‘Why convicted rapists don’t get life sentence’

Date: 2017-02-13

Source: https://thenationonlineng.net/convicted-rapists-dont-get-life-sentence/

‘Why convicted rapists don’t get life sentence’  
  
Mrs Titilola Vivour-Adeniyi, a lawyer in the Lagos State Ministry of Justice, is Co-ordinator of the Domestic and Sexual Violence Response Team (DSVRT), which is campaigning against sexual violence and getting justice for victims. In this interview with ADEBISI ONANUGA, she speaks on the team’s activities, why convicted rapists did not get life jail and sundry issues  
  
Why Domestic and Sexual Violence Response Team (DSVRT)?  
  
The team was established to enhance victims’ safety and offenders’ responsibility by providing a cross-jurisdictional response in the manner this kind of cases – domestic violence, rape, child abuse, maltreatment and neglect – are handled. We felt that it was important for most of the response agencies to have representatives and work as a team, respond as a team, to reduce duplication of efforts and leveraging resources, and speaking in one voice in addressing issues. Working together may not solve everything but if you are working at cross purposes, you are due for failure.  
  
Which organisations are in the team that made it strong legally?  
  
We have the Ministry of Justice, Office of the Public Defender (OPD), Directorate of Citizens Right (DCR), Directorate of Public Prosecution (DPP) under Ministry of Justice, Ministry of Women Affairs and Poverty Alleviation (MWAPA), Ministry of Youths and Social Development, Ministry of Education, Ministry of Health. We also have non-governmnental organisations (NGOs). We have Partnership for Justice, which manages the Mirabel Centre at the Lagos State University Teaching Hospital (LASUTH), Ikeja, State Accountability for Voice Initiative, Lagos State Gender Advocacy Team, Women’s Right and Health Project, Gender and Development Action. We also have the media on the team, especially Punch and Channels Television. But obviously we partner with other media houses, such as The Nation, The Guardian, Vanguard, and LTV.  
  
So, how has the journey been?  
  
We are going to be three in September and it’s been good, so far. We would say that we have been increasing awareness and the benefit of that is that we are getting more people speaking out. Which means a lot of people have been dying in silence, they didn’t know where to go to, they didn’t know who to talk to, they didn’t even know of the different services available. So, we are building that awareness and we are using advocacy to speak to people about their rights and inform them that these things are not normal. If a man is beating you, its not okay. If you see a neighbor beating a child to the extent that the child is bleeding, its not okay. If you see men gang-raping or who have gang-raped a particular girl, it is not okay. People are now more aware that these are vices and are criminal in nature.  
  
So, what have been the challenges?  
  
One of the challenges we are having has been resistance from the society. The society’s role is actually to protect and encourage people to seek justice but, sometimes, we see a situation where the society is trying to blame the victim and try to shield the perpetrator. That has to change.  
  
To what extent has culture affected your activities?  
  
Culture must give way to the law and that is why, when we engage traditional rulers and clerics, we inform them that as first responders, we may never get to hear some of the cases they handled. But what is important is that traditional rulers, religious clerics cannot handled criminal matters. Domestic violence and Rape are criminal allegations. Child abuse is also a criminal allegation. The same way that a pastor or traditional ruler should not handle murder, armed robbery, is the same way they should not handle cases that are related to sexual and gender- based violence because of the conception they have that these are petty offences. It is sad that people still equate rape to stealing or petty stealing, things that they feel he (perpetrator) would change, or just give him a slap on the wrist, forgetting that in Lagos State, rape, child defilement carries life imprisonment and you have people that were supposed to be respected, people in high places, covering up these alleges.  
  
Don’t you feel frustrated that we are yet to see the courts imposing the maximum sentence of life imprisonment on convicted rapists as provided in the law on rape and related offences?  
  
For us in Lagos State, Section 258 of the law that provides life imprisonment for rape. But it may not be life imprisonment but it could up to it. What that basically means is that a judge can sentence up to life. A judge does not have to sentence for life. You must also not forget that it also depends on the circumstances of the case. It also depends on the evidence before the judge. The letters of the law comes alive when there is enough evidence to prosecute. We’ve had some cases where the child alleges to have been defiled or a girl alleges rape but the evidences does not disclose that there was defilement or there was penetration. May be evidence deduced or disclosed that there was a sexual assault. There is no judge that can give life imprisonment if there is no ingredient for the offence. That is an example as to why I am saying this. We are yet to see a judgment of life imprisonment. Who knows, it may happen some day.  
  
So, how many cases have been reported to your team so far?  
  
Last year alone, we had over 450 cases in the office of the team. Those are cases of domestic violence, rape and sexual assault. Don’t forget that other agencies on the team and outside it are also handling these issues. The cases we handled require multi-disciplinary approach. So, if it is a case of domestic violence that we are handling, probably we have to facilitate the empowerment of the woman, if we need to arrest the man, ensure that the matter goes to court. Sometimes, if they have children, the child would need to go to school, you need to provide psycho-socio support. That is what I meant by multi-disciplinary by approach. They are like high risk cases that we handled in DSVRT.  
  
How many convictions have you secured out of the many cases you took to court?  
  
Last year, we got three convictions. Two on child abuse and one on defilement, a sentence of 14 years. That of the child abuse was for four years for each offence. Apart from the cases that we handled, from actual and physical clients that come in, we also monitor cases at the high court that the DPP is prosecuting made up of rape, defilement and sexual assault. Aside from our over 400 cases, we have over 300 that we are monitoring at the high courts and the magistrate courts.  
  
What would make a man to defile a small girl of less than two years like the case at Ori Okuta, Agric Area of Ikorodu?  
  
Because of issues like this , we conducted a study in prison facilities in Lagos and engaged these perpetrators. We partnered the Nigerian Prisons and we were able to engage over 140 inmates consisting of those serving at that time and those awaiting trials for sexual offences and related cases. Remarkably, what we found out was that 80.9 per cent of those inmates said they were abused as children. So, they became sexually active as children and they started abusing. So, this disclosed an abusing trend in their life. They were abused and they have started abusing others. Obviously, there is a psychological aspect. They feel attracted to children, they had unhealthy relationships. Some said they didn’t have healthy relationships with their mates, so they found solace in children. Of course, we mustn’t forget that these days, familiarity brings contempt. You hear of cases where a mother or a father drops off a child with a neighbour, thinking that your neighbour has your best interest at heart. In the process, the neighbour grooms that child, gets so comfortable with the child and has his way with the child. So, we have these kinds of situation where they take advantage of children who ordinarily should be under the care of their parents. The major issue now is the culture of impunity. People are doing this thing and they think they would get away with it, even when the mother or father in the case of defilement matter is courageous enough to report. As I said, the society, the stigma, the way they turn it around as if it is a child play! You hear things like a child cannot sit in one place! Why should she go to that man’s place! She is the one that seduced the man! A two year old or five year old seducing a man of 40 years of age or more! So, the role of the society is very important.  
  
The police are members of your team. Yet, when victims get to police stations, they are asked questions that embarrass them like “did you seduce him, what kind of dress did you wear to his house …”  
  
I am not holding brief for the police but the perception has changed. I see a change in the Police in Lagos State. Currently, we have 11 Family Support Units (FSUs) of trained and dedicated officers who attend to these issues at Isokoko, Adeniji Adele, Ilupeju, Mushin, Ajah, Badagry, Ikorodu, Ketu, Alakuko and at Lagos State Police Command, they have a Gender Desk. At these stations, you have FSU officers that have training on how to treat these cases with empathy and professionalism that it deserves. Whether we like it or not, we would still need to use the police. It is the Police that would investigate. If we continue to castigate or antagonise the Police, it doesn’t solve the matter. What would be the best is that if you have a problem with a particular police station, report that station. They can escalate to the Area Commander or report to us. These FSUs have the power to request for a transfer of the file if we are not satisfied with the way a station is handling the matter.  
  
In the event of rape, what should the victim do first?  
  
The first thing after the assault is for the victim to present herself within 72 hours at a health facility. For us in Lagos State, we have the Primary Health Centres (PHCs) at the community level. They were recently equipped with rape kits. We have 57 PHCs flagships that have rape kits and the doctors and health practitioners have been trained on how to medically examine a survival. In the rape kits, there is enough materials to assist in preservation of evidence. They are not just going to hospitals to preserve evidence but also to ensure that they are treated. If the survival of sexual assault presents herself or himself within 72 hours, that is the golden hour period. They would see what we call post-exposure prophylaxes, which reduce the chances of them contracting STIs, STDs and all that. A survivor presenting herslf within 72 hours is very important to us. The suspect can be gotten if the Police has enough information to work on. But the survivor needs to receive medical attention and assistance. Of course, there are other steps.The survivor needs to talk to relevant people. They need to receive psychosocial support. They need to know that it is not their fault, that they are not to blame. But the most important thing for us is to ensure that that person is arrested and ensure that prosecution takes place because that is one way of getting the power back to the survival. Most importantly, as a survivor of sexual assault, when I said you must present yourself within 72 hours as you are, you mustn’t take your bath because when you take a bath, you are washing away the evidence. Things like soiled panties and clothes, they can be taken and kept securely as evidence with the hope that they would be able to conduct forensic on the materials.  
  
In the event of attack, what do you think a girl can do to protect herself?  
  
There is no hard and fast route. There are different schools of thought. Some people feel you can act like you fainted or passed out. Some people say if you can excrete, that in the process of excretion, that may disgust the man, some said you should fight back. But don’t forget, that fighting back can even be a turn-on for some men. It would instigate them and spur them to want to commit the act. Some would say you should just submit. So, there is no hard or fast route to it. It depends on the peculiarity of the situation.  
  
While investigating or prosecuting sexual assaults, how do you feel when the victim says she is no longer interested?  
  
That is why DSVRT was established to ensure early engagement with the survivor. At the point a survivor comes forward to report, she has no idea of the process. It takes a minimum of six months to one year before a case of rape or defilement gets to the high court. So, literarily, the survivor’s life is on hold. One thing again is for the case to be assigned to the high court, another thing is for the case to be listed, it is another thing for trial to commence in earnest, it is another thing for the defendant to still be available. So, there are a lot of uncertainties. But if you are able to speak to the survivor in time, and manage expectations, so that the survivor doesn’t go on thinking that tomorrow, this man is going to be jailed. It doesn’t work that way. Justice would be gotten, but the process is slow.  
  
Have you ever had cases of domestic violence involving women beating their husbands?  
  
Yes, we have cases of male survivors, but not often. Last year, we had 13.  
  
How did you manage it?  
  
They are actually very straight forward. The female perpetrators actually did not dispute it that they were violent because the way we handled them. Most male clients do not want the relationship to come to an end. So, at that point our work is to assist the couple. This is where psychosocial support comes in again, with behavioural therapy, forgiveness, how do we move on? If I want to express my anger, can’t I do it without beating; can’t I do it without shouting? This is so key. We must appreciate the value of psychosocial therapy. That is how we were able to address those cases.