



SEXUAL VIOLENCE; THE NEW PANDEMIC

¹Gbemisola D. Aladegbaiye, ²Faith O. Solomon

¹Faculty of Law, Adekunle Ajasin University.

gbemisolaaladegbaiye@gmail.com

²Nigeria Police Academy.

solomonfaith53@gmail.com

ABSTRACT

Sexual violence remains a vice which requires special attention. Whether in a developed, developing or under - developed country, the reality of this unpleasant act cannot be trivialized. It's an act which has probably existed as long as man, but was exacerbated by the lock down measures adopted during the COVID19 pandemic. Unfortunately, like the pandemic, it has grown to be an undeniable threat to the safety of the public; and one of the most dominant offences in the society, not sparing any country on earth. This places huge responsibility on governments, societies, religious organizations and civil societies to lend their voices to fight against this vice. This ugly act persists in Nigeria, and it threatens the safety of the vulnerable. This work examines sexual violence's reach in Nigeria; its effect on the society; the legal cover for victims; and also gives helpful suggestions.

Key words: *Sexual violence, its effects, legal framework, suggestions.*

INTRODUCTION

One out of three women are likely to encounter sexual violence from a close partner in countries across the globe.¹ This preceding statement offered by the World Health Organization was the reality before the COVID-19 pandemic reared its head. Occurrences of this nature, however, have increased, the lock down measures acting as it's propeller.

This everyday evil, elaborate in its scope, encompasses a number of sexual acts which all come under the umbrella of *unconsented or unwanted sexual activities*. That is, sexual activities that weren't agreed to, but got obtained by force or violence. These horrifying acts include, but are not limited to the infamous rape, abuse, assault, harassment and exploitation, which are sexual in nature.

While violence of a sexual nature is most prevalent against females, it affects both genders. Thus, any approach made to curb this issue should not be focused on females alone; a comprehensive approach should be implemented to quench this violence completely.

THE NIGERIAN CONTEXT TO SEXUAL VIOLENCE

The term "*sexual violence*" as shown in a WHO article refers to "*any sexual act, attempt to obtain a sexual act, unwanted sexual*

¹ WHO, Sexual violence < <https://www.who.int/news/item/09-03-2021-devastatingly-pervasive-1-in-3-women-globally-experience-violence> > accessed 13th September 2021

comments or advances, acts to traffic or otherwise, directed against a person's sexuality, using coercion by any person, regardless of their relationship with the victim in any setting, including but not limited to home and work."² Also, the Violence Against Persons (Prohibitions) Act, 2015 defines and criminalizes various forms of sexual violence.

A distinctive feature of this crime is that becoming a victim is not due to any prescribed reason, thereby making attempt of prevention and protection of likely victims difficult. The skin color, race, status in life, class, or relationship with the perpetrator is irrelevant and holds no water in regards to the set of people that can fall victim, as there are cases of violent sexual acts against; strangers, partners, elites and family members. Instead, research has shown that it depends on the psychology of the perpetrator.

Nigeria also struggles with sexual violence, and one common way this occurs is through intimate partner violence (IPV). Globally, one out of three women of reproductive age have had this ghoulish experience.³

Another common form of sexual violence in Nigeria is rape. Unfortunately, the society tend to blame the victim. They are

² ibid

³ Fawole, O.I., Okedare, O.O. Reed, E, Home was not a safe haven: women's experiences of intimate partner violence during the COVID-19 lockdown in Nigeria. BMC Women's Health 21, 32 (2021) <<https://doi.org/10.1186/s12905-021-01177-9>> accessed 14 September 2021.

sometimes stigmatized, accused of being the cause of their misfortune, because of how they had dressed. In addition, child marriage is also a factor to consider in this regard because sexual intercourse with a child is sexual violence, yet some cultures permit it. Female genital mutilation is also a form of sexual violence which occurs in some societies. It is important to point out that, the act of sexual violence is actually an attempt to subjugate the victim, even though sexual satisfaction may be derived by the predator.

EFFECTS OF SEXUAL VIOLENCE ON THE SOCIETY

Sexual violence across the globe is a dreaded issue, this is because of the effects it leaves on its victims. Persons who have experienced sexual violence often have difficulty with delivering their best at work, they tend to distrust the opposite sex, and sometimes find it hard to cope with academics. In situations where the victim is underage, there is sexual orientation that is not age-appropriate. In addition, there are health implications to this act, some include; post-traumatic stress disorder(s), sexually transmitted disease(s), gynaecological trauma and unwanted pregnancy. In cases where the issue of pregnancy surfaces, a decision to abort may lead to complications.

The impact of sexual violence on the society cannot be overlooked. In certain societies, it is believed that a man can

maltreat a woman at no cost, this kind of thinking can promote sexual violence as seen in many intimate partner violence (IPV) cases. If sexual violence is allowed to linger, no doubt; wives, children, the vulnerable and retarded individuals will remain exposed to danger. Also, the victim, in maintaining the cycle of hurt, might also become a sexual predator. This is not only dangerous to the victim but the society at large.

CURRENT LEGAL FRAMEWORK AGAINST SEXUAL VIOLENCE

Several statutes on sexual offences have been enacted to kick against sexual violence. Some of these statutes include the Violence Against Persons (Prohibitions) Act, 2015, a recent enactment that is specific to this issue, the twin statutes; the Criminal Code and the Penal Code for both southern and northern Nigeria respectively, which make provisions on sexual offences and their punishments; however, the punishments they mete out differ.

There is the Cyber Crime Act, 2015 which protects children from paedophiles who watch child pornography; and also, the Childs Right Act, 2003. It shields those below 18 years from being forced to have sex. There are also other criminal laws of various states across the country. Using the Criminal Law of

Lagos State (CLL) as a case study, below is the overview of the standpoint of the law on various acts of sexual violence:

- ***Rape***: An offender is liable to imprisonment for life.⁴
- ***Sexual assault by penetration***: This is punishable by imprisonment for life.⁵
- ***Attempted rape or sexual assaults by penetration***: Its perpetrator is liable to imprisonment for fourteen (14) years on conviction.⁶
- ***Sexual assault (touching without consent)***: Such person is liable to imprisonment for three (3) years.⁷
- ***Sexual harassment***: Such person is liable to three (3) years of imprisonment.⁸
- ***Causing a person to engage in sexual activities without that other person's consent***: This is punishable by five (5) years of imprisonment. It is, however, important to note that where the sexual activity caused involves sexual penetration, the offender is liable to life imprisonment.⁹
- ***Abduction***: This is punishable by seven (7) years of imprisonment.¹⁰

⁴ Section 258 of the Criminal Law of Lagos State (CLL).

⁵ Sec. 259 of the CLL.

⁶ Sec. 260 of the CLL.

⁷ Sec. 261 of the CLL.

⁸ Sec. 262 of the CLL.

⁹ Sec. 263 of the CLL.

¹⁰ Sec. 266 of the CLL.

- *Abduction of a girl under the age of eighteen (18) years from the custody or protection of her parent(s) or guardian without the consent of the girl:* Such person is liable to ten (10) years of imprisonment. One must be cognizant of the fact that ignorance of the age of the girl or that consent was given is insubstantial and would not be considered as a defense.¹¹

On a larger scope, the constitution¹² protects the right to dignity of Nigerians, and purports to preserve citizens from unfair treatment. Provisions of other statutes also protect citizens from sexual violence.

However, our laws are lagging in their failure to hold the possibility of rape in marriage, this is because it is believed that both parties inherently agree to sex upon getting married¹³. Nevertheless, it is held to be a crime in some countries.

SUGGESTIONS

While there might be no permanent end to this pandemic, steps can be taken to limit its occurrence and effects in the society. Some of the steps that can be taken involve:

¹¹ Sec. 267 of the CLL.

¹² Sec 34 CFRN, 1999 (as amended)

¹³ THE HOPE, Is marital 'rape' punishable under the Nigerian law? (4 Aug 2019) <<https://www.thehopenewspaper.com/is-marital-rape-punishable-under-the-nigerian-law/>> accessed 15 September 2021

- Putting in place systems of educating members of the society that certain traditional practices against a person are unacceptable.
- Continuous appeal to victims to report any violation as soon as it occurs, and subsequently, accurate and adequate measures should be put in place to support the victims who are bold enough to report as this will encourage others.
- Taking victims to hospitals as early as possible for medical examinations, in order to help prevent some health complications. Therapy sessions can also be helpful.
- The laws that define, and provide sanctions for these offences should be strengthened. Expansion is also advisable, as some of these laws have restricted those that can fall victim of this violence to the female gender, which is not the reality. The VAPPA of 2015 may be used as guide for the expansion. Tabs should also be kept on sex convicts to keep them in check, and also prevent subsequent incidents.
- The 22-year-old UNIBEN student who was gang raped and murdered sparked the #justiceforuwa trend, showing the public's displeasure for the act. Hence, there

should be a continuous outcry against sexual violence on every media outlet available in Nigeria.

- Implementation of the available laws on the subject matter is key.

CONCLUSION

Sexual violence has not been accorded enough concern, considering how much nations of the world – especially Nigeria – have grappled with it. Furthermore, while available research shows it affects women more, every gender is affected. Hence, it is crucial that prompt efforts be made to address this matter so that change can begin without delay.