Castration not answer to rape

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Castration not answer to rape  
  
By Odewale Abayomi  
  
SIR: On the heels of spikes in rape cases, Kaduna State government in September enacted the state Penal Code Law 2020, with a provision for surgical castration or removal of fallopian tubes in addition to death penalty for offenders convicted of raping minors below the age of 14.  
  
Surgical castration is not a proportionate punishment; in fact, it is like killing a fly with a sledgehammer.  
  
Due to the protest by a group of women advocating justice for women and rape victims at the Kaduna government house in July, the governor promised stiffer punishments for rapists. That promise apparently birthed the controversial castration law.  
  
Before the latest amendment which now includes castration and death penalty, Kaduna State had a carefully crafted existing law with the provision for a maximum penalty of 21 years imprisonment for the rape of an adult and life imprisonment for the rape of a child.  
  
For the few reported cases, the indications are that the existing law is under-implemented due to prosecution delays and bottle-necks. Instead of advocating for inhumane punishment measures, there is a need to fully explore the existing law which punishes convicted rapists without inflicting physical harm.  
  
It is paramount to not only put in place excellent forensic crime detection system but timely prosecution of offenders.  
  
Nigeria is signatory to Article 7 of the International Covenant on Civil and Political Rights which stipulates that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation”.  
  
The castration law is also in conflict with the Section 2 of the Anti-torture Act of 2017 which frowns at infliction of pain and suffering as well as mutilation of body parts as a form of punishment.  
  
An innovative way of curbing rape cases is the open register approach by the National Agency for Prohibition of Trafficking in Persons (NAPTIP) in which the names and photos of convicted rapists are made public. Other states could replicate this within their domains.  
  
Until now, across the country, rape victims were reluctant to come forward to report their ordeals. Fewer reported rape cases could be attributed to stigmatisation and in some cases, family interference culminating an attempt to subvert justice which undoubtedly emboldens perpetrators. It is a good sign that rape victims are now defying the odds and coming out of their shells to demand for justice. Keeping the victim’s identity confidential will instil trust and encourage more reported cases.  
  
Castration law is barbaric. States should rather ease prosecution bottle necks to scale up convictions using existing laws.