Rape and die

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Governor Nasir el-Rufai of Kaduna State is going to be in the news once again for some time, with his signing into law of the State Penal Code (Amendment) Law 2020, on September 16. Under the law, people who rape children under 14 will, on conviction, be surgically castrated, before being executed. On the other hand, those convicted of raping children over 14 will also be castrated, after which they will spend the rest of their lives in prison. Their female colleagues who rape under-14 children will have their fallopian tubes removed. According to the governor, “drastic penalties are required to help further protect children from a serious crime.”  
  
Thus, Nigeria becomes the first West African country with execution as punishment for rape, even though castration exists in some places, and some studies have suggested that rapists who have undergone surgical castration are unlikely to commit the crime again. While the Czech Republic offers voluntary surgical castration to violent sex offenders, several American states have legal provisions for chemical castration. Indonesia too. As a matter of fact, India too has okayed the death sentence for those who rape under-12 children, irrespective of whether the victims die or not. What this tells us is that countries have been reacting to the rape pandemic in diverse ways, depending on their peculiarities and experiences.  
  
Expectedly, the new law in Kaduna State has attracted both praise and knocks, depending on which side of the fence one is sitting. While some see it as “legislative sadism”, it is sweet music in the ears of those who had been sexually assaulted, as well as many Nigerians who have been clamouring for tougher sanctions against people who cannot control their libido.  
  
There is no doubt that rape cases have been on the upswing in the country, especially in recent years (or is it its reportage?) The Minister for Women’s Affairs, Paulen Talen, gave a dreadful statistics in December, last year, when she claimed that two million women and girls are raped in the country every year. The figure, according to her, had tripled by last June, no thanks to the coronavirus (COVID-19) pandemic which provided the time and space for the rapists who in turn took advantage of their staying idly at home to perpetrate their nefarious activity. That people who are complaining of lack of money during the lockdown still had the presence of mind and the stamina to rape should fire our curiousity. Yoruba people say it is the inner strength that we use to support the outer one (okun inu la fin gbe tita) =Ø“Þ=Ø“Þ! In the same June, governors, worried by the rape trend, said the matter constituted a state of emergency.  
  
The truth of the matter is that today’s rapists in Nigeria operates sans borders. They do not have ‘no-go’ areas. Anything in skirt will do. From months-old babies, to under-aged children, to teenagers, undergraduates, hawkers, to their mothers’ age mates. Some are even pinning septuagenarian women to the floor to have carnal knowledge of them. For God’s sake, what pleasure does anyone want to derive from sleeping with toddlers or women of their grandmothers’ age? Worse still, some of the rapists now rape and kill the victims, apparently to cover their tracks.  
  
One can therefore understand Governor el-Rufai’s frustration on the rape epidemic, particularly as it affects children, who constitute the most vulnerable segment. At the rate we are going, Nigeria risks becoming the rape capital of the world if drastic steps are not taken to make people pay for their irresponsible sexual behaviour. This, added to our being the world’s poverty capital will definitely not be a good emblem even for the Muhammadu Buhari administration. Long before its second coming though, we had won the title of being the happiest people on earth. Those who gave us the unenviable title did so decades after the legendary Fela Anikulapo-Kuti sang “Suffering and smiling’’, a tribute to our infinite capacity as a people to absorb the most unimaginable shocks, without complaining.  
  
Moreover, this paper was sufficiently worried about the rape pandemic that it made “Rape” its ‘Man of the Year 2019’. We did so not in celebration of the act of rape or the rapist, but to draw attention to the rising number of reported cases in the media, the dimensions, as well as give possible suggestions on ways to stem the tide. Hardly did any day pass last year without stories of rape dominating the media headlines.  
  
However, without trying unnecessarily to dismiss the new law in Kaduna State, the law, particularly as it pertains to execution, has the grave consequence of irreversibility. It does not leave room for redress or correction once the sentence has been pronounced and carried out. Life already taken cannot be restored. This has always been one of the central points of people opposed to the death penalty. The difference between my position and theirs, especially where rape of whatever hue is concerned, is that I am not going to say whether death sentence will curb rape or not, or whether it is too harsh for the crime. I am more concerned about the finality of the punishment. Even in the best of climes where they have the wherewithal for diligent prosecution of cases, there have been miscarriage of justice in several instances. The possibility of that happening here is even higher, given all the inadequacies of our judicial system. Where life has not been taken, it is still possible to make restitution no matter how long it takes to realise that justice has erroneously been miscarried if the victim is still around.  
  
What I am saying in essence is that the the previous law of a maximum penalty of 21 years imprisonment for the rape of an adult, and life imprisonment for that of a child, is adequate. The problem with the rape issue in Nigeria is not basically about the inadequacy of the law. There are issues of stigmatisation whereby rape victims are reluctant to come forward to report their ordeals. There are issues of the two months time frame for rape cases to be reported, after which they are statute-barred; there are issues of policemen who should show compassion but rather make jest of victims. There are issues of blood-stained clothes or pants to produce as evidence to prove forced penetration, etc.  
  
I hear it is not only in Nigeria that the police turn cases of rape reported in their stations to wall clock jokes by asking the victims whether they enjoyed the act while it was being perpetrated, or they merely endured it because that was the best they could do in the circumstance. In other words, were the victims groaning or moaning when the rapist was having his way? I hear it is the same way rape cases are handled by the police in other rape-endemic countries like India and South Africa, among others. For me, this should also be treated as a crime against policemen who crack such expensive jokes in the face of a grievous matter as rape. Policemen are also human beings, and, ipso facto, they should empathise with rape victims because they are also fathers or brothers, or whatever. How would they feel if their daughters or sisters are raped? Are they going to be asking the same stupid questions they are asking other rape victims if the victims are their own blood?  
  
All of these and probably more are the clogs in the wheel of securing justice for the rape victim. They will appear to be the reason why we are not making headway with rape, and their ilk breeding like rats.  
  
We need to continue to encourage rape victims to report. As a matter of fact, many people believe this is one reason why it seems we are having a harvest of such occurrences these days. They contend that it is the fact that more victims are now coming out openly to report their ordeals that gives the impression that the incidence of rape is on the rise. Our policemen need a complete reorientation on how to handle rape cases.  
  
As for me, no punishment is too harsh for people who think the only way they can assuage their thirst for sex is to pin down unwilling people, including babies or even the aged.  
  
So, I am not going to reject the Kaduna law simply because some people feel it is a product of what they consider cheap populism that is incompatible with the country’s constitution. Neither do I subscribe to the prediction that it will lead to fewer rapes being reported. I am not even bothered about why rapists would be castrated as a prelude to their being executed. I think only people who had suffered both the trauma and indignity of being raped are competent to make such comments. As the Hausa people would ask if someone is commenting on anything, say an illness; they will ask whether the person making the comment had suffered from the ailment before. His opinion will matter to them only if his answer is in the affirmative. Otherwise, he should keep his opinion to himself. It is easy for us to regard victims of some unfortunate incidents as mere statistics. Many of us change position when such a thing happens to us or to someone close to, or dear to us.  
  
Having said all of these, however, my fear on the new law is that castration, execution or whatever will still go the same way of the previous law if some or all of the issues I raised about being impediments to deterrence to rape cases are not addressed. I can understand Governor el-Rurai’s reason/s for what looks like a draconian answer to a festering sore. But, unless he is going to have a separate police, separate courts, etc. as part of the mix in the new law, specifically dedicated to rape cases of minors, he will soon discover that his new law will be nothing more than a paper tiger.  
  
Sex, as I have always argued, is a thing to be enjoyed by both parties. It was not designed by God to be endured. Even in its bastardisation, as in unmarried people are also engaging in it these days, there must still be honour. That honour is in both parties consenting to the act. And, for this to happen, both parties involved must be of age and sound mind regarding what they are about indulging in. Minors are not in a position to determine such consent.  
  
Nigeria’s rapists sans borders must be reined in. But how the Kaduna law eventually pans out, especially in a region with one of the highest rates of child marriage in the world, is yet to be seen.