

# **Digital Exposure and its Implication for Online Child Sexual Abuse in Nigeria - Legal and Policy Responses**

*Jaleelah Fehintola Idris, Bola Ajibola College of Law, Crescent University, Abeokuta, Nigeria*

*Motunrayo Joseph-Hunvenu, Department of Business Law, Lagos State University, Nigeria*

*Mujeeb A. Imran, Bola Ajibola College of Law, Crescent University, Abeokuta, Nigeria*

## **Abstract**

In recent times, there has been an incremental trajectory in the digital exposure of children consequently resulting in unprecedented incidents of online sexual abuse. In Nigeria, internet penetration has exponentially improved particularly due to improved affordability of portable communication devices with android technology, reduced cost of data access plans, thus making internet connectivity and use a near constant. The COVID 19 pandemic, subsequent lockdown, and government mandate to continue teaching and learning online further cemented an insatiable baseline permissibly justifying children's frequent activity online. This paper establishes that although the issue of child online sexual abuse is rampant in Nigeria. This paper argues that Nigeria lags in effective safeguards and enforcement of laws and policies that significantly shield children from becoming victims of myriad forms of online sexual abuse that is visibly prevalent. It evaluates strategies that can be implemented to narrow the existing dearth in safe digital access whilst effectively protecting children from online sexual abuse.

**Keywords:** Digital Exposure, Online Child Sexual Abuse, Internet

## **Introduction**

Digital exposure of children has become an inalienable albeit inevitable social construct. The Covid 19 pandemic played a critical role in enshrining its adoption and acceptance in a wide variety of activities ranging from interpersonal communication to educational purposes. Amidst facilitating a myriad of objectives, which satisfy social, mental and emotional needs there are underlying demerits. These demerits arguably outweigh the benefits and are thus indicative of a dire need for acceptable enforcement of existing legal and policy framework to regulate the degree of digital exposure that children can access. One of the dangers of digital exposure of children is online child molestation or online sexual abuse of children. This involves the infiltration of internet enabled platforms, communication devices and information technology networks as mediums through which sexual abuse and exploitation of children is seamlessly perpetuated. The internet is a medium through which pedophiles and child sexual abusers promote their activities. Commonly recognized forms of child emotional abuse, sexual exploitation and maltreatment have been observed as taking place over the internet. Child online sexual Abuse is rampant in Nigeria, although most cases go unreported. Reasons for underreporting include cultural bias, traditional beliefs and ignorance. There is also reluctance of children to speak up about these abusive experiences due to fear created by their assailants' threats or their parent's reaction. Also, some children may be too young to understand their experiences or to speak for themselves.

The ways and means by which this can be prevented, victims identified and protected as well as offenders identified and punished is a subject that must be taken as part of efforts to prevent child molestation or sexual abuse of children. The 1999 African Charter on the Rights and Welfare of the Child and many other international, regional and national laws prohibit acts such as exploitation, abuse and molestation of children. However, online sexual abuse has defied the efficiency of the scope of these regulations.

The undisputedly sprawling access to the internet and exposure to information through digital devices consistently elasticizes the environment in which a child can interact with others. This has

also expanded the reach of child abusers and made access to children easier and faster<sup>3</sup>. The anonymity provided by the internet and the ease with which users of the internet can hide their identity has made it more difficult to monitor users and ability to identify perpetrators of criminal activities in general and child abusers in particular. Online Child Sexual Exploitation and abuse<sup>4</sup> has been identified as an international crime enabled by the internet<sup>5</sup>. It does not respect national jurisdictions and therefore requires national and international judicial, cross-disciplinary collaboration to identify, locate and safeguard victims. This is also required to prevent, investigate and prosecute offenders.<sup>6</sup>

Digital exposure increases the likelihood and susceptibility to online sexual abuse which is a cybercrime under Nigerian law<sup>7</sup>. Online sexual abuse can be cyber assisted, cyber enabled and cyber-dependent.<sup>8</sup> The abuse is cyber assisted if it can be perpetuated without the internet but can be enhanced and aggravated by the use of the internet. A high volume of online sexual abuse of children emanating from digital exposure falls into this category for example child sexual abuse imaging<sup>9</sup>. The abuse is perpetrated off-line and images of it distributed on the internet for the purpose of making money with those images<sup>10</sup>. This often happens where the images are used for blackmail to extort money from the victims to ensure the silence and continued participation of the victim in further abuse. The fear that those images are online and may be viewed by several others is a way by which offenders manipulate their victim. Technology increases the reach of offenders and also expand their ability to manipulate and control their victim, most often images of abuse when put online are manipulated to depict that the victim actually enjoyed and actively participated in the abuse. This false representation of the victim ensures the silence of victims who are less likely to disclose the abuse where images show them as being full participants in such abuse<sup>11</sup>.

Another implication of digital exposure resulting in cyber-assisted child sexual abuse is the child sex tourism<sup>12</sup>. This requires that the offenders travel from their country or state for the purpose of finding a child who they exploit sexually. Core elements are the extraterritorial nature<sup>13</sup>, scope of activities akin to child trafficking involving an adult abuser and a child victim established for the sole purpose of sexual exploitation<sup>14</sup>.

Digital platforms serve as the enabler successfully linking intending adult abusers quickly and easily with child victims' location and directions to ease contact information in the foreign place<sup>15</sup>. It is easier for offenders to navigate and organize travel to foreign land with the use of the internet<sup>16</sup>. The internet also helps in promoting and encouraging the participation of others in this form of child sexual exploitation. Children from developing countries are mostly targeted for this crime because they are most vulnerable due to the unstable and unfavourable social, economic and political conditions of their home country<sup>17</sup>, the lack of effective law enforcement against this type of crime also make children in certain countries more vulnerable than others.

### **Forms of Online Sexual Abuse and Exploitation of Children**

Various kinds of online sexual abuse and exploitation of children are prevalent<sup>18</sup> particularly due to heightened incidents of digital exposure.

**Online grooming**<sup>19</sup> - Grooming is a tactical process involving the preparation of a child victim, gaining trust of significant persons, taking advantage of a position of trust<sup>20</sup> and adept familiarization with the environment prior to the series of abusive activities<sup>21</sup>. The inherent goals of sexual grooming<sup>22</sup> are to ease access to the child victim<sup>23</sup>, develop the child's compliance and set up a channel of secrecy to prevent disclosure<sup>24</sup>. It is manifested in a systematic enticement and solicitation of children for sexual purposes. The grooming is done by the adult befriending the child primarily as a means to sexual abuse. When it is done online it is an online grooming. Grooming of a child for sexual purposes can also occur offline. The adult in this case adopts

different ways and methods of enticing and befriending the child. Online grooming is usually done in stages after the child has been identified through social media platforms<sup>25</sup>. Identifying a child in this way is based on child vulnerabilities<sup>26</sup>, appeal, and ease of access to the child<sup>27</sup>. The abuser capitalizes on these vulnerabilities to forge a friendship and build rapport and gain the trust of the child using information posted online by the child. The purpose of this is to sexually abuse the child by setting up a meeting offline or encouraging the child to present sexual images of him/herself. Young persons are often persuaded to share information about their sexual experience. Most online sexual abuse and the offline abuse that are technology assisted start from grooming. It is after gaining the trust or building some form of relationship with the victim that it becomes easier to persuade the victim to participate in their own abuse. Information about the victim gathered during grooming can also be a means of persuading or even coercing<sup>28</sup> the victim into participating in further abuse<sup>29</sup>.

**Online sexual imaging:**<sup>30</sup> This consist of production, distribution, possession or accessing materials that depict child sexual abuse. It happens where computer-generated child sexual abuse material is used. This involves the production of hybrid, artificial or digital sexualized images of children which is then distributed through peer-to-peer file sharing<sup>31</sup>, instant messaging, electronic mail, text messages, chatbots, social media platforms, and unencrypted communication apps<sup>32</sup>. The use of these images may continue for many years in which case, the child suffers continued trauma. Child sexual abuse materials are also commercialised on password protected sites, bulletin boards and forums<sup>33</sup>. This type of online abuse of children is unique in that such image has the potential of being continually sent and viewed by those with sexual interest in children some of whom may be known to the child. This form of child sexual abuse poses a greater danger to the victim because there is a persistent sense of it that makes it difficult or nearly impossible for the victim to recover from it. Permanence in that the images may continue to circulate online long after the act of abuse has been concluded, thereby increasing the traumatic impact that it has on the victim. As long as it is possible to continue to spread and be viewed by more and more people, the victim will feel that the abuse is continuing.

This is also enhanced by the fact that it is often impossible to fully retrieve images or footage of the abuse that have been circulated online. One of the goals that are achieved by victim participation in sexual images online is the inaccurate message to the viewer of victim consent and enjoyment of the act of abuse which goes to reduce the victim's likelihood of disclosure. Images are made to the abuser's satisfaction and enjoyment, being the account of the abuser of the act of abuse; they are often made to depict certain lies about the victims for the purpose of enhancing the abusers' enjoyment or to lessen their discomfort and of guilt. Dissemination of images online moved the abuse from physical abuse to virtual abuse. Children who were physically abused offline continued to experience virtual abuse long after the physical abuse ended. The abuse continues with no clear end<sup>34</sup>. This involves multiple and ongoing traumatizing parts, which include being photographed or videoed during abuse, the knowledge that the images of the abuse are infinitely available on the internet, the anxiety, and fear of recognition and the feeling of shame and humiliation that the abuse is projected in cyberspace.<sup>35</sup>

**Life Streaming of Child Sexual abuse-** This type of online child sexual abuse entails the life broadcasting of child sexual abuse to viewers in remote areas<sup>36</sup>. This may involve transmitting across national borders over the internet through web cam or smartphones. Domestic life streaming of child sexual abuse is also a part of this; where an adult family member encourages the child to participate in explicit sexual activity in front of web cam. Like the distribution of sexual images, life streaming occurs on online chat rooms, social media platforms and communication

apps with video chat features<sup>37</sup>. In this case, viewers may be passive<sup>38</sup> or active by communicating with the child victims or perpetrator or facilitators of the life streaming to request for specific actions, such as chocking. The request is a sexual abuse order and can take place before or during live streaming. While the majority of this form of life-streaming is done by men, women are known to be perpetrators of life-streaming child sexual abuse, sometimes by family members under the pretext of increasing household income.<sup>39</sup>

**Sextortion:** This is one of the manifestations of online child sexual abuse. It is the practice of extorting money or sexual favors from children or young people by threatening to expose evidence of their sexual activities online. This is also used to guaranty victim's non-disclosure and ensure continued participation of the victim in further act of abuse.

**Sexting:** This is another way by which children are sexually abused online. It involves the exchange of sexually explicit messages with a minor. It may include sending or exchanging nude pictures of the whole body or certain parts of the body. This can happen through messaging on cell phones or other messaging services including direct messaging on social media. As technology in this area develops, new manifestations of online child sexual abuse also emerge so much so that children become increasingly vulnerable to evolving forms of sexual exploitation. All forms of online sexual abuse and exploitation are illegal and punishable under the law.

However, this is a hidden crime, and a large number of victims and offenders remain unidentified<sup>40</sup>. Investigating and prosecuting offenders is therefore difficult as they are able, with the use of technology to conceal their identity and activities. They can adopt technology to facilitate their sexual abuse and exploitation. Detection, identifying and prosecuting offenders in this case is usually multi-jurisdictional because the activities of online child sexual abuse offenders cut across jurisdictions since the internet is not bound by territorial boundaries. These crimes occurred in multiple countries or territories.<sup>41</sup>

The consequences, impact and effect of online sexual abuse are many and multi- dimensional. Many suffer long term social and psychological trauma manifested in fear, shame, anger, anxiety, self- destructive behavior, post traumatic disorder etc. The degree at which the symptoms impact on the victim depends on factors such as age, stage of development of the child at the time of the trauma, how long was the child exposed to the trauma? The extent to which the victim is socially isolated, and the level of support received post disclosure<sup>42</sup>. These factors determine how the trauma suffered post abuse impacts on the victim and how soon they can recover from such. There are factors that enhance the vulnerability of children that serve to predispose them to online sexual abuse, factors such as a loss of family protection and online risk-taking behavior.

### **Legal and Policy Framework for Safeguarding the interest of Children against sexual exploitation and abuse.**

Several regulations and policies relevant to various kinds of online sexual abuse and exploitation of children exist. For ease of reference, the legal framework will be broken down into different categories including International Laws, National Legislation and lastly Government Policies.

#### **International Laws**

International laws, Laws, often referred to as covenants, conventions, protocols and other names, are laws concluded through multilateral or bilateral agreements. They are often derived from state practice or customary international law. Some of the laws that have been in place to protect children include:

The United Nations Convention on the Right of the Child 1989; enshrines the need for

international cooperation in safeguarding the right and protection of children in its provisions under Article 34. It states that:

“State parties undertake to protect the child from all forms of sexual exploitation and abuse' and for that purpose 'take all appropriate national, bilateral and multilateral measures to prevent the inducement or coercion of a child to engage in any unlawful sexual activity, the exploitative use of children in prostitution or other unlawful sexual practices and the exploitative use of children in pornographic performances and material”<sup>43</sup>.

Other relevant regulations include the Geneva Declaration on the Rights of the Child of 1924; and the United Nations Declaration on the Rights of the Child, 1979, Child Prostitution and Child Pornography the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts; and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, and the African Charter on the Rights and Welfare of the Child of 1999, among others.

### **National Laws**

Nigeria has no shortage of laws and policies designed to protect children from abuse, harassment and exploitation. Some of the current laws in Nigeria on this subject include:

#### **The 1999 Nigerian Constitution**

The Nigerian Constitution<sup>44</sup> guarantees certain fundamental rights to children. Admittedly, the Constitution does not make any specific distinction between the rights available to adults and children, it is submitted that children are also Nigerian citizens as they are expected to enjoy these rights as of course. Moreso, they do not need to perform any duty before enjoying these rights as the nature of the rights is fundamental. Specifically, the provisions of Section 17(3)(f), states clearly that children should be protected against exploitation, material and moral neglect. In addition to that, Section 18(1) provides that the government has the responsibility to ensure its policies provide equal and adequate access to quality educational opportunities at all times<sup>45</sup>. This includes sexual education that would increase their awareness of their right to be protected from sexual abuse despite specific vulnerability, mental or physical disability. Necessary support should also be made available for children who are survivors of sexual abuse to the extent that they are assisted to recover from such experience<sup>46</sup>.

#### **The Violence Against persons (prohibition) Act**

The Violence Against persons (prohibition) Act (VAPP) was passed into law in May, 2015. The Act was a result of agitations for protection of persons against the different forms of violence. Violence, both at the home front and the larger society, is fast becoming a trend in the recent day Nigeria. This Act is an improvement on the Penal Code and Criminal Code in relation to violence; it also makes provision for compensation to victims as well as the protection of their rights<sup>47</sup>. Sexual, physical, psychological, domestic violence against persons in private and public life is very rampant in Nigeria and needs to be curbed. Hence express provisions aimed at eliminating rape, abandonment of children, forced financial dependence or economic abuse, incest, indecent exposure<sup>48</sup> is contained under the VAPP Act. Amidst protection and effective remedies for victims, provision is also made for punishment of offenders<sup>49</sup>.

#### **Matrimonial Causes Act Cap 220, 2010**

A core objective of the Act is to provide children with the best possible care and to protect them

from any form of molestations or harassment. The interests of the children are the mandatory primary consideration when it comes to the custody, welfare, guardianship, promotion and education of children in marriage<sup>50</sup>. The High Court, in considering the best interest of the child will examine the following relevant elements: the wishes of the child, the age and gender of the child, medical and psychological factors, and the adequacy and arrangements for the child.

The court is also empowered upon an appropriate application, to make two types of maintenance order<sup>51</sup>. On one hand, it can order a maintenance per se, or alternatively, a maintenance pending the disposal of proceedings in favour of a spouse or children of the marriage<sup>52</sup>. With regard to adoption, the Matrimonial Causes Act also empowers the courts to make orders to protect children from abuse<sup>53</sup>.

#### **Criminal Code Cap C38 LFN, 2004**

The Criminal Code has quite a number of provisions dealing with children's rights in Nigeria. Section 216 provides for the indecent treatment of boys younger than fourteen years of age. In Section 218, the law provides that any person who has unlawful carnal knowledge of a girl under thirteen shall be guilty of a felony and shall be liable to upon conviction to imprisonment for life, with or without caning. Section 219 criminalises the action of a house-holder who knowingly permits the defilement of young girls within his premises.

#### **Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003**

The National Agency for the Prohibition of Trafficking in Persons and Related Matters enforces laws relating to trafficking in persons. The agency was established under the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act. Responsible for investigation, prosecution and rehabilitation counseling of trafficked persons. In addition, all assets, property and proceeds obtained from trafficking and recovered from perpetrators should be confiscated and kept in the Trust Fund for Victims of Trafficking<sup>54</sup>.

#### **Child Rights Act, 2003**

The Child's Rights Act (CRA) passed in December 2003 significantly adopts the lofty ideas of the United Nations Convention on the Rights of the Child (UNCRC) 1989. It is a very detailed and comprehensive legislation. It is intended to provide protection to and promote the welfare of all children. It is also aimed at improving the relationships between children, families, and the community. It also seeks to provide the enabling environment and facilities that will improve the quality of children's lives<sup>55</sup>. Rights and responsibilities of children as well as the duties and obligations of government, parents, organizations, and other authorities are expressly stated<sup>56</sup>. It prohibits various forms of child abuse. It has provisions on care and supervision orders, custody, wardship, family courts, state government support for children and families. Criteria for establishing community homes, voluntary homes and organizations, registered children's homes; supervisory functions are provided. The minister's responsibilities as well as provisions on child justice administration are provided.

#### **Policies Protecting Children from Abuse in Nigeria**

Over the years, Nigeria has developed quite a number of policies, strategies, and plans that provide an enabling environment for child survival while aiming to protect them from abuse in multiple facets. Some of these strategic policies are as follows:

## **National Strategic Framework for the Elimination of Obstetric Fistula in Nigeria, 2011-2015**

The existence of provisions to limit the age of sexual relationship involving children as well as curbing acquired conditions resulting from such interactions is very crucial. One of such conditions is obstetric fistula. The World Health Organization defines it as an abnormal opening between a woman's vagina, bladder, and/or rectum, through which her urine and/or faeces continually leak<sup>57</sup>. It is a critically severe condition with indications for paralysis of the lower leg muscles, infertility, damage to vaginal tissues and other recurring infections. However, sexual maturity before pregnancy reduces the likelihood of obstetric fistula. The policy has a tripod strategy<sup>58</sup> for eradicating obstetric fistula. These encompass the creation of a legal, political, and social environment that seeks to improve the status of both women and girls for the purpose of preventing obstetric fistula.

### **National Policy on Child Labour, 2013**

The National Policy and National Action Plan on Child Labour was launched by the Nigerian government in 2013. The policy aspires for a just society devoid of Child exploitation and abuse. The objective was to ensure that every child gets an opportunity to aspire and attain the apex of his or her potential by eliminating child labour in Nigeria<sup>59</sup>. Work that harms children's well-being while, hindering their education, development, and future livelihood is tantamount to child labour. Some examples of what is the worst forms of child labour include all forms of prostitution, pornography, slavery, or use of the child for illicit activities<sup>60</sup>. According to the policy, there is a need to foster network and collaboration among local, national, and international organizations whilst making concrete efforts to harmonize intervention and child labour projects in the country.

### **The National Plan of Action on Orphans and Vulnerable Children (2006-2010) of 2007**

The Orphans and Vulnerable Children's (OVC) National Plan provides a framework for policy makers, program planners, and implementers of all levels, for carrying out interventions to mitigate the impacts on orphans and other causes of vulnerability in children. When children are deprived of their parents they can be vulnerable to various forms of abuse which include prostitution, lack of education, starvation, and molestation. To abate this, the plan includes strategies to strengthen the capacity of caregivers and the vulnerable children themselves, as well as providing support and community-based responses.<sup>61</sup>

### **Control and Prevention of Online Sexual Exploitation of Children**

The degree of online exposure that a child has and the level of vulnerability of the child and accessibility by a potential abuser can be significantly reduced. Parents are enjoined to be involved in their children's digital or online activities as the outbreak of corona virus has made it inevitable for children to be online more often. Digital parental control is a tool that parents must use as often as possible to be able to detect, block and report any contact that makes the child uncomfortable<sup>62</sup>.

Online risk and cyber safety education for children needs to be carried out as early as possible. This can be incorporated into teaching curricula beyond elementary and basic education institutions. Encourage children to only chat with people they know, block people they do not know, and keep their online accounts private. Children need to be constantly educated to stop sharing their personal data, such as photos, personal information, and videos, online and in publicly accessible forums. Productive orientation can be achieved through active guidance from parents, teachers, and caregivers.

Websites with user anonymity, automatic file uploads, end-to-end encryption, direct messaging and video chat pose a direct online safety risk to children. The inherent risk of negative exposure

for game features, using apps, and visiting social media sites requires previewing for use by children before downloading. Potential signs of abuse such as changes in children's use of electronic devices, secrecy about online activities, withdrawn behavior anxiety and depression should be looked out for so that children can be helped as soon as possible.<sup>63</sup>

### **Conclusion and Recommendations**

The threshold of digital exposure is inevitably incremental with multiplicity of internet enabled devices, services and support systems. The same legal framework to combat child sexual abuse in general is also applicable in the case of the online sexual abuse resulting from digital exposure. Incidents of such online sexual abuse amounts to cyber-crime<sup>64</sup> and an offence that is punishable under law. Investigations relating to online sexual abuse involving children require collaboration by national, regional and international law enforcement agencies due to the multi-jurisdictional nature of this crime. Currently, effective investigation and prosecution of offenders is achieved through harmonisation of national laws and international cooperation in criminal matters. These consist of formulating bilateral, regional and multilateral agreements and conventions relating to child sexual exploitation and abuse as well as mutual legal assistance by countries and extradition. Strategic enforcement of these laws will enhance cooperation between international agencies<sup>65</sup>.

An effective response in this regard must be an international cross jurisdictional one. There is a dire need to strengthen the existing legal frameworks. Strategic implementation of stronger ones for a wider deployment of technology to reduce and counter the availability of child sexual abuse material online is also necessary. Additionally, it is critical to raise awareness of the dangers and risks involved in online activities and to encourage behavioural change. As technology continues to evolve, research must continue so that law enforcement agencies can keep up with criminal activity on the Internet. The vastness of the Internet and the existence of numerous digital applications, platforms and other digital technologies help criminals to hide. Recognisably, the volume of data and online sites makes it impossible for traditional investigative techniques to be effective in this regard<sup>66</sup>. Hence, research and development of tools to assist on how to effectively identify the offenders and to collect information on online child sexual abuse incidents is long overdue.

### **References**

- 1 UNOCD Cybercrime (2018) available at <[www.unodc.org/en/cybercrime/index.htm](http://www.unodc.org/en/cybercrime/index.htm)>. Accessed 9 June 2022. Variously described as online child sexual abuse, online sexual exploitation of children as involving using children for sexualized acts.
- 2 Elly Hanson, *The Impact of Online Sexual Abuse on Children and Young People: Impact, Protection and Prevention* available at <https://www.researchgate.net/publication/317139227> *The Impact of Online Sexual Abuse on Children and Young People Impact Protection and Prevention* accessed 16 July 2022
- 3 UNOCD Cybercrime (2018) available a t<[www.unodc.org/en/cybercrime/index.htm](http://www.unodc.org/en/cybercrime/index.htm)>| Accessed 9 June 2022. Variously described as online child sexual abuse, online sexual exploitation of children as involving using children for sexualized acts.
- 4 United Nations Children's Fund, *Ending Online Child Sexual Exploitation and Abuse: Lessons Learned and Promising Practices in low and middle income countries*, (UNICEF, New York 2021) Available at <https://www.unicef.org/media/113731/file/Ending%20Online%20Sexual%20Exploitati> > accessed 14 July 2022
- 5 Ethel Quayle, *Prevention, Disruption. And Deterrence of Online Sexual Exploitation and Abuse* (ERA Forum 2020) 21(3) available at <<https://www.researchgate.net/publication/345416397> *Prevention disruption and deterrence of online child sexual exploitation and abuse* > accessed 15 June 2022.
- 6 Ethel Quayle, and Nicholas Koukopoulos, *Deterrence of online Child Sexual Abuse and Exploitation* . (Policing 2019)

- 13(3) < <https://www.doi.org/10.1093/police/pay028>>
- 7 Cybercrime(Prohibition, Prevention ETC) Act, 2015
- 8 Ethel Quayle and others, Online Behaviour Related to Child Sexual Abuse: Interview with affected Young People ( Council of the Baltic Sea States, Stockholm: Robert Project 2012)
- 9 Differentiating it from a cyber-dependent crime which can only be perpetrated with the use of computers and internet for example it is cyber enabled where a potential offender uses the internet to locate a potential victim to be sexually abused off-line. Michael McGuire and Samantha Dowling, Cyber Crime: A Review of the Evidence (Home Research Report 2013) ch 1  
<[https://assets.publishing.service.gov.uk/government/uploads/systems/uploads/attachment\\_data/file/246751/home\\_research\\_report\\_75/change.pdf](https://assets.publishing.service.gov.uk/government/uploads/systems/uploads/attachment_data/file/246751/home_research_report_75/change.pdf)>
- 10 Jennifer Martin, Conceptualising the Harm Done to Children made Subject of Sexual Abuse Images Online., Child & Youth Services (36)(4):1-39 <  
[https://www.researchgate.net/publication/283166940\\_Conceptualizing\\_the\\_Harms\\_Done\\_to\\_Children\\_Made\\_the\\_Subjects\\_of\\_Sexual\\_Abuse\\_Images\\_Online](https://www.researchgate.net/publication/283166940_Conceptualizing_the_Harms_Done_to_Children_Made_the_Subjects_of_Sexual_Abuse_Images_Online)> accessed on 8 June 2022
- 11 Michael McGuire and Samantha Dowling, Cyber Crime: A Review of the Evidence (Home Research Report 2013) ch 1
- 12 Angela Hawke and Alison Raphael, 'Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism
- 13 Genevieve Cameron, Ellie Mendez Sayer, Louisa Thomson and Sophie Wilson, Child Sexual Exploitation: A Study of International Comparisons (Office for Public Management, July 2015)  
<[http://cdn.basw.co.uk/upload/basw\\_92805-5.pdf](http://cdn.basw.co.uk/upload/basw_92805-5.pdf)> accessed 14 July 2022
- 14 ibid
- 15 The United States Department of Justice, Extraterritorial Sexual Exploitation of Children, <  
<https://www.justice.gov/criminal/ceos/child-sexual-abuse>> accessed 14 July 2022
- 16 The United States Department of Justice, Extraterritorial Sexual Exploitation of Children, <  
<https://www.justice.gov/criminal/ceos/child-sexual-abuse>> accessed 14 July 2022
- 17 The United States Department of Justice, Extraterritorial Sexual Exploitation of Children, <  
<https://www.justice.gov/criminal/ceos/child-sexual-abuse>> accessed 14 July 2022
- 18 Julie A. Kloess, Catherine E. Hamilton-Giachritsis, Anthony R. Beech,(2019), Offense Processes of Online Sexual Grooming and Abuse of Children via Internet Communication Platforms, In Sexual Abuse: A Journal of Research and Treatment, vol. 31, no. 1, pp. 73-96, Available at <  
<https://researchportal.bath.ac.uk/en/publications/offense-processes-of-online-sexual-grooming-and-abuse-of-children>> accessed 14<sup>th</sup> July, 2022.
- UNOCD Cybercrime (2018) available at < <https://www.unodc.org/en/cybercrime/index.html>.> Accessed 9
- 19 June 2022.
- 20 Section 23(3)(b)(ii) of Cybercrime(Prohibition, Prevention ETC) Act, 2015
- 21 Georgia M. Winters and Elizabeth L. Jeglic (2017), Stages of Sexual Grooming: Recognizing Potentially Predatory Behaviours of Child Molesters, Deviant Behaviour, 38:6, 724-733 , Available at <  
<https://www.tandfonline.com/doi/full/10.1080/01639625.2016.1197656?scroll=top&needAccess=true>> accessed 14<sup>th</sup> July, 2022.
- 22 Section 23(3)(a),(b),(c) of Cybercrime(Prohibition, Prevention ETC) Act, 2015
- 23 Georgia M. Winters, Sarah Schaaf, Rasmus F. Grydehoj, Cecilia Allan, Amber Lin & Elizabeth L. Jeglic (2022) The Sexual Grooming Model of Child Sex Trafficking, Victims and Offenders, 17:1, 60-77, available at <  
<https://www.tandfonline.com/doi/abs/10.1080/15564886.2021.1926031>> accessed 14<sup>th</sup> July, 2022.
- 24 Georgia May Winters and Elizabeth Jeglic ,(2016) 'Stages of Sexual Grooming: Recognising Potentially Predatory Behaviours of Child Molesters' available at <  
[https://www.researchgate.net/publication/307623223\\_stages\\_of\\_sexual\\_grooming\\_reconising\\_potentially\\_predatory\\_behaviours\\_of\\_child\\_molesters](https://www.researchgate.net/publication/307623223_stages_of_sexual_grooming_reconising_potentially_predatory_behaviours_of_child_molesters)> accessed 10 June 2022
- 25 There are social media platforms and Apps where children participates in online activities. Perpetrators gain

access to children accounts through these communication Apps. Hellen C Whittle et al, In their own Words: Young People's Vulnerability to being Groomed and Sexually Abused Online (*Psychology* 2014) 5(10) available at < <https://www.researchgate.net>. > Accessed 9 December 2021

- 26 Children post on social media can reveal their vulnerabilities such as isolation or family dysfunctionality.
- 27 Where the privacy settings of websites or Apps used by the child is disabled or inadequately set
- 28 Section 23(3)(b),(i) of Cybercrime(Prohibition, Prevention ETC) Act, 2015
- 29 Georgia M. Winters, Sarah Schaaf, Rasmus F. Grydehoj, Cecilia Allan, Amber Lin & Elizabeth L. Jeglic (2022) The Sexual Grooming Model of Child Sex Trafficking, Victims and Offenders, 17:1, 60-77, available at < <https://www.tandfonline.com/doi/abs/10.1080/15564886.2021.1926031> > accessed 14<sup>th</sup> July, 2022.
- 30 the "representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or representation of the sexual parts of a child for primarily sexual purposes" as well as the use of a child to create such a representation is known as child pornography (Article 2, UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography of 2000),
- 31 Examples eDonkey, Bit Torrent, and Gigatribe Hellen C Whittle et al, 'In their own Words: Young People's Vulnerability to being Groomed and Sexually Abused Online'(2014) *Psychology* 5(10) ibid (14)
- 32 Examples Skype, telegram and WhatsApp
- 33 Example is Dreamboard where individuals seeking to join were required to upload an image of child sexual abuse material depicting a minor younger than twelve years old with their application (US Department of Justice 2012) production of child sexual abuse material and uploading regularly guaranteed continued access to the site.
- 34 Jennifer Martin, 'Conceptualising the Harm Done to Children made Subject of Sexual Abuse Images Online., *Child & Youth Services* (36)(4):1-39 < [https://www.researchgate.net/publication/283166940\\_Conceptualizing\\_the\\_Harms\\_Done\\_to\\_Children\\_Made\\_the\\_Subjects\\_of\\_Sexual\\_Abuse\\_Images\\_Online](https://www.researchgate.net/publication/283166940_Conceptualizing_the_Harms_Done_to_Children_Made_the_Subjects_of_Sexual_Abuse_Images_Online) > accessed on 8 June 2022
- 35 National, regional and international laws vary with respect to their definitions of child sexual abuse material. In certain countries, only the depiction of real children in the material is considered as a form of child sexual abuse material. Specifically, countries vary with respect to whether they proscribe "computer-generated child sexual abuse material," which refers to "the production, through digital media, of child sexual abuse material and other wholly or partly artificially or digitally created sexualised images of children." While this material is prohibited under international, regional, and certain national law, the proscription is not universal. (note 34)
- 36 UNODC Cybercrime (2018) available at <[www.unodc.org/en/cybercrime/index.-htm](http://www.unodc.org/en/cybercrime/index.-htm)>. Accessed 9 June 2022.
- 37 UNODC Cybercrime (2018) available at <[www.unodc.org/en/cybercrime/index.-htm](http://www.unodc.org/en/cybercrime/index.-htm)>. Accessed 9 June 2022.
- 38 Online Child Sexual Exploitation and Abuse > Accessed 9 June 2022
- 39 Angela Hawke and Alison Raphael, 'Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism
- 40 Online Child Sexual Exploitation <[https://www.childsafenet.org/online\\_sexual\\_abuse\\_exploitation](https://www.childsafenet.org/online_sexual_abuse_exploitation)>
- 41 Georgia May Winters and Elizabeth Jeglic ,(2016) 'Stages of Sexual Grooming: Recognising Potentially Predatory Behaviours of Child Molesters' available at [https://www.researchgate.net/publication/307623223\\_stages\\_of\\_sexual\\_grooming\\_reconising\\_potentially\\_predatory\\_behaviours\\_of\\_child\\_molesters](https://www.researchgate.net/publication/307623223_stages_of_sexual_grooming_reconising_potentially_predatory_behaviours_of_child_molesters) accessed 10 June 2022
- 42 Ibid
- 43 Art. 34, United Nations Convention on the Right of the Child.. Art 19 further enjoined state parties to take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse. See also S.32, 33 of the Child Rights Act 2003
- 44 See generally, Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (As amended)
- 45 See Constitution Of The Federal Republic Of Nigeria 1999, ch. II, ss 17, 18; note, however, that sections 17 and 18 are under chapter 2 of the Constitution which are deemed as non-justiciable Fundamental Objectives and Directive Principles of State Policy by virtue of S6(6)C
- 46 Children and Young People's Commissioner Scotland, UNCRC Simplified Articles, Article 34-Nobody Should Touch Me in Ways that Make Me Feel Uncomfortable, Unsafe or Sad, Available at <

- 47 <https://www.cypcs.org.uk/rights/uncrc/articles/article-34/> > accessed 15 July 2022  
<https://lawpavilion.com/blog/the-violence-against-persons-prohibition-act-2015/>
- 48 See VAP Act 2015 Ss, 1, 9,12, 19,15,6,16, 20
- 49 See VAPP 2015 Long Title
- 50 Section 71(1) of the Matrimonial Causes Act (MCA)
- 51 Section 70 of the Matrimonial Causes Act (MCA)
- 52 Olusegun, Olaitan O. and Idowu, Amos A. (2016) "Child Abuse In Nigeria: Dimension, Reasons For Its Persistence And Probable,"*Child and Family Law Journal: Vol. 4 : Iss. 1 , Article 2.* Available at: <https://lawpublications.barry.edu/cflj/vol4/iss1/2> accessed 16 May, 2022
- 53 See ss 69-71 MCA (1990)
- 54 Trafficking in Persons (Prohibition) Law Enforcement and Administrative act (2003) No. 24, s35
- 55 See I.T. Kamaldeen et al., *An Appraisal of the Child Rights Act 2003 from The Sharia Perspective* (2010), available at < [www.Unilorin.Edu.Ng](http://www.Unilorin.Edu.Ng) > last accessed June 25, 2021.
- 56 M. T Laden, *The Child Rights Act, 2003 and the Challenges of Its Adoption by State Governments in the 19 Northern States* (2009), available at < [www.Abu.Edu.Ng/Publications](http://www.Abu.Edu.Ng/Publications) > accessed June 25, 2021
- 57 Gwenth Lewis & Luc de Bernis. *Obstetric Fistula: Guiding Principles for Clinical Management and Programme Development.* Worked Health Or World Health Organizations (2006)  
[http://apps.who.int/iris/bitstream/10665/43343/1/9241593679\\_eng.pdf](http://apps.who.int/iris/bitstream/10665/43343/1/9241593679_eng.pdf). last accessed 25 May, 2022
- 58 Fed. Ministry Of Health, National Strategic Framework For The Elimination Of Obstetric Fistula In Nigeria (2011-2015) [https://fistulacare.org/archive/files/5/5.4/Nigeria\\_National\\_Strategy\\_2011-2015.pdf](https://fistulacare.org/archive/files/5/5.4/Nigeria_National_Strategy_2011-2015.pdf). (This strategy will focus on the training of all skilled birth attendants to prevent fistula formation or to enable closure of very small fistula without surgery by the use of an indwelling urinary catheter for all mothers who have survived an obstructed labour).
- 59 Fed. Ministry of Labour and Productivity, *National Policy on Child Labour*, 6 (2013); Olusegun, Olaitan O. and Idowu, Amos A. (2016) "Child Abuse In Nigeria: Dimension, Reasons For Its Persistence And Probable,"*Child and Family Law Journal: Vol. 4 : Iss. 1 , Article 2.* Available at: <https://lawpublications.barry.edu/cflj/vol4/iss1/2> accessed 16 May, 2022 Harm the Health, Safety and Morals of Children).
- 60 Fed. Ministry of Labour and Productivity, *National Policy on Child Labour*, 6 (2013); Olusegun, Olaitan O. and Idowu, Amos A. (2016) "Child Abuse In Nigeria: Dimension, Reasons For Its Persistence And Probable,"*Child and Family Law Journal: Vol. 4 : Iss. 1 , Article 2.* Available at: <https://lawpublications.barry.edu/cflj/vol4/iss1/2> accessed 16 May, 2022 Harm the Health, Safety and Morals of Children).
- 61 See Olusegun, Olaitan O. and Idowu, Amos A. (2016) "Child Abuse In Nigeria: Dimension, Reasons For Its Persistence And Probable," *Child and Family Law Journal: Vol. 4 : Iss. 1 , Article 2.* Available at: <https://lawpublications.barry.edu/cflj/vol4/iss1/2>
- 62 Jennifer Martin, 'Conceptualising the Harm Done to Children made Subject of Sexual Abuse Images Online., *Child & Youth Services* (36)(4):1-39 < [https://www.researchgate.net/publication/283166940\\_Conceptualizing\\_the\\_Harms\\_Done\\_to\\_Children\\_Made\\_the\\_Subjects\\_of\\_Sexual\\_Abuse\\_Images\\_Online](https://www.researchgate.net/publication/283166940_Conceptualizing_the_Harms_Done_to_Children_Made_the_Subjects_of_Sexual_Abuse_Images_Online) > accessed on 8 June 2022
- 63 ibid
- 64 Section 23, Cybercrime (Prohibition, Prevention ETC) Act, 2015
- 65 Elly Hanson, *The Impact of Online Sexual Abuse on Children and Young People: Impact, Protection and Prevention'* available at [https://www.researchgate.net/publication/317139227\\_The\\_Impact\\_of\\_Online\\_Sexual\\_Abuse\\_on\\_Children\\_and\\_Young\\_People\\_Impact\\_Protection\\_and\\_Prevention](https://www.researchgate.net/publication/317139227_The_Impact_of_Online_Sexual_Abuse_on_Children_and_Young_People_Impact_Protection_and_Prevention) accessed 16 July 2022
- 66 UNOCD Cybercrime (2018) available at <[www.unodc.org/en/cybercrime/index.-htm](http://www.unodc.org/en/cybercrime/index.-htm)>. Accessed 9 June 2022. Variously described as online child sexual abuse, online sexual exploitation of children as involving using children for sexualized acts.