The tragedy of rape

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SOME weeks ago, I went to meet and speak to a brave 2-year-old girl in Abuja. As I walked into the building, where she was standing with her parents, she became startled at the sight of what she must have identified to be a stranger and quickly grabbed her mother’s wrapper to hide behind. I took out a bag of sweets from my bag and upon reaching the mother, bent down and offered them to the frightened little girl. With my hands full of sweets outstretched, the little girl failed to recognize my gesture as an act of goodwill. After some encouragement from her mother and after my numerous failed impressions of Disney characters, the little girl eventually came out from hiding behind her mother’s wrapper and accepted one of the sweets from my hand. After some time, and after some more impressions by me, she slowly relaxed and finally looked at me. As she raised her head to look at me, I saw that she had the most beautiful big brown eyes. Just as quickly as I smiled at her, my smile became a frown; because within those beautiful eyes, I saw sadness; I saw pain; I saw agony. Within her eyes I saw a girl that had been through torture; because standing before me was a two-year-old little girl who had just been brutally raped by a police corporal, a man whose duty it was to protect her. While, in this particular case, legislators in both houses of the National Assembly, have taken an interest in making sure that this abused little two year old girl gets justice, the reality is that the crime of rape in Nigeria, especially of minors, is on the increase at an alarming rate. As so many disquieting issues in our social and political life dominate the front burner and the covers of our national dailies – the various corruption scandals, crude oil theft, religious and sectarian violence, kidnappings, elections saga, etc – most people tend to forget or ignore this horrendous issue that has and is still ruining many lives and devastating many families. Rape cases have been on a steady increase in contemporary Nigeria and the rising incidents of rape have become very alarming and worrying. All over the country, there is a new kind of unheralded harvest of rapes and rapists. The prevalent upsurge of rape and sexual abuse in Nigeria is unfathomable, especially now that children are not exempted. There has however, been various subtle media and dailies reports on rape cases with headlines such as, “4 men gang-rape 15-yearold to a coma, 14-year-old boy rapes girl to death, 20-year-old boy brutally rapes a nineyear- old girl, a 27-year-old man rapes mother, 15-year-old boy rapes three kids; including 10-month-old baby”. Then there is the infamous rape and murder of Cynthia Osokogwu by “friends” she met on Facebook that happened in 2012. The list is sadly endless. Rape is one of the most awful and brutal gender-based forms of violence, ‘predominantly’ carried out against women and the girl-child, in Nigeria. And while cases of rape are mostly talked about with shock, scorn and disgust, it mostly ends there. As one blogger succinctly states; “Perhaps, it may be worth protesting against when it happens to a daughter, niece, sister or relative of a prominent figure.” Hence, this salient question needs to be asked; why is rape on the increase in Nigeria and what is being done to curb this social anomaly? Contextually, rape is a type of sexual assault usually involving sexual intercourse, which is initiated by one or more persons against another person without that person’s consent. The act may be carried out by 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. People who have been raped can be severely traumatized and may suffer from post-traumatic stress disorder. In addition to psychological harm resulting from the act, rape may cause physical injury, or have additional effects on the victim, such as acquiring of a sexually transmitted disease (STD) or becoming pregnant. Furthermore, following a rape, a victim may face violence or threats from the rapist and, in some cultures, from the victims own family and relatives. The main reason rape cases are hardly reported to the appropriate authorities in Nigeria is because the victims fear being ostracized and most victims of rape have lost faith in the judiciary’s securing justice for them. Rapists walk the streets free while their victims remain traumatized for life. Since very little is done about the spate of rape in our society, this inaction inadvertently allows for other rapes by would be or already established rapist. In Nigeria, a rapist could get a life sentence according to the law, but more often than not, high profile offenders walk the streets free. There is no doubt that the institutions that are meant to protect women from rape have failed in their duty. Particularly, a major way the Nigerian government is failing in achieving a rape free nation or curbing this terrible abnormality, which involuntarily allows for further indulgence of this menace, is in the several federal, state, sharia, and customary laws definition given to rape, which makes it rather ambiguous. One would have hoped that the definition of rape should have an allinclusive and nationwide accepted definition, effectively purging any form of intricacy, vagueness and misconception. There is no doubt that the institutions that are meant to protect women from rape have failed in their duty. Particularly, a major way the Nigerian government is failing curbing this terrible abnormality is in the several federal, state, Sharia, and customary law definitions given to rape, which makes it rather ambiguous. Section 292-285 of the Penal Code pertinent to the northern states focuses on the prosecution of cases dealing with “Rape and unnatural and indecent offences against the person.” Section 282 specifically defines rape as “A man is said to commit rape who, save in the case referred to in subsection (2) has sexual intercourse with a woman in any of the following circumstances: (a) against her will; (b) without her consent; (c) with her consent, when her consent has been obtained by putting her in fear of death or of hurt; (d) with her consent when the man knows that he is not her husband and that her consent is given because she believes that she is another man to whom she is or believes herself to be lawfully married; (e) with or without her consent, when she is under fourteen years of age or of unsound mind.” The Penal Code goes further to state, “Sexual Intercourse by a man with his wife is not rape if she has attained puberty.” The Criminal Code Act, which deals with criminal matters in all the Southern states in Nigeria, does not specifically mention the word ‘rape’. Chapter 21, Section 214 to 231 of the Act deal with offences such as unnatural offences, indecent treatment of boys under fourteen, defilement of girls under thirteen, defilement of girls under sixteen and above thirteen and of Householder permitting defilement of young girls on his premises, causing or encouraging the seduction or prostitution of a girl under sixteen, allowing persons under sixteen to be in brothels etc. From the above, it can be observed that the Penal Code and the Criminal Code are proportionately dissimilar. The former appears to be more specific in its definition and the component needed to be proved to sustain a charge of rape, while the latter appears to be more intricate in its definitions and posturing on sexually related offences, but it’s not specific on the issue of rape. Essentially, with the worrisome spate of rape cases and the somewhat bleak situation as a result of this scourge, combating this social ill has become a necessity. For the beautiful two-year-old little girl that I met, a horrendous crime has been committed against her. And as I, some of the legislatures and some other interest group work to ensure this little girl gets justice, as a society, we must mount constant pressure on the Nigerian government to revise and reamend the existing anti-rape laws and its penalties. For, as long as proper justice is not given to the victims of rape, together with all the other tragedies that define our nation, in addition, we will also eventually be defined by the tragedy of rape