

The Epidemic of Rape and Sexual Violence against Women and Children in Nigeria: Implication of Covid-19 Lockdown

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Abstract

Since the outbreak of Covid-19 pandemic, there has been drastic increment of cases of rape in Nigeria which has resulted in public outcry and condemnation. The worrisome trend in the reported cases, is the murder of most victims especially females. The effects of rape, are multifaceted and its affects both the victim and the society at large. It renders the victim emotionally and psychologically traumatized. This paper adopts desk-based research to examine the quagmire of increment of rape cases in Nigeria in the wake of Covid-19 pandemic by highlighting the consequences of rape, the legal framework on rape in Nigeria. It also discusses various forms of sexual violence and the challenges in investigating and prosecuting rape cases in Nigeria. The paper examines the criminal justice system and the adjudication of rape cases in Nigeria. The paper found that the legal framework on rape is inadequate and obsolete as at present, with the exception of the Federal Capital Territory, Abuja. The administration of justice system has lacunas that put a rape victim at a disadvantage. The attitude of investigating personnel especially the police, is an albatross to the successful investigation and prosecution of rape cases in Nigeria. The paper therefore makes vital recommendations on how to curb the rape epidemic in Nigeria post covid-19 by create an enabling environment for redress of rape cases. it concludes that rape is a violation of right to dignity and should be discouraged by all stakeholders in the society.

Keywords: Rape, Sexual Violence, Women, Children, Covid-19, Child's Right Act, Criminal Justice

1.1 Introduction

The vices of rape and other forms of sexual assault are not new in our society, they have been perpetrated in various degrees and have been constantly frowned upon by society. However, the current trend and the various forms of which the vice is being perpetrated calls for an urgent review of the existing laws and the justice system concerning sexual offenses. In the previous years, the victims of rape were vulnerable to being accused and blamed for their assault.¹

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However, with the growing awareness of rights, this trend is gradually on the decline. The current definition and conceptions about rape are described to include penetration, irrespective of the form it takes, that is whether it is genital, oral, or anal. These penetrations must have been done by the perpetrator or using his body or object forcefully and without the consent of the victim.² The scope of this definition has been widened compared with the classical definition of rape which was defined as unlawful sexual intercourse committed by a man with a woman, not his wife through force and against her will.³ Therefore, between January and May of the year 2020, the Nigerian Police claimed to have recorded about 717 rape cases.⁴ Given this upsurge in rape cases and other sexual abuses, it will be appropriate to regard it as an epidemic that requires immediate attention from the appropriate authorities. The fact that the escalation of rape cases has been recorded under the COVID-19 lockdown in some States is obvious and un-debatable. In recent weeks within the period of the lockdown there have been grievous murders associated with rape and sexual violence. This has led to a series of protests by Civil Society Organisations on the streets and online, calling on appropriate authorities to curb this vice. Some Governors across the various states in Nigeria have pledged and declared war against perpetrators of this crime. There have been calls for the strengthening of existing laws to reflect the seriousness of this crime. Ekiti State, through its Ministry of Justice for example, has opened a sex offender register to identify and shame perpetrators to serve as deterrence for future offenders.⁵ The aim of imposing the lockdown is to curb the spread of the Covid-19 virus, how long the lockdown will persist cannot be ascertained particularly since children are presently at home. The implication of this is that the children and women remain trapped at home with those who had abused them or could abuse them. Poverty has also been identified as a mitigating factor contributing to underreporting and not having the zeal prosecute of rape cases. This article identifies the scourge of rape and sexual violence against

¹Gravelin, C.R ,Bierna, M and , Bucher, C.E., 2019, 'Blaming the Victim of Acquaintance Rape: Individual, Situational, and Sociological Factors,' 9 *Frontiers in Psychology*, pp1-22, also available at <https://www.semanticscholar.com>blamin> DOI:10.3389/fpsyg.2018.02422 (accessed 19 June 2020).

²Brownmiller, S., 1975., *Against Our Will: Men, Women and Rape*, New York, NY: Simon & Schuster; Koss,M.P Gidycz, C,A and Wisniewski, N., 1987 'The Scope of Rape: Incidence and Prevalence of Sexual Aggression and Victimization in a National Sample of Higher Education Students', 55 *Journal of Consulting and Clinical Psychology* pp.:162-70, Doi:10.1037//0022-006X.55.2.162; Koss, M.Pand. Harvey M.R., 1991 (ed.), *The Rape Victim: Clinical and Community Interventions*, (ed.) Thousand Oaks, CA: Sage Publications, ; Hayes, R. M, Lorenz ,K and Bell, K.A., 2013 'Victim blaming others: Rape Myth acceptance and the Just World Belief', 8 *Feminist Criminology* pp202-20, DOI: 10.117/1557085113484788.

³Garner, B.A., 2004 (ed.) *Black's Law Dictionary*, Thompson West p.1288.

⁴ Nigeria records 717 rape cases in five months. See the report of M. Adamu, Inspector General of Police, in The Premium Times, 15th June, (2020) available at <https://allafrica.com/stories/202006150851.html#goc>(accessed 19 June 2020)

⁵Ekiti Opens Sexual Offenders Register, www.sunnewsonline.com.ekiti-p(accessed 2 February, 2021)

these vulnerable categories of people and urges the relevant authorities to identify it as an epidemic that must be eradicated urgently.

This paper is divided into seven parts, the first being the introduction. The second part the conceptual clarification of rape and sexual offenses. The third part examines the prevalence of rape and other forms of sexual violence. The fourth part examines the possible causes of rape and an examination of the Legal framework on sexual offences in Nigeria. The fifth part examines the Legal framework on Rape and Sexual Violence in Nigeria while the sixth and seventh part examines the way forward amidst the sudden rise of sexual violence during the Covid-19 lock-down and the conclusion.

1.2 Conceptual Clarifications of Key Terms

It is appropriate to understand the definitions of rape and sexual offenses. This is important because it provides fundamental information about the basic concepts on which this paper is based. Another aim of this exercise is to discover the origin, meaning and application of both concepts in comparison with contemporary usage with the sole aim of determining whether the terms are used appropriately following its etymological background to identify the modifications and additions if any, and the extent of these modifications or additions.

1.2.1 Rape

The etymological definition of rape can be traced to the Latin verb “*rapere*” (*supine stem raptum*) which means; to grab, to carry off. After the 14th century, the term rape has been broadened to include; to seize and take away by force. ⁶Under Roman law, where a female is forcefully carried off, whether with her consent or not constituted “*raptus*.”⁷ Under Roman law, rape was categorized as a crime of assault. It was later modified to accommodate and understood as “an attack against a victim’s husband or father and as a crime that devalued women through their presumed loss of virginity. The term rape is sometimes used interchangeably with sexual assault⁸ In Medieval English law, rape has been defined to refer to either kidnapping or sexual violation.⁹ It can be observed from the various etymological definitions of rape that, the definitions ascribed to it have been gradually modified and enlarged over the years.

The lexical definition of rape has been defined as "unlawful sexual activity and usually, sexual intercourse carried out forcibly or under threat of injury against a

⁶ Keith, B.J 1996, *A Most Detestable Crime: New Philosophical Essays on Rape*, Oxford, University Press. New York p. 16.

⁷ Ibid p. 16.

⁸ Petrak, J, Hedge, B., 2003., *The Trauma of Sexual Assault Treatment, Prevention and Practice*, Chichester: John Wiley & Sons, ISBN: 978-0-470-85138-8 p. 2.

⁹ Corinne, J.S., 2001, *Rape and Ravishment in the Literature of Medieval England*, Boydell & Brewer p. 20.

person who is beneath a certain age or incapable of valid consent because of mental illness, mental deficiency, intoxication, unconsciousness, or deception”.¹⁰

Scholars have defined rape as forced unwanted sexual intercourse, sometimes called sexual assault, which may happen to both men and women of any age.¹¹ Scholarly definitions of sexual assault and rape are sometimes used interchangeably, however, it is not unusual for state laws to draw a legal distinction between these two concepts. The precise nature of the extent of force utilized in the rape has been described as some of the contributing factors that have created so many ambiguities in the definition of the rape.¹² These concepts though appear similar when explaining the social definitions, legally they are different.

1.2.2 Sexual Violence

The legal sexual definition of sexual violence defined to include; sexual exploitation, trafficking, female genital mutilation, child sexual abuse. an attempt to obtain a sexual act, unwanted sexual comments or advances, the use of force or coercion involving threats or physical force at the home or workplace.¹³ Omoera describes rape as an act of violence, not necessarily perpetrated to seek sexual fulfillment but motivated by the desire for power and control over another person.¹⁴ This assertion is corroborated by Cooper who asserts in his work that rape is predominantly influenced or motivated by intense anger towards a victim or a need to overpower a victim.¹⁵ Slegh and Ruratotoye share the same opinion and posit that sex through coercion is done with the intent to abuse, humiliate, and dehumanize the victim.¹⁶ Cahill states that rape is usually motivated not for sexual motivation but the need for

¹⁰ See the Definition of Rape in Merriam-Webster, available at <https://www.merriam-webster.com> (accessed 21 June 2020).

¹¹ See Medhelp, *Was I Raped?* (2008) Available at <https://www.medhelp.org/rape/survivor> (accessed 21 June 2020).

¹² See Rape, legal Definitions of Rape, available at [study.sagepub.com>default>files](http://study.sagepub.com/default/files) (accessed 21 June 2020).

¹³ Sexual Violence: Prevalence, Dynamics, and Consequences. World Health Organization, available at [www.who.int>publications](http://www.who.int/publications) (accessed 21st June 2020); J. El-Bushra and L.E Piza, ‘Gender-related Violence: Its Scope and Relevance’. 1 *Journal of Gender and Development* 1(2) (1993):1-9; P.D. Rozee, P.D., 1993 ‘Forbidden or Forgiven? Rape in Cross-Cultural Perspective, 17 (4) *Psychology of Women Quarterly* pp.:499-514.

Women Q. (1993):449-514 [Google Scholar]; eise, L., 1996 et al. 'Defining "Coercion" and "Consent" Cross-Culturally,' 24 (2) *Psychology, Medicine, SIECUS Report*. P.12-4.

¹⁴ Omoera O.S and Awolola, B.K., 2008, ‘Child Abuse and the Media: A Survey of the Oredo Local Government Area of Edo State, Nigeria’, 5 *Pakistan Journal of Social Sciences* pp.128-33.

¹⁵ Omoera, O.S., and Awolola, B.K., ‘Child Abuse,’ supra note 13, p.132.

¹⁶ See Slegh and Ruratotoye, in, Akinwale, O.T and Omera, O.S, 2013, *A Review of Literature: Rape and Communication media Strategies in Nigeria* p.5 available at <https://www.ajol.info> (accessed 25 June 2020).

domination and power.¹⁷ Bourke describes rape in his work as an environmental disaster, an embodied violation of another person, and a felony that violates the rights of another through sexual intercourse without the victim's consent.¹⁸ The concept of violence against women has been adopted in describing a wide range of acts, which include, rape, sexual assault, murder, physical assault, emotional abuse, stalking, prostitution, genital mutilation, pornography, and sexual harassment.

From the various etymological, lexical, and scholarly definitions given above, one thing that appears unique is the fact that rape and sexual violence in whatever form is generally reprehensible behavior. These definitions allude to the fact that there are several variations of sexual abuse emerging over the years. Rape was initially restricted to female victims however, which the changing tide, children, both male and female adults have now been recognised as victims. This paper adopts the use of rape and sexual violence, sexual assault, and sexual abuse interchangeably but strict interpretations were legally appropriate.

1.3 Prevalence of Rape and Other Forms of Sexual Violence

Rape and other sexual offences are a global issue of which is not limited to Nigeria or African countries. Research reveals that in American society, the possibility of one out of every four women is sexually abused which in turn causes psychological trauma and other consequential health problems.¹⁹ There have been incessant outcries condemning this vice, and in October 2017, victims of sexual violence and harassment flooded the social media speaking publicly, condemning and raising awareness of sexual violence.²⁰ There were allegations of virtual sexual harassment of children as well. These forms of sexual violence are globally recognised as a social and human concern that needs urgent attention.²¹ The United Nations report

¹⁷ Thornhill, R., 1983, *Human Rape: Evolutionary Analysis*, 4(3) *Ethology and Sociobiology* p.137, available at <https://www.sciencedirect.com>pdf> (accessed 21 June 2020).

¹⁸ Bourke, R., 2001, *Rape Work: Victims, gender and Emotions in Organizations and Community Context*, New York, Routledge; in, Akinwale and Omoera (2013) *supra* note 15 p. 5.

¹⁹ Campbell, R., and Wasco, S.M., 2005. 'Understanding Rape and Sexual Assault: 20 Years of Progress and Future Directions' *Journal of Interpersonal Violence* P.127-131, available at <https://doi.org/10.117/0886260504268604>(accessed 21 June 2020).

²⁰ Tyson, V., 2019, 'Understanding the Personal Impact of Sexual Violence and Assault'.40 (1) *Journal of Women, Politics & Policy* p.174-83, available at <https://doi.org/10.1080/1554477X.2019.1565456> (accessed 21 June 2020).

²¹ Abeid, M., *et al.*, 2015, 'Knowledge and attitude towards Rape and Children Sexual Abuse-A Community Based Cross-Sectional Study in Rural Tanzania', 15 *BMC Public Health* pp.1-12, available at <https://doi.org/10.1186/s12889-015-1757-7>(accessed 21 June 2020); Onyejekwe, C.J., 2008 *Nigeria: The Dominance of Rape* 10 (1) *Journal of International Women Studies*, pp. 46-63, available at <https://www.researchgate.net>2680>(accessed 21 June 2020).

provides that over 250,000 cases of rape and attempted rape are reported yearly throughout the world.²²

In Nigeria, rape and sexual violence are now becoming one of the most common crimes with a persistent increase in reported cases. The majority of these reports reveal that children and women of all ages are the most vulnerable to these attacks. The tide is gradually changing as what existed in the past was underreporting of rape cases because of the societal stigma associated with it. Rape in the society is not only regarded as criminal to the victim but the society frowns against it with extreme disdain.²³ Several civil rights organisations and the Nigerian Police have brought to limelight the prevalence of sexual forms of violence against women and children to the public. Some of these acts are perpetrated by close relatives, neighbours, and strangers, or by security personnel when women are in their custody.²⁴ The Nigerian Criminal law does not recognize spousal rape but with the escalation of sexual violence, there have been reported cases of marital spousal rape. There are variations of sexual offences ranging from blitz rape²⁵ (stranger rape), spousal rape (though this is yet to be recognised in Nigeria);²⁶ group rape; rape by parents, relatives, other relations, and sexual slavery.

The UN Women recently reported a rise in domestic violence against women and identified the fact that for every three months, the lockdown persists they could be an additional 15 million cases of gender-based violence. The implication is that women may not have access to modern contraceptives and there would be an estimate of 325,000 unintended pregnancies.²⁷ Kuar is of the position that if his prediction becomes a reality, it will negatively affect the third goal of the 2030 Agenda for Sustainable Development Goals (SDGs). The prospect of reducing maternal deaths globally may not be achieved.²⁸ Kuar identifies the fact that the spread of Covid-19 is indiscriminate with the victims it infects, however evidence abounds that the pandemic has widened the existing inequalities between both genders. The

²² See *The Multimedia Encyclopedia of Women in Today's Worlds. Rape, Legal Definitions of* Sage Publications, available at study.sagepub.com > default > files, (accessed 21 June 2020).

²³ Alao, O.J., 2018 'An Examination of Impact of Rape on the Victim and The Socio-Development of Nigeria', IX(III) *Afro Asian Journal of Social Sciences* 1-8 Quarter III ISSN, p. 229-313.

²⁴ Ibid, p. 302.

²⁵ Mosadomi, W., 2008, *Jitters in Suleja: Men seeking AIDS Cure Rape Teenage Girls*. Lagos: Vanguard Publishers, in, Akinwale and Omoera (2013) supra note 15 p. 7.

²⁶ Kolawole, M., 1999, *Womanism and African consciousness in Africa*, Lagos Third World Press in, Akinwale and Omoera (2013) supra note 15 p. 7.

²⁷ See Kuar Jameen. 14th May 2020. Covid-19 Lockdowns leading to a Rise in Violence against Women and Girls. International Federation of Gynecology and Obstetrics, available at <https://www.figo.org/COVID-19-loc> (accessed 20 June 2020).

²⁸ Ibid.

traditional view has been that women and children are seen as weak and vulnerable in society.²⁹

The persistence of the COVID-19 pandemics has increased this inequality, for criminally minded people who now take advantage of the lockdown to sexually abuse women and children. In addition to this, the consequences of these abuses could lead to an increase in unwanted pregnancies' during the lockdown. There may be an increase in death as a result of unsafe abortions.³⁰ There has been a subtle plea for legalised abortions during this period to abate the spike of badly executed abortions. In the words of Dr. Musonda Makasa, he states thus "Medical doctors and other health practitioners have shifted to Covid-19 fight and comprehensive safe abortion may not be achieved as an emergency even when it is."³¹ It is worthy to mention that abortion is legally restricted in Nigeria and can only be performed to save the life of a woman.³²

1.4 Causes of Rape

It is eminent at that point to understand the possible reasons why people get involved in rape offences and to examine whether victims contribute to their vulnerability to victimization. This is done to understand why the trend persists and reasons for the sudden escalation. This could assist in creating increased knowledge that could help prevent and ameliorate the epidemic of rape and other sexual assaults.

Studies have revealed that there exist some cognitive traits and attitudinal bases closely related to the desire for acts of uncontrolled sexual aggression. Several explanations for this behaviour which range from Neuropsychological deficits,³³ Deviant Sexual Preferences which emanates for the desire for non-consensual sexual

²⁹ *Ibid.*

³⁰ Abortion in Nigeria, Guttermann Institute, 2015. : <https://www.guttmacher.org>aborti>

³¹ See Makasa, M., OBGYN, University Teaching Hospital, Zambia. Cited, in, J.Kuar, 2020, *supra* note. 24

³² For laws criminalizing abortion in Nigeria, See, the Criminal Code, Sections 228; 229; 230; 297 and 328. The Penal Code, See; Sections 232, 233, 234, 235 and 236. Under the Sharia Penal Code, for example, see Bauchi State Sharia Penal Code Law Cap (1980) (2001) Laws of Bauchi State 2007. SS. 208-212.

³³ Joyal, C.C; Black,D and Baniot,N 2007, 'The Neuropsychology and Neurology of Sexual Deviance: A Review and Pilot Study Sexual Abuse,' 19 (2) *A Journal of Research and Treatment* p.:155-73,DOI:10.1007/s11194-007-9045-4 (accessed 22 June 2020)

relationships to consensual relationships,³⁴ and personality disorders and traits have been identified.³⁵

In addition to the kinds of rape identified earlier are partner rape, stranger rape, acquaintance, and date.³⁶ The causes of rape have also been identified to be, victim precipitation, male pathology, and male hostility.³⁷ In general, the effect of rape on victims is well recognised in addition to medical changes on physical and mental health and social relationships.³⁸ The traditional myth concerning response to rape is that society blames victims for their rape particularly where the perpetrator was known to the victim.³⁹ Lonsway and Fitzgerald corroborate the fact that these rape myths which come in the form of attitudes and beliefs are widely accepted. In consequence of this belief is that it indirectly justifies male sexual aggression against the female gender.⁴⁰

Groth,⁴¹ a clinical psychologist in his work identified a detailed analysis of three different reasons for rape. The first kind of rape he identified is rape as a result of anger. He identified that the reason for this form of rape is the desire for the perpetrator to humiliate his victim through physical violence. He states further that those who perpetrate this form of rape deliberately utilise sex as a weapon to defile

³⁴ Lalumiere, M.L., Quinsey, V et al., 2006., 'Are Rapists Differentially Aroused by Coercive Sex in Phallometric Assessments'? 998 (1) *Annals of the New York Academy of Sciences* p. 211-24. Doi:10.1111/j.1749-6632.2003.tb07307x. See also W.L. Marshall; M. Fernandez and M. Yolanda, 'Phallometric Testing with Sexual Offenders' 20 (7) *Clinical Psychology Review* (2000):807-822. doi: 10.1016/S0272-7358(99)00013-6.

³⁵ Bamford, J, Chou, S.B, and Brown, K.D., 2016. 'A Systematic Review and Meta-analysis of the Characteristics of Multiple Perpetrator Sexual Offences', 28 *Aggression and Violent Behaviour* p. 82-94. DOI: 10.1016/j.avb.2016.04.001.

³⁶ Cowan, G., 2000. *Beliefs about the Causes of Four Types of Rape*, 42 Springer p. :807-823, available at <https://doi.org/10.1023/A:1007042215614> (accessed 22 June 2020).

³⁷ Cowan, G, *Beliefs about the Causes of Four Types of Rape*, supra note 42. p.815.

³⁸ Kamdar, Z Jayendrakumar, N; Kosambiya, Ket al., 2017 'Rape: is it a lifestyle or Behavioural problem'? 59 (1) *Indian Journal of Psychiatry* pp.:77-82; See also Bachar, K; Fisher, B and Cullen, F 'From Prevalence to Prevention', in Renzetti, C.E; . Bergen, J. R, 2001 (ed). *Sourcebook on Violence against Women*, Thousand Oaks, CA: Sage Publications pp 117-42; See also Campbell, R., 2008, "The Psychological Impact of rape Victims 'experiences with the Legal, medical, and mental health systems'. 63 *American Psychologist* pp.702-17. [Google Scholar]. See also Koss, M.P; Koss, P.G., et al. 'Deleterious Effects of Criminal Victimization on Women's health and Medical Utilization', 151 (2) *Arch Internal Medicine* (1991):342-7 [PubMed] [Google Scholar]; A. Waigandt; Wallace, D et al., 1990. "The Impact of Sexual Assault on Physical Health Status' 3 *Journal of Trauma Stress* , p. 93-101.

³⁹ Gravelin, C.R et al, 2018 "Blaming the Victim of Acquaintance Rape: Individual, Situational, Sociocultural Factors". 9, *Frontiers in Psychology*:p.9:2422

⁴⁰ Lonsway, K.A; Fitzgerald, L.F., 1994 'Rape Myths: In Review', 18 *Psychology Women Quarterly* p.133-64.

⁴¹ Groth, N., 1979, *Men who Rape. The Psychology of the offender*. New York: Premium Press pp. 44-45. ISBN 978-306-40268-5.

and degrade the victim. He posits further that anger rape is usually associated with brutality much more severe than the normal force that would be utilized to subdue and overpower a victim. The offender in most cases beats up the victim mercilessly, tearing the victim's clothes before eventually raping the victim. Groth states that perpetrators in this category are fully conscious of their actions.⁴²

The second category of rapist has been identified as power assertive rapist. This form of rapists has been recognised to possess some feelings of inadequacies. Hence, they adopt the practice of rape to compensate for these inadequacies. These rapists believe that it is natural for their victims to make initial refusal of their sexual demand, so they have to overpower their victims. Those who get involved in this form of rape strongly believe that their victims enjoy what they do to them. Rapists in this category end up being serial rapists over a period.⁴³

The third category of rape offenders is the Sadistic Rapists. These categories of offenders derive immense satisfaction from sexual intimacy associated with anger and infliction of severe pain upon the victim. The anguish, the victim feels during the rape gives them intense erotic feelings. The perpetration of this form of rape involves thorough planning and strategizing. These offenders are known to either disguise in addition to blindfolding their victims.⁴⁴

However, from the explanations above for violence against the vulnerable in the society, many researchers and theorists have tried to get answers for the reasons why offenders chose to engage in this form of vice. Some of these theorists and researchers have identified biological factors such as androgenic hormonal influences; evolutionary theories; personality traits and disorders, mental disorders.⁴⁵ They also identify that structural features in the family peer group, religion, media encourage male violence against women for they generally portrayed as vulnerable and weak.⁴⁶ Feminist scholars proffer explanations of sexual violence to have taken its stems in the patriarchal social systems.⁴⁷

⁴² Ibid.

⁴³ Center for Sex Offender Management Lecture Content & Teaching Notes Supervision of Sex Offenders in the Community, National Sexual Violence Resource Center. Available at <https://www.csom.org/> (accessed 25 June 2020).

⁴⁴ Groth, N., *Men Who Rape*, note 46.p.44.

⁴⁵ Causes and Consequences of Violence against Women. In Understanding Violence against women. (1996)pp.49-92 available at <https://www.nap.edu/read/chapter> (accessed 22 June 2020)

⁴⁶ Gelles, R.J and Straus, M.A, 1989, 'Determinants of Violence in the Family. Toward a theoretical Integration' in W.R. Burr et al. *Contemporary Theories about the Family*, New York, Free Press pp. 549-58.

⁴⁷ McKenry, P.C; Julian, T.W et al., 1995, 'Towards a Biopsychosocial Model of Domestic Violence', 57 *Journal of Marriage and Family* p.307-30; Malamuth, N.M; Linz, D et al., 1995 'Using the Confluence Model of Sexual Aggression to Predict Men's Conflict with Women: A ten-year follow-up study', 69 (2) *Journal of Personality and Social Psychology* p.353-69.

The above suggestions for the possible causes of rape tend to tilt more to the fact that sexual violations are perpetrated by the male gender alone. However, recent trends have revealed that female gender now perpetrates sexual violence on children as well. The current trend in which rape and other sexual abuses are being perpetrated corroborates the possible reasons for rape postulated by researchers. Furthermore, it has been argued by some scholars that sexual assault cases may not be mental cases and they wonder why culprits do not rape unclad women on the streets with mental health issues.⁴⁸ The effect of consuming hard drugs which have become a common phenomenon among the youth could trigger deviants into assaulting the vulnerable within their environment.

1.5 The Legal Framework on Rape and Sexual Violence in Nigeria

1.5.1 The 1999 Nigerian Constitution of the Federal Republic of Nigeria

Chapter IV of The Constitution of Nigeria provides for the fundamental rights of her citizens.⁴⁹ Section 34 specifically provides thus:

- 34(1) Every individual is entitled to respect for the dignity of his person, and accordingly
- (a) no person shall be subjected to torture or inhuman or degrading treatment;
 - (b) no person shall be held in slavery or servitude; and
 - (c) no person shall be required to perform forced or compulsory labour.⁵⁰

It is apposite to state that rape and sexual violence of any nature amount to the violation of a victim's right of dignity. A close examination of the wordings of this section of the Constitution, it can be observed that the law does not explicitly mention of delineating actions that could amount to a violation of the right to human dignity. However, there are oral accounts of formally reported complaints by victims who were held hostage as sex slaves by their masters. Subsections (34) (1) (b) and (c) could be interpreted to read and accommodate cases where victims are subjected to extreme brutality, rape, and other forms of sexual violence. It has become expedient to enlarge this law by specifically making provisions for a list of acts that could amount to a breach to the dignity of the human person.

1.6 The Penal Code Northern States Federal Provisions Act (No. 25 1960)⁵¹

State the purpose of PCA in Northern Nigeria for clarification to the reader. The Penal Code Act is a law applicable to the Northern States in Nigeria. Section 268(1)

⁴⁸ Rising Sexual Violence: Taking Responsibilities as lawyers. Parents and Employers, University of Ibadan 2001 Law Class Webinar Series, 27 June 2020.

⁴⁹ See Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999, as amended 2011.

⁵⁰ See Section 34(1) (a) (b) (c) Ibid.

⁵¹ The Penal Code Act for the Northern States was adopted 1960-09-30.

of this Act provides that; “everyone commits an aggravated assault who wounds, maims, disfigures or endangers the life of the complainant.”⁵² In addition to this provision Subsection (2) of the same section provides that; “Everyone who commits an aggravated assault is guilty of an indictable offence and liable to imprisonment for a term not exceeding fourteen years.”⁵³ The law provides an exception to this rule in its Section 55(1) (d) which provides that an assault committed by a husband on his wife where they are married is no offence where the native law and custom recognises such ‘correction’ as lawful and where there is no grievous hurt. It is worthy of mention that the ‘correction’ mentioned in this law is not limited to spousal relationships but extends to parent, guardian, schoolmaster, apprentice.

It is apposite to state that the above could be tantamount to sex discrimination which can promote disproportionate infliction of violence to women and children. In other words, it can be argued that the provision of this law⁵⁴ has taken back with the left hand what it had given with the right hand in its sections 268(1) and (2).

1.6.1 The Criminal Code Act of Nigeria

The Criminal Code Act⁵⁵ has a limited application to the southern states of Nigeria. Chapter 29 of the Criminal Code makes provisions for the punishment of assault.⁵⁶ Anyone who unlawfully commits an assault is guilty of a misdemeanor and liable if no greater punishment is provided to imprisonment for one year. Section 352 provides that: “Any person who assaults another with intent to have carnal knowledge of him or her or against the order of nature is guilty of a felony and liable to imprisonment for fourteen years.”⁵⁷ The Act also makes provisions protecting male persons from unlawful or indecent assaults. It prescribes a punishment of three years to offenders found guilty of this felony.⁵⁸

Section 357 of the Criminal Code makes provisions for assaults on females. The Act specifically defines rape thus:

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or using threats or intimidation of any kind, or by fear of harm, or using false and fraudulent representation as to the nature of the act, or, in the case of a married

⁵² See Section 268(1) Penal Code Act for Northern Nigeria 1960.

⁵³ See Section 268(2) Penal Code Act of Northern Nigeria 1960.

⁵⁴ Section 55(1) (d) The Penal Code Northern States 1960.

⁵⁵ The Criminal Code Act Cap C 38 Laws of the Federation of Nigeria 2004.

⁵⁶ See Section 351 Criminal Code Act

⁵⁷ See Section 352 *ibid*.

⁵⁸ See Section 353 *ibid*.

woman, by personating her husband, is guilty of an offence which is called rape.⁵⁹

The punishment for rape under the Criminal Code is imprisonment for life, with or without caning.⁶⁰ Attempt to commit rape carries a lesser offence, a maximum of fourteen years maximum, with or without caning.⁶¹ The Act also makes extensive provisions for cases involving the abduction of females with intent to marry or force to have carnal knowledge. When found culpable the culprit is guilty of a felony and liable to imprisonment for seven years.⁶² Where the victim involved is under sixteen years of age, such an offender is guilty of a misdemeanor, and is liable to imprisonment for two years.⁶³ It is not a defense that culprit was not aware that the victim was a minor.⁶⁴

From the aforementioned, the general rule in practice to sustain a charge and secure a conviction for rape, the following elements must be successfully established:

- i. that the accused had sexual intercourse with a woman against her will;
- ii. that the intercourse or act was unlawful and not within a spousal relationship;
- iii. there was penetration;
- iv. the accused had the intention to forcefully have intercourse with the victim without consent (*mens rea*); and
- v. corroboration of the compliant.

As exhaustive as these ingredients which must be established before a conviction of rape can be secured, they are not devoid of shortcoming. Sometimes the absence of any of these ingredients makes it difficult in securing a conviction in rape or other forms of indecent assaults, even where it is obvious that rape has been committed. The issue of consent is one of the challenges put an end to the proceedings in the culprits favour. Consent is not defined anywhere in the Nigerian law however, it has been stated that a minor cannot give consent.⁶⁵ At common law, consent is vitiated in certain situations where violence or threat is used, or the victim was been deceived as to the nature of the act. Another issue identified under this act is that presumes that all victims of rape will be females. However, this lacuna has been taking care of in the subsequent Laws.⁶⁶

⁵⁹ See Section 357 *ibid*.

⁶⁰ See Section 358 *ibid*.

⁶¹ See Sections 359 *ibid*.

⁶² See Section 361 *ibid*.

⁶³ See Section 362 *ibid*, See also *Isa V. Kano State* (SC.35/2013) [2016] NGSC 62 (29 January 2016)

⁶⁴ See Section 363 *ibid*.

⁶⁵ See Section 363 *ibid*.

⁶⁶ See Section 1 Violence against Persons (Prohibition Act, 2015).

In *Adeoti v. State*⁶⁷ it was held by the Court of Appeal that rape is committed where consent is obtained by force or by threat or intimidation. It was further decided that the most fundamental element to secure a conviction of rape is penetration. This requirement must be proved if otherwise, the prosecution will fail. There doesn't need to be a rupture of the hymen, what is necessary is penetration however slight it may be.⁶⁸

Generally, to find the presence of consent even though not expressly defined anywhere under the Nigerian Laws, the following must be present. There must be violence against the complainant during the act. However, the criticism against this is that the sexual intercourse must have been procured without the use of violence, threat, or fraud, but using serious abuse of power or trust. It is worthy of mention that women and children are also vulnerable to abuse by medical practitioners, prison officers, or therapists in various forms. It has become expedient to determine rape on a larger coast to examine whether the law of rape should deal exclusively with rape obtained by only obvious violence or visible threats. It is apposite given the spike of sexual assaults to expand the law to accommodate issues dealing with consent with the aim of providing specific definitions of consent, coupled with a non-exhaustible list of situations that illustrates lack of consent. Some States in other climes have introduced in their legislations, clarity, and guidance in defining consent.⁶⁹

The possible reason for the requirement of corroboration in a rape charge is to minimize the possibility of convicting an innocent person. The Evidence Act⁷⁰ requires corroboration of sexual offences or other related matters. As a matter of practice, the corroboration of evidence is a requirement for conviction. However, it is difficult to prove because of the near impossibility of having witnesses (direct evidence) because of the nature of the crime involved. Corroborative evidence must implicate the accused with respect to the offence charged. In *Police v. Suara Sunmonu*,⁷¹ *Akpanefe v. The State*⁷² and *Sambo v. State*⁷³ the court held that the accused could not be convicted upon the uncorroborated evidence of the prosecutrix. The Judge may, however, after paying attention to that warning, nevertheless convict if they are satisfied with the truth of the evidence.⁷⁴ The piece of evidence offered as corroboration must be cogent, compelling, and unequivocal.⁷⁵ Corroborative evidence must confirm the following: that sexual intercourse had occurred; that it

⁶⁷(2009) All FWLR (Pt 454) 1450.

⁶⁸ See also *Ogunbayo v. State* (2007) All FWLR (Pt.365) 408.

⁶⁹ See The Northern Territory of Australia Criminal Code Section 192 and the Crimes of Rape Act 1991.

⁷⁰The Nigerian Evidence Act.

⁷¹(1957) WRNLR p.23.

⁷²(1969) 1 All NLR 420.

⁷³(1993) 6 NWLR (Pt. 300) 399.

⁷⁴ See also Sections 218, 221, 221 and 224 of the Criminal Code which come under this category.

⁷⁵ *Sambo v. State* supra. See also *Upahar V. State* (2003) 6 NWLR (Pt. 816) 230.

took place without the consent of the victim; and that the accused was the person who committed the crime.

It is submitted that the issue of corroboration of evidence in securing a conviction of rape should be left to the discretion of the trial judge.⁷⁶ This was the position held in *Iko v. The State*⁷⁷ where the court after listening to all evidence and in the absence of corroboration may convict the accused if convinced and the judge is satisfied with the truth.⁷⁸ It is further submitted that the requirement of corroboration be repealed or abolished in rape cases for it is quite obvious that offenders carry out this activity in secrecy which leaves the perpetrator and the victim as the only witnesses to the crime. The requirement of corroboration could be to the detriment of the victim were strictly enforced. The case of *Rabiu v. State*⁷⁹, the Court of Appeal held inter alia that the evidence needed to be corroborated by an independent witness. The dilemma is this, who witnessed the act when it was committed? It is submitted that the victim in this situation is qualified to testify to the crime.⁸⁰ The usual practice by the courts is to convict for lesser offences where the initial charge cannot be sustained. It is our opinion that this is a serious injustice to the victim. It is appropriate that judges apply the issue of dispensing with corroboration judiciously and in good faith. Upon conviction, the jail term should be proportionate to the crime and not giving a bare minimal conviction.⁸¹

The offences of the abduction of girls below the age of sixteen years out of the custody of her parents carry a jail term of two years upon conviction. Surprisingly, a crime of this nature particularly when it bothers on the welfare of a young person is accorded minimal years of jail term under the Criminal Code Act. In the celebrated case of *Ese Oruru*, the girl was about fourteen years old when she was abducted in 2015.⁸² The abductor was arraigned 8 March 2016 and the defense argued in favour of the abductor stating that *Ese* was seventeen years old. Recently a Federal High Court found her abductor, Mr. Yunsu Dahiru guilty of abduction, raping, and impregnating a young person.⁸³ He has been sentenced to 26 years imprisonment. This case is a welcome development however, what is most worrisome is the duration it took for the victim to get justice. The speed at which cases involving rape, sexual assaults should be considered in order not to delay justice.

⁷⁶ See *Reekie v. The Queen* (1954) 14 WACA 501.

⁷⁷ (2001) 14 NWLR (Pt. 732) 221.

⁷⁸ *Oludotun Ogunbayo v. The State* SC. 272/2005.

⁷⁹ (2005) 7 NWLR (Pt. 925) p. 496.

⁸⁰ (2011) 7 NWLR (Pt. 1234) 393.

⁸¹ *Posu v. State*, SC. 134/2010. Feb 4, 2011.

⁸² Five Years after, *Ese Oruru's* abductor to spend 26 years in jail. The guardian newspapers, available at m.guardian.ng/news/five-years-a... accessed February 2, 2020.

⁸³ Finally, Court Sentences *Ese Oruru's* Abductor to 26 years, The Guardian News, available at <https://www.legit.ng/1331877> (accessed 25 June 2020).

1.6.2 The Child's Right Act 2003

The Child's Right Act is an Act enacted to protect the rights of the Nigerian Child.⁸⁴ The Act specifically provides in its first section that: 'in every action concerning a child, whether undertaken by an individual, public or private body, institutions or service, court of law, or administrative or Legislative authority, the best interest of the child shall be the primary consideration.'⁸⁵ The minimum age prescribed for contracting a valid marriage under the Child's Rights Act is eighteen years.⁸⁶ This Act also makes it unlawful to have carnal knowledge of a child and anyone who commits does this commits an offence and is liable upon conviction for life.⁸⁷ Knowledge about the age of the child is immaterial,⁸⁸ neither can the fact that the offender believed that child had given consent will be acceptable in defense.⁸⁹ The Act also criminalizes other forms of sexual abuse and exploitation in any manner not already mentioned in Sections 31(1)-(3).⁹⁰ As encouraging as this Act appears, some States in Nigeria have yet to domesticate it.

1.6.3 Violence Against Persons (Prohibition) Act 2015 (VAPP)

This Act was specifically enacted to eliminate violence in public and private life, prohibit all forms of violence against persons and to provide maximum protection and remedies for victims and punishment of offenders.⁹¹ The enactment of this Act was a welcome development in addressing the lacunas that were present in the Criminal Code and the Penal Code Act. The definition given to rape under this Act was enlarged to accommodate the growing trend of sexual assaults and the recognition of both sexes as possible victims of this crime. The Act specifically provides in its Section1 that:

1 (1) A person commits the offence of rape if,
a. He or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his body or anything else; b. The other person does not consent to the penetration; or The consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or employing false or fraudulent representation as to the nature of the act of any substance or additive capable of taking away the

⁸⁴ Child's Rights Act 2003 Act No.26. Enacted 31 July 2003.

⁸⁵ Section 1 Child's Rights Act 2003.

⁸⁶ Section 21 *ibid*.

⁸⁷ Section 31(1) and (2) *ibid*.

⁸⁸ Section 31(3) (a) *ibid*.

⁸⁹ Section 31(3) (b) *ibid*.

⁹⁰ Section 32 (1) (2); 33 (1) (2) *ibid*.

⁹¹ Violence Against Persons Prohibition Act (VAPPA), 2015

will of such person or in the case of a married person
by impersonating his or her spouse.⁹²

It is crystal clear from the definition above that rape and other sexual actions initially prohibited in other laws have been considerably enlarged to accommodate dynamics in sexual violence. Some of these are recognition gang rape recognition of anal and oral sex and setting a minimum penalty of twelve years' imprisonment for these crimes. This takes away the discretion to impose minimum punishment by a judge. A thorough examination of this Act enlarges the possible victims of rape and recognised both genders. The Act also recognises the various forms of body invasion and penetration not limited to the vagina. This perhaps has laid to rest the outdated biased view that only females could be raped and victim-blaming. The Act also improves on the punishment for offenders depending on the nature of the sexual crime.⁹³ The most interesting aspect of this Act is that, it makes provision for appropriate victim compensation⁹⁴ and a mandatory register of sexual offenders is maintained in various states.⁹⁵ It is worthy of mention to state that Nigeria now has a sexual offender and service provider Register The national Agency for the prohibition of Trafficking in Persons(NAPTIP) as required in Violence Against persons Prohibition Act VAPP . This register has the database of persons convicted of sexual offences since 2015. This was mandated in Section 44 VAPP Act2015 which is aimed at assisting public, state bodies, and police to identify repeated offenders. Lagos and Ekiti States have so far complied with this provision. However, the extent to which victim compensation is been practiced cannot be determined at the moment.

As laudable as the VAPP Act appears, it would be appropriate to re-examine the issue of victim compensation. No amount of compensation paid to a victim of rape or other forms of sexual violence serves as adequate compared to the dignity lost. It would have been much more appropriate to state a minimum amount payable to a victim. This would serve as a deterrence to the offender and those planning to offend. It is quite worrisome that states are yet to domesticate VAPP ⁹⁶

From the foregoing, it is quite obvious that there exists a comprehensive legal framework on sexual violence in Nigeria. However, despite these numerous of laws, the crime remains unabated and incidences reported are grown by the day. This period of the Covid-19 lockdown can be said to have an increase in the number of reported sexual assaults hence the reference to it as an epidemic that needs to be

⁹² See Section 1 VAPPA 2015.

⁹³ See Sections 2(1); 2(1)(a); 2(1)(b); 2(1)(c) VAPPA 2015.

⁹⁴ See Section 3 VAPP Act, 2015.

⁹⁵ See Section 4 VAPPA Act,2015.

⁹⁶ Some of these states are Yobe,Katsina; Jigawa, Sokoto, Borno; Zamfar,; Kano,Bauchi, Gombe, Adamawa; Kebbi, Nige,; Nassarawa, Taraba, Kwara, Kogi, Imo, Delta, Ondo, Bayelsa, Akwa-Ibom, Rivers, Abia.

urgently addressed with the same zeal as the Covid-19 virus is been addressed. One would wonder why the sudden rise in reported cases. Some of the possible reasons for this rise could be associated with the fact that victims are now much more enlightened and desire to seek justice. However, human rights activists have maintained that the direct consequences of the lockdown have culminated in forcing vulnerable persons to their attackers. In the words of Dr. Sam Abah, there is no spike in sex-related crimes amidst the Covid-19 pandemic and lockdown. What you are seeing is what is called “trending”, there is a spike in media and community attention’.⁹⁷ Though, Abah has the right to express his opinion, evidence abounds that there is a spike in the increase of reported cases during the lock-down. Whether there is a spike in rape case or not is irrelevant. Sexual assault is legally and morally wrong and should be condemned. What is needed at the moment is to address this epidemic is an urgent and collective effort by everyone.

Raped victims may suffer physical and psychological consequences sequel to the assault. This could range from emotional detachment; sleep disturbances acute stress reactions, poor work and social adjustments; anxiety; post traumatic disorder; fear and loss of self-worth.⁹⁸ In a study on rape and medical consequences among girls and women victims in Congo, it was observed that during armed conflicts, victims of rape came down with sexually transmitted diseases; pelvic pain; unwanted pregnancies; abortions and the birth of a child.⁹⁹ Medical consequences suffered by raped victims are; suicidal attempt; depression; development of extreme anger and post traumatic depression. Some victims presented more than one psychological response as the aftermath of rape.¹⁰⁰

The fact that there is a lockdown as a result of the pandemic extends the time spent together by people, hence, violence is prone to occur where there are deviants. In addition to this, the difficulty in achieving justice when rape charges are filed court would not deter a potential rapist from carrying out his plan. Generally, it is difficult securing a conviction for any offence where no evidence exists.

Poverty and illiteracy have also been identified as a barrier contributing to low reportage and prosecution of rape cases. A poor family may be intimidated by an

⁹⁷ Ogbeche, C., Covid-19: Rape, another Pandemic? The Blueprint. 12 June 2020, available at <https://www.blueprint.ng> (accessed 25 June 2020).

⁹⁸ Campbell, R; Dworkin, E and Cabral, G., 2009, ‘An Ecological Model of the Impact of Sexual Health on Women’s Mental Health’, 10 (3) *Trauma Violence & Abuse* p.225-46; Campbell, R and Wasco, S.M, 2008, ‘The Psychological Impact of rape Victims,’ 63(8) *American Psychologist* p.702-17; Campbell, R., 2005 Understanding Rape and Sexual Assault, pp 127-131, available at <https://www.svri.org>files> (accessed 29 June 2020).

⁹⁹ Ndziessi, G. Bintsene-Mpika et al., 2019, ‘Rape and Medical Consequences among Girls and Women Victims during the Post-Armed Conflict Context in Congo,’ 9(1) *Open Journal of Epidemiology* pp.75-81.

¹⁰⁰ Rothbaum, B.O; Foa, E.B and Walsh, W., 1992, ‘A Prospective Examination of Post-Traumatic Stress Disorder in Rape Victims,’ 5 *Journal of Traumatic Stress* pp.455-75.

offender from a higher social class, hence they lack the zeal to pursue rape and other sexual violence cases. The reason why there is an epidemic of rape during the lockdown in our opinion is because perpetrators are taking advantage of the closeness they are to the vulnerable, which are the women and children. Another reason could be because issues of rape are shrouded in secrecy to avoid stigmatization of the victim, hence the culprits take advantage of this and are never prosecuted. There have been reports of fathers abusing children, this has created a lot of crises within the families, for the victim's mothers are usually threatened to cover up the act. The fact that that parents/guardians of victims are ignorant of the victims' rights has also left this vice unabated or settled at the family or community level. Unknown to these 'peacemakers' condoning acts of sexual offences directly or through the discouragement of reporting encourages the act of rape and other forms of sexual assaults.

1.7 The Way Forward Amidst the Sudden Rise of Sexual Violence During the COVID-19 Lockdown

The present lockdown as a result of COVID-19 has exposed the need to address this vice vigorously. The paper suggests that key players in the society ranging from the Federal, State, and Local Government, community heads, religious bodies, civil societies, and educational sectors and families consider rape as an epidemic within the COVID-19 pandemic that must be eradicated. The struggle to reduce the occurrence of rape to at least its barest numbers should not be left to the law enforcement agents alone but should be identified as a collective responsibility. It is important to note that sexual assault is not limited to the physical act, it could verbal assault or other visual actions that coerces another to partake in unwanted sexual attention or contact.¹⁰¹ Sexual offenders are no longer limited to male perpetrators, there are exists reported cases of female perpetrators and they are driven by the same motivation.¹⁰² The fact that there is a very low reportage of male sexual abuse makes scholarly materials on this vice almost lag behind that of the opposite sex.¹⁰³

It is recommended that a two-dimensional approach be adopted in curtailing this vice, which are the preventive measures and a revamp of the system of administration of justice/legal instruments in the fight against this epidemic. Some of these actions are addressed thus:

Under primary prevention of sexual violence is the early identification of individuals that manifest signs of violent and aggressive behaviour. This is where community efforts come in. There should be in place an urgent need to change the orientation of

¹⁰¹ Isely, P.J and Ghrenbeck-Shim, D., 1997 'Sexual Assault of Men in the Community', 25(2) *Journal of Community Psychology* pp.159-66.

¹⁰² Holme, W.C and Slap, G.B., 1998, 'Sexual Abuse of Boys, Definition, Prevalence, Correlate, Sequelae, and management' 280(21) *JAMA* pp.1855-62.

¹⁰³ Bell, K., 1999, 'Female Offenders of Sexual Assault', 25 (1) *Journal of Emergency Nursing* p.:241-3.

such identified as potentially dangerous persons. They should be encouraged to equip themselves with skills when they do not intend to pursue higher education. There should be communal efforts in assisting people within this category to be useful to become themselves and society. Campaigning against the use of hard drugs among the youth should also be taken seriously. If this re-orientation is left unattended, there is every possibility that they turn around to become deviants within their community. Politicians within these communities should desist from using these categories of people for selfish gains alone during the election, but should in addition to this equips them with skills and organize training on moral and social responsibilities.

There should be in place constant education and public enlightenment, for this has been identified as a fundamental tool in changing the way of life of a people. Culture, tradition, and belief form the core values of a people. Belief is something that is imbibed and lies within an individual. Belief could be described as a personal commitment to an ideology and stories we tell ourselves to define our sense of reality.¹⁰⁴ The various beliefs and myths about sexual abuse should be demystified, victim-blaming should be discouraged for no reason is excusable for the justification of rape. Even where a person is indecently (scantily) dressed, this should lead to sexual assault. It is advocated that religious bodies, trade unions, community leaders, women leaders, families, and Non-governmental organizations rise to this challenge. To vigorously address this epidemic. Though the campaign against rape, sexual abuse, and sexual violence by various civil organizations have been quite encouraging in recent times, particularly during this period of the lockdown due to the Covid-19 pandemic. This enlightenment aims to create a form of awareness on the need for parents and guardians to protect their children and to give a voice to those who are been abused or have been abused. It is strongly believed that the persistent campaign against these vices will make the crime less attractive to perpetrators.

The news media also have a role to play in mitigating the occurrence of various forms of sexual abuse. There should be radical campaigns against rape and other sexual vices on print and online media. It has been identified that there could be a change in public attitude through persistent campaigns against these vices.¹⁰⁵ On 25 June 2020, the rape of a thirteen-year-old by a 70-year-old man was reported in Gombe State.¹⁰⁶ With this awareness created by the media, the child involved was to be identified, given appropriate medical care. public awareness of this crime makes prosecution almost inevitable.

The media could be described as the eyes and ears of the people hence, their role in the fight against prevention and reportage of sexual offences cannot be

¹⁰⁴Uso-Domenech, J.L and Nescolarde-Selva, J., 1986, What are Belief Systems? Available at <https://www.vub.ac.be/FOS/cfp/> (accessed 26 June 2020); Nwosu, I.E., Mobilizing People's Support for Development: An analysis of Public Enlightenment Campaigns in Africa', 1(1) *Africa Media Review* pp.46-65.

¹⁰⁵Eze, U.O, 'Prevention of Sexual Assault in Nigeria,' supra note 106.

¹⁰⁶Reported by the TVC News, 25 June 2020.

underestimated. Evidence abounds media reportage, for example, that sexual assaults are not discriminatory. Young person's particular teenagers deserve urgent attention as well. There should be modalities in place from prevention from sexual abuse. There should be programs specifically organised for their age group to educate them on having proper sexual orientation and preventive initiatives. The schools, religious houses, and civil societies have a huge role to play in this regard.

Early recognition and protection of vulnerable people such as those with mental challenges who may not possess the cognitive mental ability to refuse a sexual offer is necessary. These groups of people are prone to sexual abuses for they may not be able to communicate their abuse nor identify those who perpetrate these offences against them. These categories of vulnerable persons certainly cannot seek help by reporting and cannot prosecute abuses except with the assistance of a third party where available. Children with mental challenges need adequate and special protection from their parents/guardians, the society and the government. It is expected that every society monitors and pays close attention to these groups of persons, for studies have confirmed that adequate training in behavioural skills equips them with sexual prevention skills.¹⁰⁷

The possible stigma faced by the victims of rape deter them from reporting abuses, women, and children, parents/guardians should be encouraged to see sexual abuse as a violation of their rights and make formal complaints when such cases occur. The official processes of reporting cases frustrate victim's zeal, to seek justice. It is recommended that a much speedier and confidential approach be adopted by the appropriate authorities. The government should in addition to prosecuting rape cases provide logistic support and medical attention immediately after the rape and during the period of prosecution. The delay in the administration of justice cannot be denied in Nigeria, and this comes with its challenges. Persistent adjournments and the inability of relevant witnesses to make an appearance in courts to give evidence could be frustrating. Victims end up getting frustrated and do not appear in court to give evidence. It is recommended that given the spike in rape cases, specialized courts be put in place to address speedily cases of sexual abuse. There should be a specific time for the conduct of trials and where appeals emanate judgments they should also be conducted timeously.¹⁰⁸

¹⁰⁷ See Esatgate, G., 2005, "Sex Consent, and Intellectual Disability", 34 (3) *Australian Family Physician* p.163-66; Miltenberger, R.G; Roberts, J.A; Ellington, Set al., 1999 Training and Generalization of Sexual Abuse Prevention Skills for Women with Mental \Retardation', 32(3) *Journal of Applied Bahaviour Analysis* pp.:385-388; Aylott, J., 2005, 'Preventing Rape and Sexual Assault of People with Learning Disabilities', 8(13) *British Journal of Nursing* p. 871-76.

¹⁰⁸ For example, see section 396 (4) Administration of Criminal Justice Act 2015, provides that upon arraignment where day to day trial is impracticable, no party shall be entitled to more than five adjournments from arraignment to final judgment, provided that interval between each adjournment shall not exceed fourteen working days.

The COVID-19 pandemic has brought about the sudden realization of the need to go virtual in almost all spheres of activities in Nigeria. Courts now have virtual sittings; it is suggested that mandatory evidence from expert witnesses or other witnesses be given through this medium to avoid unnecessary delays in trials when the need arises.

The shortcomings in the legal system should also be addressed for where there is an absence of corroboration; the courts expect to see clear evidence of violence and bruises. This hinders the conviction of several culprits. Many cases are reported but the rate conviction is extremely low. All States are encouraged to enact their Child's Rights Act which should address the scourge of sexual abuse of children. Extreme punishments such as life jail terms should be adopted without room for modifications. Parents who fail to report abuses perpetrated against their young children should also be prosecuted.

In addition to the above Government at all levels through the Ministry of Health should provide Rape Kits at government hospitals and specially trained personnel to handle this kit. Medical examination for rape cases in other climes is done with the aid of rape kits. Rape kits contain aids for forensic evidence. In addition to this, the government support should bear financial responsibilities for forensics, not all victims can afford the high cost. There should be an aggressive procurement of forensic testing facilities to identify culprits, particularly where children are abused. Victims who are socially and economically disadvantaged should be supported. This support should be extended to psychological care and rehabilitation of the victim.

The police are not equipped monetarily to source and provide evidence in court while some have been accused of violating people in their custody.¹⁰⁹ There have been reported cases of police collusion with culprits, this practice should be discouraged and officers found wanted should be prosecuted. These issues have to be addressed as a matter of urgency to mitigate the plight of rape victims.

1.8 Conclusion

Rape and sexual violence have become an epidemic that must be urgently eradicated. This cannot be achieved except we close the gap between what we know about rape and what we do. The escalation of this vice within the Covid-19 lockdown is alarming and disheartening. The existing legal instruments appear to be insufficient in addressing these issues and the administration of justice system has lacunas that put a rape victim at a disadvantage. This vice has been within the society all this while, but the lockdown has aggravated its occurrence and necessitated the need to urgently curb this menace. Government alone cannot address issues of sexual violence, if what we need is eradication of this epidemic, then there must be in place a comprehensive approach against sexual violence. This will involve all spheres of

¹⁰⁹Lagos DPO Rapes Woman in his Office .Legit, in. Welcome to Mirabel: The First Centre Supporting Rape survivors in Nigeria, The Guardian 25 January 2016 (accessed 26 June 2020).

governments, community leaders, religious organizations, educational sectors at all levels, and civil rights organizations. The government is encouraged to adopt much more proactive measures by investing in research that will influence policies. This paper identified that it has become necessary to invest in preventive measures in the area of sexual violence. Identifying factors that are associated with an increased risk particularly for children will help identify better preventive measures.

This paper finally notes that the existing laws on sexual violence should be backed up with an enabling environment. With the rise of reported sexual assault cases, every single person has a role to play to eradicate this vice. This can only be successfully achieved through a combination of all relevant stakeholders who believe in justice and human dignity. The right to dignity is a fundamental human right that is guaranteed by the constitution, women, and children should be adequately protected from sexual assaults.