How cultural, procedural snags impede rape victims’ access to justice

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There are challenges faced by rape victims in accessing justice, due to cultural attitudes and prosecution practices. These challenges inhibit justice for Sexual and Gender-Based Violence (SGBV) victims in many states of the country. AMEH OCHOJILA reports that legal reforms, awareness campaigns, training for officials, the establishment of support services, as well as specialised courts would effectively address these challenges.  
  
Recent data from the Federal Ministry of Women Affairs exposed the harrowing reality of Sexual and Gender-Based Violence (SGBV) in Nigeria, revealing a staggering 27,698 cases reported between 2020 and 2023, with a devastating toll of 1,145 fatalities. The ministry’s Data Manager, Mr Sunday Agbakaba, disclosed this during the Ministry’s workshop in Umuahia, Abia State capital, some weeks back.  
  
  
  
Before those findings, the United Nations in its 2020 report found that there were 11,200 reported rape cases, indicating a pervasive issue that demands urgent attention.  
  
Highlighting the severity of the situation, Executive Secretary of the National Human Rights Commission (NHRC), Anthony Ojukwu (SAN), said in 2021, a staggering 158,517 cases of SGBV were reported, marking a distressing surge in violence against women.  
  
In Lagos, for instance, the State Police Command has echoed these concerns, revealing that 111 sexual assault cases were documented between April and June 2023, underscoring the urgent need for comprehensive measures to address this crisis  
  
Further emphasising the prevalence of SGBV, the Women at Risk International Foundation, in collaboration with the United States Consulate, Lagos, reported that a shocking 33 per cent of women and girls aged between 15 and 49 have endured physical and/or sexual abuse in their lifetime, with many cases going unreported.  
  
In response to this alarming trend, the Lagos State Government has taken decisive action, enacting stringent measures such as life sentence for rape offenders. According to the Criminal Law of Lagos State, section 260 (1-2), any individual who engages in unlawful sexual intercourse without consent faces imprisonment for life. The law unequivocally states that consent cannot be obtained through force, impersonation, threats, intimidation, or coercion.  
  
The impact of culture and prosecution practices on rape victims’ access to justice in Nigeria is profound and multifaceted. Cultural beliefs often perpetuate victim-blaming mentalities and discourage survivors from coming forward owing to fear of stigma and retaliation.  
  
Traditional norms sometimes prioritise the preservation of family honour over seeking justice for the victim, leading to underreporting and impunity for perpetrators.  
  
Moreover, prosecution practices in Nigeria face significant challenges, including lack of adequate legal frameworks, limited resources for law enforcement agencies, and a slow judicial process. These result in low conviction rates and a lack of deterrence for potential offenders.  
  
  
  
Despite the existence of laws to protect citizen against incidents of rape, many still engage in the vice. Some of the cases are unreported. However, once reported and solid evidence adduced, Lagos State Judiciary imposes the maximum sentence on conviction to deter predators.  
  
According to information from Tap Initiative, a civil society organisation committed to judicial accountability and human rights, only 23 per cent of total number of rape cases are arrested and out of these number, only one per cent are convicted.  
  
Also, a recent research conducted in Nigeria by Tap initiative, based on an analysis of 85 recorded rape cases unveiled alarming trends and underscored the urgent need for intervention and stoppage of blame game.  
  
The study found that 70 per cent of rape victims were assaulted by individuals outside their familial circles, emphasising the prevalence of assaults by acquaintances or strangers. Shockingly, 23 per cent of documented cases involved gang rape, indicating a disturbing trend of coordinated attacks.  
  
Geographically, the South West region exhibited the highest incidence of rape cases, with 22 reported incidents, while the South-South region reported the lowest, with only nine cases.  
  
The average ages of victims were 14 years old, while suspects tended to be approximately 28 years old, highlighting the vulnerability of young individuals. In terms of law enforcement response, the study revealed a dismal conviction rate, with only one per cent of perpetrators successfully convicted, while 53 per cent had been apprehended.  
  
The group recommended advocacy programmes to combat victim-blaming and stigma surrounding rape survivors as well as establishing specialised courts dedicated to handling rape cases to expedite legal proceedings and ensure justice.  
  
They also recommended increased awareness and education, particularly targeting minors and teenagers, to empower individuals to recognise and prevent sexual assault. The study’s recommendations emphasised the importance of collective action to combat rape and create a safer and more just society for all Nigerians.  
  
To improve access to justice for rape victims, several steps must be taken. Analysts said there is a need to comprehensively overhaul legal frameworks to ensure that survivors are adequately protected and supported throughout the legal process. This, they said, include strengthening laws relating to sexual violence, ensuring swift and fair trials, and providing specialised training for law enforcement and judicial officials.  
  
  
  
Others argued that cultural attitudes towards rape and sexual violence must be addressed through education and awareness campaigns. Community leaders, religious institutions, and grassroots organisations play a vital role in challenging harmful stereotypes and promoting a culture of respect and support for survivors.  
  
They added that the government should invest in support services for survivors, including counseling, medical care, and legal assistance. This, they said, can help empower victims to seek justice and navigate the complexities of the legal system.  
  
In addition, tackling the impact of culture and prosecution practices on rape victims’ access to justice in Nigeria requires a multi-faceted approach that addresses legal, cultural, and societal barriers to ensure that survivors are heard, supported, and able to seek redress for the harm they have endured.  
  
Obi of Onitsha, Igwe Nnaemeka Achebe, recently linked the spate of rape cases, and other forms of Gender Based Violence across Nigeria with pernicious age-long cultural practices in many communities.  
  
The Monarch spoke during the launch of the Hanan Buhari Foundation, which took place at the Presidential Banquet Hall, in Abuja. He, however, laid emphasis on the need for early educational development, and implementation of laws as means of curbing the epidemic.  
  
Executive Director at Sterling Law Centre, Deji Ajare, said the complex challenges facing rape victims seeking justice in Nigeria could be linked to culture and poor prosecution.  
  
He highlighted how cultural beliefs and prosecution practices intersect to create significant obstacles for victims. Ajare explained that the pervasive stigma and victim blaming prevalent in many Nigerian communities, often deter victims from reporting the crime owing to fear of ostracisation.  
  
The lawyer pointed out that the silence and shame imposed by cultural norms, lead to victims withdrawing complaints to avoid further embarrassment. He also linked it to the impact of deep-rooted patriarchal norms, which normalise violence against women and hinder effective prosecution of rape cases.  
  
Furthermore, he noted that victims face great pressure from families and communities to settle matters privately, resulting in informal resolutions that often fail to deliver justice.  
  
  
  
Regarding prosecution practices, Ajare said: “There are legal and institutional barriers within Nigeria’s legal framework and law enforcement agencies that hinder efforts to get justice for victims. So, a comprehensive legal reform should be embarked on, to define and punish sexual violence effectively, while protecting victims’ rights.”  
  
He highlighted the detrimental effects of corruption, inadequate funding, and inefficiencies within the judicial system on the prosecution process. He also mentioned the challenges of obtaining concrete evidence and poor case handling, which further hinder efforts to prosecute rape cases successfully.  
  
In response to these challenges, Ajare proposed public awareness campaigns to educate communities about womens’ rights and reduce stigma surrounding rape. Furthermore, he called for comprehensive training for law enforcement and judicial officers on handling sensitive rape cases and preserving evidence. Ajare also advocated the establishment of accessible support centres offering legal, medical, and psychological assistance to victims.  
  
According to him, the establishment of fast-track courts dedicated to handling rape cases will expedite the legal proceedings and minimise trauma for victims.  
  
Abuja based lawyer, Monday Ikpe, suggested regular training of prosecuting officers and even judicial officers handling rape cases. He also pointed out the importance of cultural reorientation and rights awareness campaigns among Nigerians.  
  
For Mathew Echo, a lawyer, Access to Justice is key to attaining justice in every system and cultural bias in any locality or environment can be a clog in the wheel of Justice.  
  
“Culturally, rape victims are violated and stigmatised by the people owing to blame perception. They are considered the villains. This ultimately denies most rape victims access to justice as they are afraid to come out,” Echo declared.