



COI QUERY

Country of Origin	NIGERIA
Title	Treatment of persons accused of incest in the Lagos State, Nigeria
Reference period	1 January 2021 to 11 July 2023
Topic(s)	<ol style="list-style-type: none">Legal framework on incest in the Lagos State, including its implementationSocietal treatment and perceptions of persons accused of incest in the Lagos State
Date of completion	18 July 2023
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Contributing EU+ COI units (if applicable)	N/A

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COI QUERY RESPONSE – NIGERIA

Title - Treatment of persons accused of incest in the Lagos State, Nigeria

1. Legal framework on incest in the Lagos State, including its implementation

The Violence Against Persons (Prohibition) Act of Nigeria, 2015, article 46, defines incest as ‘an indecent act or an act which causes penetration with a person who is, to his or her knowledge, his or her daughter or son, granddaughter or son, sister or brother, mother or father, niece or nephew, aunt/uncle, grandmother or granduncle;’.¹ Moreover, article 25, states that ‘a person who knowingly and willfully have carnal knowledge of another within the prohibited degrees of consanguinity and affinity contained in the schedule to this Act with or without consent, commits incest and is liable on conviction to a minimum term of: a) 10 years imprisonment without an option of fine; b) where the two parties consent to commit incest, provided that the consent was not obtained by fraud or threat, 5 years imprisonment without an option of fine’.²

Incestuous marriage is a crime in Nigeria by virtue of Section 3, subsection 1, sub-sub section b of the Matrimonial Causes Act. It is described as ‘Prohibited degree of consanguinity’.³ Incestuous relationships or marriages are further prohibited in the 1st Schedule (Section 3) of the Matrimonial Causes Act, Cap 220, Law of the Federation of Nigeria (LFN) 1990, where it lists the prohibited degree of consanguinity to include that between father and daughter, mother and son, brother and sister, uncle and aunt, niece, and nephew.⁴

Section 214 (3) of the Criminal Code Act (a criminal law that is applicable in and covers all parts of Nigeria), Caption 77, Law of the Federation of Nigeria (LFN) prescribes a minimum of 14 years’ imprisonment for felonies referred to as an “offence against morality”, which is for any person that ‘(1) has carnal knowledge of any person against the order of nature; or (2) has carnal knowledge of an animal; or (3) permits a male person to have carnal knowledge of him or her against the order of nature’.⁵ Local sources from 2021 interpret this law as inclusive of ‘incestuous liaison’.⁶

The Criminal Law of Lagos State of Nigeria of 2015, section 137, states that ‘any person that has unlawful sexual intercourse with a child is guilty of a felony, and is liable to prison in life’.⁷

¹ Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#), p. 24

² Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#), p. 10

³ Nigeria, Matrimonial Causes Decree N.18, 20 March 1970, [url](#), p. 5

⁴ Nigeria, Matrimonial Causes Decree Provision, 1990, [url](#)

⁵ Nigeria, Criminal Code Act, 1 June 1916, [url](#), p. 51

⁶ This Day Live, The Growing Cases of Incest, 19 October 2021, [url](#); Know Your Rights Nigeria, Committing Incest with a Woman or Girl-Child, 28 September 2021, [url](#)

⁷ Nigeria, Criminal Law of Lagos State, 2015, [url](#)



According to an article published by a local news source in January 2023, two lawyers expressed their concern over a rise of cases of incest in Nigeria. As stated in the article, a Nigerian lawyer, Ajayi, quoted that the ‘criminal Law of Lagos State, 2015, Section 137, prescribes life imprisonment for anyone caught in rape and incest’. Ajayi further stated that ‘those caught in Lagos State were made to face the full wrath of the law to deter potential offenders’.⁸

According to a 2022 article from a local news source, ‘the Ikeja Domestic Violence and Sexual Offences Court sentenced Michake Ogbar to triple life imprisonment for raping his three daughters, aged 10, 20 and 24 in Lagos State’. The article included further examples of arrests related to incest and noted that in the last two years, more than 48 children have been raped by their 34 biological fathers, with 11 cases being reported in Lagos.⁹

A local news source in 2022 described that the Ikeja Domestic Violence and Sexual Offences Court sentenced a Nigerian man to life imprisonment without an option of fine for the rape of his daughter in Lagos state, in which the Justice of the case, described the conduct as ‘unpardonable under Section 137 of the Criminal Law of Lagos State 2015 and condemnable in all ramifications’.¹⁰

In June 2023, a man in Lagos State was charged for defiling his underage stepdaughter by the Yaba Magistrate’s Court, under Section 137 of the Criminal Law of Lagos State of Nigeria 2015, as described in a local news source. The same source described another case of a father being remanded for raping his eight-year-old daughter in the Ebute-Metta area of Lagos State.¹¹

The National Agency for the Prohibition of Trafficking in Persons, a law enforcement agency of Nigeria, described in its 2021 annual report that 55 cases of incest were investigated that year. No available information was reported for the number of prosecutions and convictions on incest in 2021.¹²

No other incidents related to the implementation of the law concerning cases of incest in Lagos State were found within the time constraints to complete the COI query.

2. Societal treatment and perceptions of persons accused of incest in the Lagos State

Information on societal treatment and perceptions of persons accused of incest in the Lagos States could not be found among the sources consulted by EUAA within the time constraints. However, the following information may be relevant.

⁸ Sun Nigeria (The), Lawyers express worry over rising cases of incest, 10 January 2023, [url](#)

⁹ Daily Trust, 34 Fathers Raped 48 Own Children In 2yrs, 3 September 2022, [url](#)

¹⁰ Daily Trust, Father Bags Life Sentence For Defiling, Impregnating Teenage Daughter, 28 January 2022, [url](#)

¹¹ Pulse, Lagosian defiles stepdaughter inside church, 8 June 2023, [url](#)

¹² NAPTIP, Violence Against Persons (Prohibition) Act 2015 Annual Report, last updated 27 April 2023, [url](#), pp. 12-13



In November 2021, the minister of Women Affairs and Social Development, Pauline Tallen, speaking at an event of the United Nations Population Fund (UNFPA) ‘called for castration of perpetrators of incest and rape in the country’ and reiterated that efforts were underway to enforce strict penalties for incest cases.¹³ Further information on the implementation of stricter punishment as per the minister’s declaration could not be found within the time constraints to complete the COI query.

According to United Nations Children’s Fund (UNICEF), the practice of incest was ‘widespread’ in the country which hampers the ‘reporting and the prosecution of perpetrators’.¹⁴ The same source reported the statements of the lawyer who is the leader of the Domestic and Sexual Violence Response Team (DSVRT) in Lagos, who explained that incest was considered a ‘taboo’; however reports of cases of incest had increased because before ‘people were not speaking up’.¹⁵

A 2023 article from a local news source concerning incest in Plateau State described that ‘nine out of 10 survivors of incest survivors do not want legal intervention after opening up’, according to a Team Leader of a local NGO. The same source further quoted a Project Director of another local NGO, who described that victims of incest ‘fear that the system will stigmatise them, they fear a system that will blame them for their ordeal and even abuse them the second time. For women who don’t want their husband to prison, they fear what the society will say, they fear that no one will fill the gap of their husband when he is away’.¹⁶

¹³ Daily Trust, FG Seeks Castration For Perpetrators Of Incest, Rape, 30 November 2021, [url](#)

¹⁴ UNICEF, 16 facts about violence against women and girls in Nigeria, 22 November 2022, [url](#), p. 10

¹⁵ UNICEF, 16 facts about violence against women and girls in Nigeria, 22 November 2022, [url](#), p. 7

¹⁶ This Day Live, Inside Plateau Communities Where Incest Rages; Survivors Rebuff Justice, Groan in Silence, [January 2023], [url](#)



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ADDITIONAL SOURCES CONSULTED

Amnesty International (AI); ECOLI.net; European Union – EUAA COI Portal; Human Rights Watch (HRW); Lagos Domestic and Sexual Violence Agency (DSVA); New Humanitarian (The); US Department of State (USDOS)