0% were Non-Nigerians. The residence of the respondents was also considered in the study by how long they have been living in the residences of their abodes. The table below shows the outcomes of their responses on this.

Table 7: Respondents on Years of Residence in the Community

How long have you been living in this community	Frequency	Percent
1-3	11	11.0
4-6	5	5.0
6years and above	84	84.0
Total	100	100.0

Source: Field Survey, 2016.

From the analyses above, 84.0% of the respondents have been living in their residences for 6years and above, 11.0% of them have been living there between 1year and 3years, while 5.0% have been living there between 4years and 6years. This implies that majority of the respondents have been living in Lagos community for long.

REASONS WHY VICTIMS AND PARENTS WOULD NOT COOPERATE DURING PROSECUTION

The reasons why victims and parents of cases of sexual defilement would not cooperate during prosecution of cases of sexual defilement was another objective of this study. The first factor considered was the readiness of the offender to compensate the victim and the parents. Table 8 below shows the responses of people on this.

Table 8: Respondents on Readiness of the Offenders to Compensate

Readiness of the offender to compensate the victim and parent	Frequency	Percent
Strongly Disagree	6	6.0
Disagree	3	3.0
Somehow Agree	9	9.0
Agree	41	41.0
Strongly Agree	41	41.0
Total	100	100.0

Mean= 4.08

Maximum=5

Source: Field Survey, 2016.

The table above clearly shows that 41.0% of the respondents strongly agreed and another 41.0% agreed that when the offender is ready to compensate the victim and parents, the victims and the parents may not be interested in prosecuting the offenders any longer. Morhe and Morhe,(2013) argued that the family of the victim of defilement may jettison prosecution when the offence result in pregnancy because the overriding concern is the upkeep of the victim and the unborn child. Moreover, it might be as a result of the economic benefits that such compensation would bring (Sekiwunga and Whyte, 2009).

Another factor was lack of trusts for the police by the victims and parents. From the analyses made from the data, 44.0% of the respondents agreed that when police's efforts are not trusted in the process of prosecution, the victim and parents may not give their cooperation any longer. 29.0% of the respondents strongly agreed with the same. During prosecution, money may exchange hands between offender and the police. This may lead to the police behaving funny or twisting facts and evidences against the offender. When these are noticed by the victim and parents they may no longer give their cooperation knowing surely that under such situation, it might be an exercise in futility.

Lack of confidence in the judiciary system was another factor considered why parents and victim might not give their cooperation during prosecution. Table 9 below shows the responses of the people who participated in this study.

Table 9: Victim and Parents Lack Confidence in the Court System

Victim and parents lack confidence in the court system	Frequency	Percent
Strongly Disagree	5	5.0
Disagree	10	10.0
Somehow Agree	21	21.0
Agree	40	40.0
Strongly Agree	24	24.0
Total	100	100.0

Mean= 3.68 Maximum=5

Source: Field Survey, 2016.

A glance at the table above shows that 40.0% of the respondents agreed that lack of confidence in the judiciary may not encourage the victim and parents to cooperate during prosecution, 24.0% of the respondents strongly agreed with the same. On some occasions, court system may not be helping because of long adjournment of cases. Hence, the victim and parents may lose interest in the case in the long run. The assertion that justice delay is justice denied is applicable in this argument. There are not enough Judges to handle cases in courts, while frivolous applications by lawyers may also prolong cases.

The excerpt below from the interview granted by Magistrate supported this:

In the judiciary system, we do not have enough Judges at the family courts. Moreover, there are not enough courts to handle cases of sexual defilement

(A Female Magistrate Judge/ Lagos Island/ May 17th, 2016).

Money and time cost involved in prosecution is another factor investigated that may lead to victims and parents not giving their best cooperation during prosecutions of cases of sexual defilement. Table 10 below shows the responses of the respondents on this.

Table 10: Victims and Parents Cannot Afford Cost and Time Involved

Victim and parent cannot afford cost and time involved	Frequency	percent
Strongly Disagree	4	4.0
Disagree	8	8.0
Somehow Agree	17	17.0
Agree	33	33.0
Strongly Agree	38	38.0
Total	100	100.0

Mean =3.93 Maximum=5

Source: Field Survey, 2016.

The overall interpretation of the above table clearly shows that many respondents were of the opinion that when cost in terms of money and time is too high, the victim and the parents may refrain from giving their cooperation. Some parents' work may be affected and the schooling or apprenticeship of the victims may also be affected as a result of unending court adjournment. Money cost through transportation fare may also be too costly for the victim and parents to bear when going to honour court sessions.

Parents and victims may eventually decide to trust in God for divine justice on the case of sexual defilement against them. Table 11 shows the opinion of the respondents on this.

Table 11: Respondents on Leaving the Case with God

Victim and parent decide to trust God	Frequency	percent
Strongly Disagree	2	2.0
Disagree	6	6.0
Somehow Agree	16	16.0
Agree	45	45.0
Strongly Agree	31	31.0
Total	100	100.0

Source: Field Survey, 2016.

The table above clearly shows that majority of the respondents were of the opinion that victim and parents may not in the process give the cooperation to the prosecuting team because they may eventually put their case in God's hand. When people do not have belief in the police and the court, they may resolve to seek divine justice from God and therefore resolve to abandon their cases. The ability to do this will be determined by the religious belief and faith of the people concerned.

The extract from the judge below shows that to the reasons best known to the parents and the victims, they may not cooperate with the prosecution of cases of sexual defilement on their behalf by the state:

In some cases, the complainants (in most cases) parents, may not be interested in the cases. They might even tell the offenders to relocate to other place where they may not be found during trials. Even, complainants and victims may also relocate to other places because of stigma.

(A Female Magistrate Judge/ Lagos Island/ May 17th, 2016).

The witnesses may not help the matter also. The excerpt below from the same judge expatiated on this:

In some cases, the absence of the witnesses in court may also affect the trial of cases. The principal witnesses may also relocate to other places. At times, they may complain that they do not have transport fare to come to court. Although, it is the responsibility of the office of Director of Public Prosecution to give such money to the witnesses but it may not be forthcoming. This also affects trials.

(A Female Magistrate Judge/ Lagos Island/ May 17th, 2016).

Another reason why victims and parents may not report offences of sexual defilement was readiness of the victims/parents to settle out of court. 50.0% of the respondents agreed with this as a factor that would not encourage them to cooperate with state prosecutor. 36.0% of the respondents strongly agreed with the same factor (**mean=4.16 maximum=5**). It is a common occurrence for victims and parents not to cooperate during trials when they have resolved to settle out of court with the offenders. This is prevalent, especially when offenders offer to give monetary or other material compensation for the offence or when influential people prevailed on victims and their parents.

Finally, when the offender is ready to marry the victim, the option of cooperating with state prosecutor may be waived. 21.0% of the respondents somehow agreed with this; 25.0% agreed and 33.0% strongly agreed (**mean=3.58 maximum= 5**). Hence, when marrying the victim is proposed by offender, cooperating with prosecutor may be jettisoned by victim/parents, especially, when pregnancy occurred as a result of the defilement.

SUMMARY OF FINDINGS

It was discovered in the study that respondents agreed, overwhelmingly, that victims and parents may not co-operate with legal team in the process of trial when the offenders are ready to compensate the victims and the parents (**mean=4.08**); victims and parents do not trust the police (**mean=3.88**); victims and parents lack confidence in the court system (**mean=3.68**); victims and parents cannot afford cost and time involved in prosecution (**mean=3.93**); victims and parents are ready to settle out of court with offenders (**mean=4.16**); when offenders are ready to marry victims (**mean=3.58**) and when victims and parents decided to put their case in God's hand for justice (**mean=3.97**) (**all at N=100; maximum of 5.00; minimum of 1.00 and at the range of 4.00**)

CONCLUSION

The efforts of state prosecutors during trial of cases of sexual defilement may be seriously undermined by lack of cooperation from victims and their parents. Various ways through which victims and their parents can cut down such efforts have been discussed in this study. The unfortunate thing is that justice would not prevail, eventually, and may lead to increase in rate of defilements in society because offenders are allowed to escape punishment. Hence, there are vital reasons why lack of cooperation with state prosecutors by victims of sexual defilement and their parents should be discouraged, forthwith.

Recommendation

1. Based on the discoveries from this study, the following measures are recommended to solve the problem of lack of cooperation from victims and parents: State prosecutors, psychologists and social workers need to always encourage victims and parents to pursue

their cases to the logical end. Victims and their parents should be dissuaded from any circumstances that may discourage them from pursuing the way of justice.

2. Victims and their parents should be discouraged from settling cases out of court. Under no circumstances should they allow this to happen. Cases settled out of courts are victories for offenders against justice for victims. Hence, victims and their parents should be made to see reasons why they need to pursue their cases to the point of getting justice.
3. Finally, every effort should be made to ensure that victims and their parents have ultimate trust in the police and the courts to give them justice. Hence, there is a need to re-orientate the minds of the people against lack of trust they have in police and courts. Moreover, police and courts need to do everything possible in gaining the confidence of Nigerian populace.

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