Rape and the need for a stiffer penalty

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Recently, women across the world celebrated International Women’s Day. Part of the agenda for the celebration includes older women setting priority for the younger generations; the review of challenges facing women and charting a way forward. Women were encouraged to be involved in governance, fight for fairness, equality and full protection for women and the girl child. However, the main issue discussed at the celebration was child rape which is one of the most traumatizing forms of violence against children.  
  
Rape is sexual assault involving sexual intercourse or other forms of sexual penetration perpetrated against a person without their consent. The act may be carried out through physical force, coercion, abuse of authority or against a person who is incapable of valid consent, such as one who is unconscious, incapacitated, or below the legal age of consent.  
  
Though, there are different types, Drug-Facilitated Sexual Assault (DFSA), forcible and statutory rapes are the most common in Nigeria. DFSA is a sexual assault carried out after the victim has become incapacitated due to having consumed alcoholic beverages or other drugs. Statutory rape is an intercourse between an adult and a minor, adult can be found guilty of statutory rape even if the minor was willing partner. Forcible rape is an intercourse carried out against a person’s will by that of physical force a person could only be charged with rape if force was used to subdue the victim. The age of consent for sexual intercourse varies depending on state law but is not higher than 18years in any state.  
  
Perpetrators of rape show signs of dominance, power and hatred to humiliate victims. They get their own pleasure through rape since it is insecure to approach women openly so they force them. This brings psychological effects for life on the victims because it is horrible and pervasive to defile a woman forcefully. In some cases, drugs and alcohol are used to minimize the resistance and memory of the victims of sexual assault.  
  
Over the years, there has been high record of suicide cases which can be traced to long- term health impact and trauma from sexual abuse, resulting to depression, mental health problems, Stress and sleeping disorders. The victims of rape go through psychological trauma, if not controlled they become threat to the society by committing crimes. These victims lose self esteem and find it difficult to concentrate on their education thus becoming drop out. They get involved in prostitution, drug abuse, violence and other crimes especially kidnapping. While some are still suffering from the trauma of rape as a minor, teenager or adult but unfortunately our society seems to be passive in taking proper measures for rehabilitation of victims.  
  
Today, the rape epidemic in our society reflects the extent to which women’s human rights are threatened. Our laws and collective attitude toward rape call to question not only our sense of justice but our civilization. Like a scourge, the regular cases of reported rape in the country’s media and confirmed statistics from some states are threatening to smother the essence of the society. Nobody, not even infants, is safe from the evil rampage of these randy felons on the prowl preying on their victims with relish.  
  
Being a cosmopolitan city, Lagos has its own fair share of rape incidences but the State Government through the Ministries of Women Affairs and Poverty Alleviation (WAPA), Youth and Social Development Domestic, Sexual Violence Response Team (DSVRT), Office of Public Defender (OPD) and the Directorate of Public Prosecutions (DPP) among others, have ensured that victims of rape were rescued, counseled and provided new shelter in a safer environment.  
  
According to records, the DSVRT has handled a total of 192 cases comprising 89 domestic violence cases, 62 defilement cases, 18 rape cases, six attempted rape, 10 child neglect and seven child abuse cases while Ninety-two (92) cases are presently being heard in court. It is also on record that 4,035 cases of sexual and child abuse was recorded in the last one year.  
  
However, the stance of the law towards rape has not really helped in any way. Women and girls who are raped in Nigeria have little hope of obtaining justice and reparation. Prosecutions for rape are brought in only a small number of cases. Victims are sometimes pressured into withdrawing the case or parents of victims prefer financial settlement out of court to a criminal prosecution. Where cases are brought to court, prosecution sometimes fails because police refer cases to a court lacking appropriate jurisdiction and progress is then obstructed by the slow administration of the judicial system. In some cases, the alleged perpetrator is charged with a different and less serious criminal offence.  
  
Perpetrators of rape have continued to enjoy the crime because the onus of proof lies only with the victims. The victim is the one that must provide the bed sheet used to rape her. She must provide her underwear and not clean herself before going to the police station and the hospital even when it is sure that there would be delays in getting and presenting the report of medical tests because of nature of our health facilities. She must not urinate, drinks liquid or takes any other bodily action as these could threaten her evidence.  
  
Digging into the provisions of the Law on rape and sexual abuses, it is clear that a lot still has to be done if we must achieve a rape/sexual abuse-free society. A bothersome issue is the idea of giving culprit option of paying fine of such amount as ridiculous as N250, 000 which can be easily afforded by the culprit and his family. Of what use is the fine compared to damage caused the rape victims?  
  
It is, therefore, essential that all stakeholders put up a common front to ensure that necessary things are done to rework the laws of the land so that rapists could face stiffer penalty. Everything must be done to ensure that rape isn’t treated with levity. Rape is a crime against humanity, it must be discouraged now!