

Chapter 10: Sexually Violated: A Moral Theological Response to Children's Rights

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Child sexual abuse is a major ethical, legal, and social problem globally. Although not a new phenomenon, the increased reports of child sexual abuse cases dominating the media, research, debates, and discussions on the topic have revealed a rise of incidences in contemporary society, which is an indication of the magnitude of the issue requiring immediate attention and intervention. According to the 2005 report of the United Nations International Children's Emergency Fund (UNICEF), as many as a hundred million children alive today, especially girls, have been sexually abused.¹ Millions of girls and boys worldwide are being used in prostitution, pornography, trafficking, and other forms of sexual exploitation. Every day a large number of children are sexually abused within the sphere of their own family, school, church, etc., and many of these cases are never reported.²

Underlying all forms of child maltreatment, including sexual abuse, is the fact that children constitute an oppressed group and are still not afforded basic human rights.³ Child sexual abuse is a gross violation of the inherent dignity and rights of the child which usually involves cumulative breaches of several rights, the common being unlawful interference with

¹ UNICEF, *Changing a Harmful Social Convention: Female Genital Mutilation/Cutting* (New York City, New York: UNICEF, 2005), 3, www.unicef-irc.org/publications/396-changing-a-harmful-social-convention-female-genital-mutilation-cutting.html.

² Rajeev Seth, "Protection of Children from Abuse and Neglect in India," *Japan Med Association* 56, no. 5 (2013): 292–297.

³ Karen Polonko and Lucien Lombardo, "Human Dignity and Children: Operationalizing a Human Rights Concept," *Global Ethics* 18, no. 1 (2005), 18, doi.org/10.1080/11287462.2005.10800863.

family life, breaches of privacy rights, health, and leisure.⁴ In this chapter, I argue that the reality of child sexual abuse is a global challenge, noting that in Africa specifically a culture of silence has exacerbated the menace. I discuss some practical cases of sexual abuse, especially in Nigeria, and explore why some have been handled successfully and others unsuccessfully in restoring and protecting children's rights. In the concluding section, I suggest a moral theological response to the issue of sexual abuse through the lenses of the fundamental principles of inherent dignity and the inalienable rights of the human person.

Conceptual Framework

Child sexual abuse (CSA) is a global and widespread phenomenon. The World Health Organization (WHO) has defined child sexual abuse as "the involvement of a child in sexual activity that he or she does not fully comprehend, is unable to give informed consent to, or for which the child is not developmentally prepared and cannot give consent, or that violates the laws or social taboos of society."⁵ According to a WHO report, sexual abuse of females before the age of 15 accounts for between 7 and 21 percent of all CSA cases, whereas figures for adolescent males ranged between 3.4 and 29.9 percent in some African countries.⁶ Furthermore, more than 41 percent of rape cases reported in South Africa involved children under age 18, and it was suggested that 25 percent of girls are likely to be raped before the age of 16.⁷ In one Ugandan study, 72 percent of

⁴ United Nations, *Convention on the Rights of the Child* (New York City, New York: General Assembly Resolution 44/25, 1989), art. 16, www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.

⁵ World Health Organization, *Report of the Consultation on Child Abuse Prevention* (Geneva, Switzerland: WHO, 1999), 62, apps.who.int/iris/handle/10665/65900.

⁶ World Health Organization, *Multi-Country Study on Women's Health and Domestic Violence against Women* (Geneva, Switzerland: World Health Organization, 2005), whqlibdoc.who.int/publications/2005/9241593512_eng.pdf.

⁷ S. Cox, G. Andrade, D. Lungelow, W. Schloetelburg, and H. Rode, "The Child Rape Epidemic: Assessing the Incidence at Red Cross Hospital, Cape Town, and Establishing the

victims who presented to a hospital were aged 12 or below.⁸ Similarly, a Kenyan study found that 50 percent of patients presenting to some sexual assault centers were under 14 years old.⁹ Likewise, an analysis of Demographic and Health Survey data on 6,351 adolescents aged 18 years or below from six countries in sub-Saharan Africa, between 2006 and 2008 showed that prevalence of CSA ranged from 1.04 percent in Liberia to 5.84 percent in Zambia, with Uganda, Nigeria, Ghana, and Zimbabwe reporting a prevalence of 1.38, 2.40, 4.61, and 4.96 percent, respectively.¹⁰

In Nigeria in particular, there have been a significant number of reported cases of CSA. The Centre for Environment, Human Rights and Development reported that 1,200 girls had been raped in one incident in 2012 in Rivers, a coastal state in South-Eastern Nigeria.¹¹ In a study from Maiduguri, North-East Nigeria, a sexual assault rate of 77.7 percent was reported among female child workers, with sexual assault being more likely in girls who were younger than 12 years.¹² In their research, Kunuji and Essiet recorded that approximately 14 percent and 35 percent of out-of-school adolescents in an urban slum in Lagos had been victims of rape and

Need for a New National Protocol,” *South African Medical Journal* 97, no. 10 (2007): 954, pubmed.ncbi.nlm.nih.gov/18000577/.

⁸ Samuel Ononge, Julius Wandabwa, Paul Kiondo, and Robert Busingye, “Clinical Presentation and Management of Alleged Sexually Assaulted Females at Mulago Hospital, Kampala, Uganda,” *African Health Sciences* 5, no. 1 (2005): 51, www.ncbi.nlm.nih.gov/pmc/articles/PMC1831897/.

⁹ Jennifer Reddin, “Comparative Review of Child Sexual Abuse Practices and Policies in Kenya and the United States of America,” *African Journal of Social Work* 10, no. 2 (2020): 13, www.ajol.info/index.php/ajsw/article/view/198832.

¹⁰ Ismail Yahaya, Olalekan Athman, Joaquim Soares, and Gloria Macassa, “Social Disorganization and History of Child Sexual Abuse against Girls in Sub-Saharan Africa: A Multilevel Analysis,” *BMC International Health and Human Rights* 13, no. 33 (2013): 24, bmcinthealthhumrights.biomedcentral.com/articles/10.1186/1472-698X-13-33.

¹¹ Vanguard News, “Hoodlums Rape 1,200 Girls in Rivers,” *Vanguard News*, February 27, 2013, www.vanguardngr.com/2013/02/hoodlums-rape-1200-girls-in-rivers/.

¹² Bala Audu, Ado Geidam, and Hajara Jarra. “Child Labor and Sexual Assault among Girls in Maiduguri, Nigeria,” *International Journal of Gynecology and Obstetrics* 104, no.1 (2009): 64–67, pubmed.ncbi.nlm.nih.gov/18954870/.

statutory rape, respectively.¹³ Manyike, et al. report a prevalence of 55 percent and 40 percent among in-school adolescents in Southwest and South-East Nigeria, respectively.¹⁴

A case of child sexual abuse which attracted international concern was that of a 13-year-old victim in Lagos State, Nigeria, who was frequently raped by a 44-year-old man, Kabiru Oke, the husband of the victim's aunt with whom she lived, between October 2018 and January 2019. Feeling uncomfortable with the act, the victim reported to her aunt, who did nothing about it. With her (the aunt's) levity or negligence, the man continued with the act of abuse until January 10 when the man's nineteen-year-old son, Farouq caught him in the act and joined in violating the minor. In the same January, the girl fled the place for her mother's house in Ogun State where she was later discovered to be pregnant.¹⁵ The perpetrators were later apprehended and jailed for the heinous act. This is one of the few acts of child sexual abuse in Nigeria that received an adequate judgment through the legal system.

Sexual abuse affects both male and female victims, with most perpetrators being the masculine gender and known to the victim.¹⁶ According to the 2015 report of UNICEF on child sexual abuse in Nigeria, one in four girls and one in ten boys are said to be sexually abused before

¹³ Michael Kunnuji and Adenike Esiet. "Prevalence and Correlates of Sexual Abuse among Female Out of School Adolescents in Iwaya Community, Lagos State, Nigeria," *African Journal of Reproductive Health* 19, no. 1 (2015): 82–90, www.ajol.info/index.php/ajrh/article/view/115808.

¹⁴ Pius Manyike, Joseph Chinawa, Elias Aniwada, Udechukwu NP, Odotola Odetunde, "Child Sexual Abuse among Adolescents in Southeast Nigeria: A Concealed Public Health Behavioral Issue," *Pakistan Journal Medical Sciences* 31, no. 4 (2015): 827–832, doi.org/10.12669/pjms.314.7115.

¹⁵ Nsikak Nseyen, "Nigeria: Father, Son Rape, Impregnate 13-year-old in Lagos," *Daily Post*, April 8, 2019, dailypost.ng/2019/04/08/father-son-raped-impregnated-13-year-old-girl-lagos/.

¹⁶ Mario Adamu Bugaje, Olufemi Ogunrinde, and Jamilu Faruk, "Child Sexual Abuse in Zaria, Northwestern Nigeria," *Nigerian Journal Pediatrics* 39, no. 3 (2012): 111, www.ajol.info/index.php/njp/article/view/76848.

age eighteen.¹⁷ In Nigeria, girls, most especially those who fend for themselves either by hawking or by being employed as house maids, are more susceptible to sexual abuse. In addition to these, the children in the Internally Displaced Persons' (IDPs) camps are at risk of being abused sexually. Besides inadequate access to basic needs, traditional protection structures, or security fears at IDPs, some women and girls have reportedly become vulnerable to sexual exploitation in the form of rape and survival sex. In late July 2016, Human Rights Watch documented sexual abuse, including rape and exploitation of forty-three women and girls living in seven IDP camps in Maiduguri, Borno State.¹⁸ Similarly, a Rapid Protection Assessment Report published in May 2016 by the Borno State Protection Sector working group comprising national and international aid providers identified sexual exploitation, rape, and other sexual abuses as a major concern in 14 camps out of 26 sites hosting IDPs in Borno State.

Child marriage, the practice in which children are married to adults, is another form of CSA common in Nigeria.¹⁹ Giving away young girls into marriage even before the onset of their menstrual cycle is a common practice in rural communities, especially in the Northern part of Nigeria, mainly for religious and economic reasons. Female children are given away in marriage at a young age to increase the wealth of family members through the payment of bride prices.²⁰ The way children are viewed makes the practice of early marriage common in the northern part of Nigeria.

¹⁷ Lorraine Radford, *Action to End Child Sexual Abuse and Exploitation: A Review of the Evidence 2020* (New York City, New York: UNICEF and End Violence Against Children, 2020), 27, www.unicef.org/documents/action-end-child-sexual-abuse-and-exploitation-review-evidence-2020.

¹⁸ Human Rights Watch, "Nigeria: Officials Abusing Displaced Women, Girls," *Human Rights Watch*, October 31, 2016, www.hrw.org/news/2016/10/31/nigeria-officials-abusing-displaced-women-girls.

¹⁹ Iyabode Ogunniran, "Child Bride and Child Sex: Combating Child Marriages in Nigeria," *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 2, no. 1 (2011): 98, www.ajol.info/index.php/naujilj/article/view/82389.

²⁰ Gabriel Igberase, "Harmful Cultural Practices and Reproductive Health in Nigeria," *Continental Journal of Tropical Medicine* 6, no. 1 (2012): 27, 30.

Children are regarded as the property of their parents, and this may explain the practice of early marriage. Girls are given away in marriages without their consent by relatives. This practice is founded on the belief that children have the duty to obey their parents without asking questions. Some of the children given out in marriage may argue that they are involved for economic survival and in many situations to support family members. The Nigerian Child Rights Act of 2003 provides that a marriage entered into with a girl younger than eighteen years old is null and void.²¹ However, section eighteen of the Marriage Act²² provides that a child below the age of twenty-one can get married if consent is obtained from the parents. The implication of this provision is that children as young as fifteen can get married with their parents' consent, which conflicts with the clear provisions of Section 21 of the Child Rights Act of 2003.

Different research shows that children worldwide are most likely to be sexually abused by a person known to them, usually an adult or older child who is a family member, another relative, family friend, or an adult in a relationship of trust or authority such as a parent, pastor, police officer, or teacher.²³ Correspondingly, cases of child sexual abuse have been reported among Catholic priests all around the world. Such cases have drawn particular media and public attention in the past decade as revelations have grown and become the subject of worldwide academic studies, investigations, and litigation.²⁴ While some of the cases of child sexual abuse have been treated with justice by the leaders of the Church, many have been treated unjustly. Some of the priests guilty of the act of sexual

²¹ *Child Rights Act*, 2003, sec. 21, lawsofnigeria.placng.org/laws/C50.pdf. Nigeria: Child's Rights Act, (2003) (Abuja: Nigeria), July 31, 2003, www.refworld.org/docid/5568201f4.html.

²² *Marriage Act*, 1990, Laws of the Federation of Nigeria, (LFN) Ch 218, sec. 18, www.commonlii.org/ng/legis/num_act/ma85/.

²³ David Southall and Rhona Macdonald, "Protecting Children from Abuse: A Neglected but Crucial Priority for the International Child Health Agenda," *Paediatrics and International Child Health* 33, no. 4 (2013): 201, doi.org/10.1179/2046905513Y.0000000097.

²⁴ Derek Farrell, "Sexual Abuse Perpetrated by Roman Clergy and Religious," *Mental Health Religion and Culture* 12, no. 1 (2009): 41, doi.org/10.1080/13674670802116101.

abuse have been sent outside of the country for further studies, while some have been seen moving about freely without a sense of guilt.

In Nigeria, there are many factors preventing the effective handling of child sexual abuse. These include cultural practices and traditions. They influence how people react or respond to violence based on the cultural norms of their society. In Nigeria, victims may not volunteer information on sexual abuse for cultural reasons. Information is often obtained with difficulty from victims or their families, who are scared of the cultural implication of their disclosure. The role and attitude of family and community continue to be cited as important factors in sexual abuse reporting, as well as the relationship between perpetrator and victim.²⁵

Child sexual abuse is a crime against children of which the true magnitude remains difficult to determine because it is largely underreported and commonly goes unpunished.²⁶ In African settings generally, and Nigeria in particular, sexual matters are not discussed in public. Parents do not discuss sex, and they likewise discourage their children from doing so. This is one of the reasons for the culture of silence in sexual abuse cases, especially when the perpetrator is a family member or acquaintance. Many believe incidents of sexual abuse are a personal and family matter. Therefore, victims choose not to report or disclose the sexual abuse to protect the perpetrators. For example, in a case of child sexual abuse in Kano State, Adara's (not the real name) daughter (eight years old) was raped by unknown men, and she knew a spiral of stigma and gossip would accompany her speaking out about such issues in the conservative community. Nevertheless, she decided to report the rape. Hours after she left the police station, her neighbors had already heard about her visit through the community grapevine. By the time officers arrived with an arrest warrant, the five suspects had fled and gone into hiding. Adara faced a backlash from her family and has been ostracized for

²⁵ Samuel Shafe and Gerard Hutchinson, "Child Sexual Abuse and Continuous Influence of Cultural Practices: A Review," *West Indian Medical Journal* 63, no. 6 (2014): 634, doi.org/10.7727/wimj.2013.246.

²⁶ Radford, *Action to End Child Sexual Abuse and Exploitation*.

going to the police.²⁷ Being labelled an informer discourages victims and witnesses from cooperating with law enforcement out of fear of reprisal. Because of the community's attitude towards sexual abuse, some victims remain silent because they are afraid no one will believe their allegation of abuse.

In Nigeria, some cultural and traditional practices are responsible for ineffective handling of child sexual abuse cases. Some cultural norms such as behaviors, attitudes, and thoughts based on shared beliefs of a particular culture are highly influential in making specific populations such as female children vulnerable to violence. One major cultural norm that influences prevention policies is the stigma associated with being labelled an "informer." Studies show that the victims' apprehension is due to shame, stigma attached to sexual abuse, and fear of being labelled an informer.²⁸ Being labelled an informer could have negative implications for anyone who reports a crime to law enforcement. This cultural norm influences the handling of sexual abuse, specifically, whether the abuse is disclosed or reported. Because of the fear of being labelled an informer, victims and witnesses are afraid to step forward to disclose cases of sexual abuse.²⁹

Despite the fact that Nigeria has laws and policies to prevent sexual abuse in general, these preventative measures or the laws or the policies are inadequate and not strong enough to curtail the activities of the perpetrators of child sexual abuse. Sometimes the court process is slow, and sometimes too, the perpetrator gets away with a lot. The broken criminal justice system has direct and indirect impact on some of the victims and their families. They lose hope in the justice system. In research carried out while working on this paper, for every one hundred cases of sexual abuse reported to law enforcement, an estimated ninety-five perpetrators walk free. As a result of the high percentage of perpetrators

²⁷ M.A. Bugaje, G.O. Ogunrinde, and J.A. Faruk, "Child Sexual Abuse in Zaria, Northwest Nigeria," *Nigerian Journal of Pediatrics* 39, no. 3 (2012), 112, www.ajol.info/index.php/njp/article/view/76848.

²⁸ Igberase, "Harmful Cultural Practices and Reproductive Health in Nigeria," 30.

²⁹ Igberase, "Harmful Cultural Practices and Reproductive Health in Nigeria," 30.

who escape prosecution, victims are unwilling to disclose the sexual abuse. The research also showed that perpetrators of sexual abuse are less likely to receive prison time compared to other criminals.

From the above, it is evident that inadequate enforcement of the law in reported cases contributes to non-disclosure of abuse. In situations where the victims are empowered to report the abuse, cultural attitudes make it difficult for them to receive justice. Even within law enforcement, the police officers responsible for investigating sexual abuse offenses discredit the victims because their attitude and belief reflects those of the society.³⁰ The handling of reported cases by the police in some situations has discouraged many victims from coming forward. The victims believe that the police will do nothing to stop the sexual abuse. Thus, most perpetrators go unpunished, and the victims are left with the adverse effects associated with it, sometimes for life.³¹ How then might we address these problems? In the remainder of the paper, I put forward an approach informed by child rights and moral theology.

What are Child Rights?

Every human being, including every child, is naturally endowed with humanity and corresponding rights. Every child has rights, irrespective of his/her ethnicity, gender, religion, language, abilities, or any other status. The key to a human rights approach is that children must be accorded the inherent dignity of all members of the human community. Being treated with dignity and respect is not a privilege to be earned but a birth right of all members of the human community. Children and young people are human beings with the same general human rights as adults and also

³⁰ Daniel Masilo, "Prevention of Child Sexual Abuse within the Family System: Guidelines for an Educational Social Group Work Program," *Journal of Child Sexual Abuse* 27, no. 4 (2018): 339, doi.org/10.1080/10538712.2018.1430089.

³¹ Pooja Sawrikar and Ilan Katz, "Preventing Child Sexual Abuse in Ethnic Minority Communities: A Literature Review and Suggestions for Practice in Australia," *Australia Children and Youth Services Review* 85 (2018): 178, doi.org/10.1016/j.childyouth.2017.12.028.

specific rights that recognize their special needs. The Child Rights Convention (CRC) offers a vision of the child as an individual and as a member of a family and community, with rights and responsibilities appropriate to his or her age and stage of development. By recognizing children's rights in this way, the Convention firmly sets the focus on the whole child.

In its preamble, the CRC begins with the statement that the "recognition of the inherent dignity and of equal and inalienable rights of all members of the human family is the freedom, justice, and peace in the world." Children's rights cover their developmental and age-appropriate needs that change over time as a child grows up. According to Polonko and Lombardo, the provisions in CRC may be classified into two groups: (1) those provisions that attempt to ensure social responsibility for the nurturing of human dignity in children, and (2) those that aim to prevent violations of children's dignity.³² Generally, human rights are such rights that are attached to one by the mere fact of being born as a human being. They are those rights that accrue to the human being in his/her capacity as a—*homo sapiens*. Human rights are inalienable and inherent by virtue of the human condition of existence and cannot be taken away from men and women by force. In the light of the above, human rights are the birth rights of all human beings. The most important responsibility of any government is to protect these rights of the citizens.

The idea of human rights is based on the universal principle that all human persons possess an inherent human dignity irrespective of sex, race, language, age, status, religion, or political beliefs, and human rights entitles people to respect, integrity and the capacity for self-expression and development in all aspects of their lives. Gathered from the above, a human right is a basic yardstick for fair and equal treatment of every citizen and for the protection of the sanctity and dignity of the human person. Since human rights are the birth rights of all human beings, the child, whatever

³² Polonko and Lombardo, "Human Dignity and Children," 18.

the age, has a right to the protection of his or her rights, sanctity, and dignity as a human being.

It is important to point out that the human rights perspective with the assumption that the individual has inherent dignity is not something that comes easy to some scholars who tend to have a functional or legalistic understanding of the concepts of rights and dignity of the person. Children are seen as inferior to adults in virtually every way. Dignity is not viewed as a birth right accorded all life but rather an earned right accorded certain individuals for engaging in certain activities or possessing certain qualities.³³ In explaining this understanding of human rights, Polonko and Lombardo analyse two views: an “adult-centered” perspective and a “child-centered” perspective. On the one hand, the adult-centered perspective simply assumes that children are inferior to adults, that inherent dignity does not apply to children, that it is not a birth right of all living beings but something to be earned, and that the meanings and experiences of children have little importance. This is the paradigm that dominates much of the world and is one among a number of contributing factors to the abuse of children.

On the other hand, a child-centered perspective acknowledges and challenges oppression of children and sees adults’ attempt to deny children dignity as one symptom of this oppression. It demands that we acknowledge the losses suffered from violating children and looks for ways to support children. It demands that we respect and acknowledge the value of children’s experiences. A child-centered perspective on the rights and inherent dignity of all members of the human community implies that while one can be harmed or maltreated, another cannot “take away” or “violate one’s dignity” since this is an inherent birth right independent of any given situation. From this perspective, the perpetrator demeans and degrades him- or herself when he or she acts in a way that harms or

³³ Polonko and Lombardo, “Human Dignity and Children,” 18.

disregards the worth of self or others.³⁴ Child sexual exploitation and abuse, therefore, is a threat to children's rights today.

The failure to conceptualize sexual maltreatment within the existing framework of international human rights laws is distressing because sexual exploitation of children has become a way of life for several communities. It would be difficult to argue against the voluntariness of individual children's decisions when they are brought into exploitative situations by their parents and are responsible for the economic well-being of their families and villages. The global community recognizes that children possess human rights, including the right to be protected from some forms of abuse. Yet, in application, the focus of protection for children has been limited to health or economic issues.

With this as background, it is worth noting several strengths available in the prevention of CSA in the Nigerian context. The Nigerian Constitution guarantees certain fundamental rights to children. Even though the Constitution does not make any distinction between the rights of adults and children, as Nigerian citizens they are expected to be able to enjoy these rights. These rights include the right to life, dignity of the human person, personal liberty; the right to a private life, freedom of thought, conscience and religion; and the right to a fair hearing, peaceful assembly, association, and freedom of movement. More specifically, under Section 17(3)(f), children should be protected against exploitation, as well as moral and material neglect. Additionally, Section 18(1) provides that the government should ensure its policies provide for equal and adequate educational opportunities at all times.³⁵ The Nigerian National Assembly had set the age of sexual consent as eighteen, implying that any sexual activity involving a person less than eighteen in Nigeria is tagged child sexual abuse.

³⁴ Polonko and Lombardo, "Human Dignity and Children," 20.

³⁵ See Federal Military Government of Nigeria, *The Constitution of the Federal Republic of Nigeria* (Lagos: Federal Military Government of Nigeria, 1999), ch. II, secs. 17, 18.

In 2003, Nigeria signed into law the Child Rights Act (CRA) to domesticate the international and regional child rights treaties to which it is a party. The Child Rights Act provides that children must be protected from: child marriage, child betrothal, tattoos and skin marks, exposure and use of narcotic drugs, abduction, removal or transfer of the child from lawful custody, child labor, and unlawful sexual intercourse. Despite the various provisions that have been put into place to protect the rights of children, they are continuously subject to various forms of abuse, degrading treatment, cruelty, and violence. It is unfortunate that the CRA is yet to be enacted by many States of the Federation. Hence, the human rights, even when protected on paper, are violated in practice. In addition to the federal legislations on child sexual abuse, state governments make several state laws focusing on sexual harassment. The various states laws criminalize sexual harassment with very stiff punishments. Among these laws are: The Lagos State Prohibition Against Domestic Violence Law, 2007; The Ekiti State Gender Based Violence (Prohibition) Law, 2019; and The Violence Against Persons (Prohibition) Act, 2015; and other similar laws in states of the federation.³⁶ If these international, national, and state policies/documents/laws for the well-being of the child are implemented, children's interests would be protected and child sexual abuse would be prevented or reduced.

The Moral Theological Response to Child Sexual Abuse

The criterion for an ethical critique of sexual abuse is violence. Sexual abuse of any form is an act of violence. Unlike other sexual sins, such as fornication or incest, sexual abuse of minors is the sin of the adult person perpetrating this form of violence. It is based upon the domination of another, individual or collective. It involves the exploitation of an asymmetric relationship, and it involves the tacit acceptance of damaging

³⁶ Olaitan Olusegun and Amos Idowu, "Child Abuse in Nigeria: Dimension, Reasons for its Persistence and Probable Solutions," *Child and Family Law Journal* 4, no. 1 (2016): 14, lawpublications.barry.edu/cflj/vol4/iss1/2.

or even destroying another person's identity.³⁷ Sexual violence disrespects the other as moral agent, and potentially threatens the victim's moral agency and well-being. It perverts the very basis of sexuality, namely the trust to be recognized in one's 'nakedness.' Ethically speaking, this is why, among other things, sexual abuse by those who as leaders of a religious community have so much power over others, especially over children, is met with so much outrage and indignation. Hence, child sexual abuse in any form is always an intrinsically evil act: "By acknowledging and teaching the existence of intrinsic evil in given human acts, [as in sexual abuse of minors] the Church remains faithful to the integral truth about [all humanity], she thus respects and promotes the [persons in their] dignity and vocation" (*Veritatis Splendor*, no. 83).

According to Nelson Mandela, "Our children are our greatest treasure. They are our future. Those who abuse them tear at the fabric of our society and weaken our nation."³⁸ Russell Pollitt and Hans Zollner add that, "The abuse of minors and vulnerable people tears at the very fabric of and weakens our ecclesial witness."³⁹ The cornerstone of Catholic social teaching is the defense of human dignity. Created in the image and likeness of God (Genesis 1:27), every person has innate and infinite dignity imparted by God. The Church stands for the inherent dignity and worth of all human beings, so she condemns all sexual immorality and violence as intrinsically evil. Sexual abuse violates the principle of human dignity, the respect of any other person as an end in him/herself. Sexual violence instrumentalizes another person for one's own use without leaving any space for a trustful, reciprocal relationship. Morality is based upon the

³⁷ Brianne Jacobs, "What Does Catholic Social Teaching Tell Us about Sexual Harassment?" *America*, February 5, 2018, www.americamagazine.org/faith/2017/12/05/what-does-catholic-social-teaching-tell-us-about-sexual-harassment.

³⁸ Nelson Mandela, quoted in Russell Pollitt and Hans Zollner, "Sexual Abuse and Safeguarding in the Catholic Church in Sub-Saharan Africa," *Hekima Review: Journal of Theology, Governance and Peace Studies* 63 (2021), 119–127.

³⁹ Pollitt and Zollner, "Sexual Abuse and Safeguarding in the Catholic Church in Sub-Saharan Africa," 119.

reciprocal respect of human dignity, and thus sexual violence in practice not only destroys the victim but also destroys the normative basis of morality itself.⁴⁰

The Church teaches that sexuality is an integral part of the human person. It goes beyond genitality, and it expresses the totality of the person in his/her interpersonal and social relations.⁴¹ The Church in her wisdom teaches that its genital expression should be within the ambience of marriage and has a two-fold unitive and procreative purpose (*Catechism*, no. 2369). Sex, as the expression of one's affection, fails every time it expresses the desire to dominate rather than the donation of one's self and the acceptance of others. Temptation leads one to consider the other as an object to be used and not as the individual/neighbor with whom to come into communion. In sexual deviance, typical of sexual child abuse, the evil caused is complex. The adult does not make the child grow but rather does violence to him/her. Sexual sin, in this case, evidently is based on the fulfilment of a disordered passion.⁴²

Pope St. John Paul II in *Familiaris Consortio* validates the necessity of treating children and youth with respect, something that is profoundly missing when one is sexually abused. *Familiaris Consortio* reads, "Special attention must be devoted to the children by developing a profound esteem for their personal dignity, and a great respect and generous concern for their rights. This is true for every child, but it becomes all the more urgent the smaller the child is and the more he/she is in need of everything, when he/she is sick, suffering or handicapped" (no. 26). In the same vein, the Church, considering rape as a form of sexual deviation states that,

Rape is the forcible violation of the sexual intimacy of another person. It does injury to justice and charity. Rape deeply wounds the respect,

⁴⁰ Hille Haker, "Catholic Sexual Ethics—A Necessary Revision: Theological Responses to the Sexual Abuse Scandal," *Concilium* 3 (2011): 128–137.

⁴¹ Gerald Coleman, *Human Sexuality: An All-Embracing Gift* (New York: Alba House, 2012), 8.

⁴² Jacobs, "What does Catholic Social Teaching Tell us about Sexual Harassment?"

freedom, and physical and moral integrity to which every person has a right. It causes grave damage that can mark the victim for life. It is always an intrinsically evil act. Graver still is the rape of children committed by parents (incest) or those responsible for the education of the children entrusted to them. (*Catechism*, no. 2356)

Teaching all to respect minors and that it is their right to live in safe environments is part of Church's teachings. "We must provide acceptance, love, esteem, emotional, and spiritual concern for every child that comes into this world" (*Familiaris Consortio*, no. 26). When implemented, these teachings provide safety for minors and the respect due to those who have already experienced the trauma of sexual abuse.

Any form of sexual violence is intrinsically evil and cannot in anyway be justified for "No circumstance, no purpose, no law whatsoever can ever make licit an act which is intrinsically illicit, since it is contrary to the Law of God which is written in every human heart, knowable by reason itself, and proclaimed by the Church" (*Evangelium Vitae*, no. 62). Child sexual abuse violates the rights and integrity of the child and also affects the perpetrator. It is also a sin against the Creator. The Church hence teaches that:

Whatever insults human dignity, such as subhuman living conditions, arbitrary imprisonment, deportation, slavery, prostitution, the selling of women and children; as well as disgraceful working conditions, where people are treated as mere instruments of gain rather than as free and responsible persons; all these things and others like them are infamies indeed. They poison human society, and they do more harm to those who practice them than to those who suffer from the injury. Moreover, they are a supreme dishonor to the Creator. (*Gaudium et Spes*, no. 27)

The Church, as a sacrament of the active presence of God in history, follows God's own behavioral model, showing its solidarity with the victims and engaging in the fight against child abuse, in the fight against all kinds of evil present in human history, and therefore sympathizing with

any victim of any type of evil, to whom it offers words of comfort and relief based on the word of God in Jesus Christ. The Church must be close to the victims of abuse but cannot fail to be close to the abusers too, now judged without mercy and in many cases considered as “scapegoats.” The ecclesial community cannot be guided simply by the adverse publicity campaigns that amplify its wrongdoings and conceal its positive aspects. The Church must always proclaim the infinite mercy of its Lord, especially towards those who repent of their sins and open up to the gift of conversion. In the grace of Christ, the sinner always finds a new chance for life, reconciliation, and peace. The emergency of the problem of child abuse at the hands of Catholic Church ministers cannot remain at the mercy of exploitation that sows division and enmity in the community. The Church is challenged with facing the scorn with sincerity and with remedying it effectively.

Conclusion

Child sexual abuse is truly a global problem, often defying myths and stereotypes, and does not appear to be decreasing over time. The plight of sexually maltreated children is perhaps the starkest example of the need to reconsider the place of children in the contemporary society. It is clear that protection against child sexual abuse is a right recognized throughout international and national instruments, but there is no solution in sight to this menace. The whole of society is affected by the pain of sexual abuse of minors. Determined efforts are required to reduce this growing evil by all the sectors of the society. Relying on government machinery and policy implementation is not sufficient to safeguard children from the demons and haters of childhood. Efforts have to be made from the ground level itself by the family and parents to create a fearless and safe environment for the children. Also, the Church, in her mission of promoting the dignity and rights of the human person, has a duty to protect children from harm. The government and the Church need to be more proactive in educating children in order to know and fight for their rights. Generally, there is a need for a child-centered perspective of human rights. This will help in a

growing realization and concern for the oppression of children as a group and their rights upheld.



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