Lacuna in Nigerian Law: An escape route for rapists

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Lacuna in Nigerian Law: An escape route for rapists  
  
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Rape and sexual assault are serious crimes against the dignity and sexual rights of an individual. Everyone has the right and freewill to make informed decisions about their sexual conduct and also to respect these same rights and dignity of others.  
  
Historically, women have always been subjugated and oppressed by men in most cultures in Nigeria. This situation is due to the inequality in gender relations between men and women  
  
Rape has always been with mankind. However, in recent times, the incidence of rape has increased in Nigeria. The hegemonic patriarchal values and practices make it difficult for women who are raped to obtain justice.  
  
Perpetrators often go unpunished even if the victims have the courage to report the incident. The court acquits most of the rape offenders on account of the lack of evidence or because the victim has a ‘questionable’ character.  
  
Owing to this, rape victims suffer in silence due to the stigma and humiliation attached to the public acknowledgement of rape.  
  
The reason the menace of rape has not been effectively curtailed over the years is not the absence of relevant laws to bring culprits to book but the weakness in implementation and enforcement.  
  
The punishment prescribed in our laws is life imprisonment for rapists. This punishment is enough, but the problem lies in the implementation.  
  
Since I was born till now, I don’t think I have seen anyone going to jail for life for rape.  
  
The most we have had is the recently enacted VAPP where rapists have been sentenced to several years. Nigeria has at least five different codes regulating rape,yet it persists.  
  
Sadly,our laws are full of loopholes which make it difficult for any victim of rape to get justice. Unless the law-drafters are ready to reform and amend our laws, the rape cases may persist.  
  
Amongst the lacunas that make it difficult for rape’s victim to get justice, and free rapists from conviction is the technicality of “corroboration.”  
  
It is settled in our laws that a rape victim’s testimony is not enough to convict a rapist, unless it is corroborated by another evidence which is either through eye witness or medical test which is hard to get, because no rapist will commit such ungodly act where people will see them.  
  
Then, Sexual Assault Evidence Collection Kit is not readily available in our hospitals which makes it difficult to check the ruptured hymen of a victim.  
  
The proof of penetration is also another lacuna hindering the conviction of rapists. Under our extant law, the only recognised rape is rape per vagina.  
  
That is, a person could be guilty of rape only when he penetrates the victim’s vagina with his manhood. If he uses other objects, he will not be guilty of rape but assault.  
  
Our laws need reformation in order to curb this unholy act. Because the advancement of rape has gone beyond per vagina only.  
  
The only present law that caters for this is the recent VAPP, and all the states ought to have domesticated it.  
  
The major ingredient of rape is lack of consent. Where there is no consent there is rape, and when there is consent, there is no rape.  
  
To prove the lack or presence of consent is a major problem that impede justice. Even our law fails totally to device a static measure to determine the presence or lack of consent, this is a very tricky subject in the offence of rape.  
  
Moreover, the law has made a distinction between rape and defilement. Though this is good, yet the sections 218 and 221 of the Criminal Code have made it a lesser crime to rape.  
  
For instance, in the offence of defilement, corroboration is a must, prosecution must commence within two months after the offence is committed.  
  
These two conditions have posed a serious problem to convict defilers. That is why myriad rape cases of children, like a 3, 6, 10 and 12 are rampant but justice seems a pipedream.  
  
It is time for our law drafters to block these escape routes via reformation and amendment of laws for justice to prevail.