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The Prevalence of Sexual Assault and the Need for Preventive Measure in Nigeria

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The paper examined the prevalence of sexual assault and the need for preventive measures in Nigeria. As currently being reported in most national daily newspapers, the incidence of sexual is daily in the increase and many cases are still not reported. As part of the objectives, the study involved the review of literature, highlighting case studies and the role of culture in promoting and contributing to sexual violence.

According to the United Nations Secretary-General, Ban Ki-Moon (2013, "there is one universal truth applicable to all countries, cultures and communities: violence against women is never acceptable, never tolerable".

Despite this food for thought and in spite of various efforts as seen in several reports of World Health Organizations and United Nations, the incidence and prevalence of sexual violence against women is rising across all countries regardless of economic status or religion affiliation. The main issue therefore, is that sexual violence represents a public problem that is in violation of one of the basic rights of women to protect their bodies.

During the 1993 UN World Conference on human rights, gender violence (which includes sexual assault) was defined as "violence which jeopardizes fundamental rights, individual freedom and women's physical integrity". Articles 1 and 2 of the UN Declaration on the elimination of violence against women expand this further and in many UN documents, including the Beijing platform by Action, the term:

"Violence against women means any act of gender-based violence that results in or it is likely to result in physical, sexual or psychological harm or suffering to woman including threats of such act with coercion or arbitrary occurring in public or private life. Violence against women shall be understood to encompass, but not be limited to the following:

(a) Physical, sexual and psychological violence occurring in the family

including battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation

(b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution.

(c) Physical, sexual and psychological violence perpetrated or combined by state, whenever it occurs" (Kelly & Regan, 2005]

The term "violence against women" comprises different types of violence that includes sexual violence by an intimate or non-intimate partner, female genital mutilation, child forced marriage, honour killings, trafficking of women or children, widowhood and inheritance, violence against women and legal constraints etc. Sexual assault is one form of gender based violence against women. This paper reviews literature that focus on sexual assault, including rape, sexual harassment or coercion, which are components of GBV.

Daily, Nigerian women face different forms of sexual assaults, which affect their dignity and integrity. Although Nigeria has provisions in both her criminal and penal codes against the various types of sexual assault, they are not effectively

implemented in practice, majorly due to the technicalities and evidential rules in the proof of sexual assault. For instance, "having carnal knowledge or sexual intercourse with a woman or a girl without her consent or under duress" attracts a sentence of life imprisonment [The 1999 Nigerian constitution].

In more developed countries, many studies on all forms of sexual assault are available. These help to better understand the effects on women and aid in various prevention programmes. This is not however the case in the developing countries. In the African environments for instance, Female Genital Mutilation appears to be the most researched form of sexual assault, at the expense of others. This paper is going to review the extent of the problem, the prevalence and incidence of sexual assault, highlight some cases and make a call for preventive measures in Nigeria.

The Extent of the Problem

Almost on a daily basis, the news media report cases of sexual assault yet the majority of cases remained unreported. The following are some of the reasons for this:

1. Shame: sexual assault produces shame in the victims.
2. The fear of being blamed: the societal attitude of blaming the victims/survivors is often reflected, even in the judicial system. This has led to a great number of sexual and gender-based crimes being dismissed or attracting light sentences
3. The fear of stigmatization: prosecution of such cases makes it public, leaving a stigma on the victim in the community. Presently in Nigeria, there are not enough organizations that provide victims/survivors with adequate social support and welfare.
4. Burden of proof: this scares away many victims/survivors away from reporting cases
5. Ineffective judicial system: the current practice in the judicial and law enforcement bodies give room for sexual assault to be perpetrated with impunity.

6. Lack of sensitivity of the law enforcement agencies to the plight of the victims/survivors, who is not only threatened, afraid, unprotected but also is at risk for further sexual violence.

The followings cases from Ammesty international (2007) demonstrated the extent of the problem in Nigeria:-

Case One

"On 21 June 2004, "Folake", a domestic worker was allegedly forced into the bedroom of her employer's husband, made to watch a violent film on video tape and raped. Her father took items of material evidence, including her underwear, to local police station. He was told that alleged perpetration bruising on her vagina and concluded that she has been sexually assaulted. However, it was "Folake" who was charged with slander. She was remanded into custody at Kirikiri medium security prison for seven days until her family could pay the bail. Her father said that during her imprisonment she had no access to medical care and the family had heard that the evidence he handed to the police has since disappeared. Human right lawyers who took up the case strongly suspected that the alleged perpetrator had used his social and political influence in his community to exert pressure on investigating officials."

Case Two

"In one case, a woman was reportedly beaten by her husband when she protested his raping her daughter. The citizen's Mediation Centre warned the relative to stop raping the daughter and pressed him to support the family materially. They then referred the wife to an NGO working on Violence against women for possible material support and protection during the police investigation".

Case Three

"Angelina" told Ammesty International she did not trust the police because they do not believe victims of violence in the home but made them feel guilty instead. Aged 27, she said that from the age of 15 she had been

repeatedly raped by her father. When her mother found out, her father was temporarily expelled from the house, and "Angelina" was counselled by a pastor. The question of bringing criminal charge against her father was not discussed. At the time she spoke to Amnesty International "Angelina" had found accommodation at the only shelter for women in Lagos State which is run by an NGO

Case Four

"Sometime in 1999, an uncle sexually assaulted a little girl of six years old. The matter was taken to court and prosecuted. In giving judgement however, the magistrate set the accused person free for lack of corroboration. This was in spite of the blooded pants, the testimony of the mother who noticed the pains while bathing her and the medical evidence from a government hospital. The magistrate said that collaboration meant testimony from another person who witnessed the alleged act. Here was a woman who was courageous enough to go to court in a society where silence on violence against women is the norm only to be told that she could not get justice due to the technicalities of law"

During a senate session, Nwankwo (2013) presented the following cases in Nigeria (5-15):

Case Five

"A 4 year old girl was raped and her account of the incident to her father shows that serious and drastic action needs to be taken by law enforcement, our social services, parent etc, to stem this tide. She said to her father: "Uncle Onye put his weewee in my ansarot and urinated on me". By "urinating," she meant "ejaculating"

Case Six and Seven

"Two men were arraigned before the Court for allegedly raping a woman afflicted with Down syndrome at midnight of July 10, 2010 and the Police Command paraded a 21-year old for allegedly have carnal knowledge of an 18-year-old deaf and dumb."

Case Eight

"A 16-year-old defiled a nine-year-old school girl, who was on her way home from school in company of her friends. The doctor's report indicated that the victim suffered some lacerations on her private part and her hymen was broken".

Case Nine

"A 63-year-old man, attempted to defile a two year old girl in his room. The suspect, who is old enough to be the victim's great-grandfather, allegedly lured her into his room, stripped her naked and was struggling to penetrate into her before he was caught."

Case Ten

"A 15-year-old girl was allegedly raped and impregnated by the 40 year welder who is supposed to be a family friend. Her story was published in the punch newspapers along with her photograph. He tied her with ropes before violently raping her. According to her, because she had not had sex before, she had bruises and blood covering her private part".

Case Eleven

"A 13-year-old girl, a junior secondary school student was reportedly invited into one of the suspects' apartment. While there, the owner of the apartment, a married man with five children, whose family was away, had carnal knowledge of her, alongside his two friends. She was thereafter instructed not to tell anyone. He threatened to kill her if she did. She was later confirmed pregnant at 13 years."

Case Twelve

"A more pathetic case is of 18 year old Esegi, who was gang-raped to death in a shop in 2012 in Yenagoa. The report said that she was violently tortured and raped to death by unknown persons in broad daylight.

Case Thirteen

"Another lady believed to be in her early twenties was raped to an unconscious state by four men in Warri, Delta state. It is not yet clear whether she survived it or not".

Case Fourteen

"Rape is widespread and has been reported in all states of the federation included Abuja the FCT. In November 2012, a woman was drugged in a taxi, abducted and raped and threatened with blackmail by her abductor".

Case Fifteen

"The church is not exempted from this epidemic. A 42-year-old pastor of a white garment church who allegedly raped a 12year old foster daughter of his neighbour was arraigned before a magistrate's court, in Lagos."

Cases 16 and 17 appeared in the news:

Case Sixteen

"Sexual assault concerning a year old-girl was reported repeatedly in the month of October and November 2013 by the NTA network News line programme. The girl was allegedly raped by a police officer. It caught the attention of the member of national assembly and the alleged police officer was relieved of his duty eventually".

Case Seventeen

"The case of rape was reported by Odiagwu [2013]. The girl, an 18-year-old, was raped by unknown gang men who forced her into an uncompleted building. The girl could no longer bear the shame and pain induced from the incidence and she committed suicide"

The above cases are just a few. Most cases of sexual assault remain unreported. In many reported cases, no conviction is obtained because there is no evidence beyond doubt. The Nigerian constitution in section 179 (s) of the evidence Act states:

"It is not the rule of law that an accused person in a charge of rape cannot be convicted on uncorroborated evidence of the prosecution. The proper direction is that it is not safe to convict on the uncorroborated evidence of the prosecution. The court may nevertheless convict the accused person if it is satisfied with the truth of evidence"

In fact, the procedure could be frustrating because of the many technicalities involved. Sex offenders can

therefore be free due to this lack of corroboration. The victims thus suffer injustice in addition to the assault.

Prevalence of Sexual Assault

In Nigeria, it was estimated that between 12-25% of women have been forced by an intimate partner or former one to have sex at one time in their lives (Watts and Zimmerman, 2002).

In fact, Heise et al (1995) posited that sexual violence cuts across the world. A recent report indicates that *"over all 35% worldwide have experienced either physical and/or sexual intimate partner violence or non-partner sexual violence. While there are many other forms of violence that women may be exposed to this already represent a large proportion of the world's women"* (WHO 2013).

When discussing sexual assault, one's mind goes to adults whereas it cuts across ages. In fact, children and adolescents constitute a large percentage of victims of sexual assault. In reality, according to WHO in 2002, most public health problems involve millions of children and adolescent world-wide, with a large percentage from Sub-Sahara Africa. Kelly (2004) reported that a significant percentage of children and adolescents are subjected to sexual abuse by adults or other adolescents. Analyses of many surveys reviewed by Goldman and Padawach (2002) on the incidence of child abuse concluded that about 20 percent of female are sexually abused as children or adolescents. Also, from 30 studies reviewed by Forgusson & Mullen in 1999 on the prevalence of child sexual abuse in community, a range of 3% to 30% in males and 6% to 60% in female was found.

The findings of Saidi, Odubu and Awori (2008) reveal that the first sexual experience of most girls is usually manifested in unwanted and forceful sex. Other studies from both developing and western countries such as Finkelhor 1994, Govey & Lesile (1997), Ajuwon et al (2001) and McGee, Caavavan, Barra, Byrne and Conroy (2002) confirm this.

In addition to the above, Langan and Wolf (1992) discovered that 40% of sex offenders were minors (less than 18years).

Even in South African, individuals between 7 and 15 years were found to be perpetrators of gang rape Woodmark and Welma (2000). Yet sexual violence seems to be a neglected issue as observed by Ellsberg and et al (2001). This observation is virtually true because many cases on sexual violence go unreported due to the fear, shame and stigma attached to the incidence. As a result, the number of children who report to the police or receive treatment medical services on issues related to sexual violence is not significant. Ajuwon et al (2001) also reported a high prevalence of sexual coercion in public institutions in Nigeria and concluded that sexual harassment was the predominantly form of sexual assault among both children and adolescent. Igbokure (2007) reported the alarming rate of sexual coercion among primary and secondary institutions in Nigeria. It came to the attention of the then Minister of Education, Dr. (Mrs.) Exekwesli to intervene in the protest of the student over the sexual harassment that they were experiencing from their male teachers. A systematically survey of reported cases of child abuse from three major towns in South Eastern of Nigeria indicated that 60% girls below the age 12years had been victims of sexual abuse. A similar percentage was observed in the North West from the Kano teaching hospital retrospective study of victims of sexual abuse in children below the age of 17year over a three year period (Tukur, Omale and Abubakar, 2007). A review of abuse cases seen at general hospital Suleja, Niger State (Middle-belt of Nigeria) found 96% case of child abuse out of 77 cases reviewed (Abubakar et al 2011). These studies amount the gross problem of child abuse in Nigeria. Likewise, Olusanya Ogbemi Omuge and Oransaya's (1986) findings from the study among elementary children aged 6-12 years and adolescent 13-19 years in Benin reported a 4.82% incidence over a three year period with 50% of cases rapes occurring in those below 13years old.

A survey conducted by Adedoyin and Adegoke (1995) revealed that most of the interviewees reported being assaulted before 18 years. Ogbemeka (2012) examined the prevalence of unwanted

sexual exposure or sexual experience before the age of eighteen among the university female students and discovered that 43% of the study population had been victims of child sexual abuse. Similarly, Akande (2010) examined sexual coercion among adolescent female students and apprentices in three different states of Nigeria aged less than 16years. There was a wide range of patterns of sexual coercion. The findings indicated that between 3.2 to 30% respondents have experienced some forms of sexual coercion or assault. All these above studies confirmed the account given by Owunamaram in (1995) on how high the prevalence of sexual coercion was both inside and outside of public institutions in Nigeria.

The Role of Culture in Promoting Sexual Violence

It has been well documented worldwide that culture play an important role in violence against women. Women culturally suffer all forms of violence throughout their lifetime. Selective abortions and infanticide of female babies is not uncommon. Some populations in Asia and North Africa have a glaring gender imbalance as a result of this. In other cultures, a female child would be allowed to live but would suffer neglect, be educated and subjected to different types of abuse. The Nigerian culture is peculiar because it entails traditional practices which woven into the fabric of the society. Asagba (2013) attempted to explain the three types of Nigerian culture based on Pelzer's description of Malawi's culture which can be applied to most of African cultures. According to Pelzer (1980), Nigerians could be grouped into:

- i. The traditional people who live in the rural areas and mainly practise traditional values
- ii. The "Western personhood" who live mainly in urban area. They practise Western culture and have abandoned their traditional practices.
- iii. The people in "transition". These practise both traditional and Western culture. They may be in process to becoming westernized or remain in the traditional culture but sometimes practice Western culture.

In practice, the majority of Nigerians falls into the traditional and transition groups. In the traditional practice, gender roles and identities are determined by sex, age, social, economic status ethnicity, nationality and religion. These give no credence to human rights, gender equity, democracy and see violence as a solution to problems. This might be the reason why sexual assault might be regarded as Nigerian norm. There is glaring evidence that the root cause of the increased incidence cases of sexual assault in Nigeria is societal attitudes towards gender discrimination, placing women in a subordinate position in relation to men.

In practice, there is no social and economic value for women and her work. The accepted gender roles perpetuate and reinforce the assumption that men have decision-making power and control over women. This accommodates sexual assault or coercion of females. The society for instance, believes that a male could coerce a female for sex after spending a lot of money on her and the female would be blamed if she reported any act of sexual assault. The poverty in Nigeria further encourages such cases. The victims are therefore more vulnerable to sexual assault. An old man who provides financial means and gifts to underage girl in exchange for sex would not be questioned. In fact, some parents allow their female child to marry a man even as old as her grand-father because of the money they have collected from the man.

Sexual orientation through socialization is an important factor that promotes sexual assault in Nigeria. For instance, it starts from the way daily greetings go in the various tribes in Nigeria. In many of these, when a girl greets an elderly person in the morning, the elder usually responds with a prayer, one of which is, "I pray God allows you find a good husband that will take good care of you and your people". Such a child had internalized the need to be dependent on a man and at his mercy when she is married. Some traditional practices encourage men to have sex with a virgin girl, a pregnant women or a mad woman in order to attain certain expectations. That having sex with babies or toddlers cures

one of HIV or can provide riches is also a common belief. These actions increase not only the prevalence of sexual assaults but also Sexual Transmittable Diseases (STD), including AIDS/HIV in the society.

Conclusion/Recommendation

There is the need for reduction of the incidence of sexual assault in Nigeria if total elimination is not possible with this generation. Therefore, the key element is prevention. This is because sexual assault or any form of gender-based violence destroys a country's efforts to eradicate poverty as it reduces performance and productivity of women and deprives many young individuals of education (WHO, 2005). Considering the fact that the aftermath of any type of sexual assault involves generations after generations (UNDFEW, 2002, Ellsberg, 2006, Morrison, Quadana & Boyd, 2005), it makes sense to focus on how to break the circle from this generation. This can be done by engaging every level of prevention: primary, secondary and tertiary.

Primary prevention focuses on how to prevent the assault from occurring at all. In achieving this goal, all the risk factors such as gender inequality and wrong parenting practices must be reduced drastically through education at every stratum of the society. It has been documented that "primary prevention" can not only save lives but also help in the financial aspects of all countries, such as "medical cost loss of earnings and loss of quality of life". It was estimated that crimes based on sexual assault cost over billions of dollars, which represent the most costly in terms of crime. Worldwide (Post. Mezezi, Maxwell and Wibert, 2002 and Duboung, Hammed & Thorns 2005).

Secondary prevention focuses on helping the victims with immediate support in form of welfare and shelter as well as professional and counselling and psychotherapy. These are not readily available in Nigeria at the present but should be made available in every town.

In tertiary prevention, the focus is on the long-term care and social support of both the victims and assaulters in form of rehabilitation. The law enforcement

agencies and other relevant professionals should be trained with the necessary equipment needed to carry out their work across the federation. The assaulter should be monitored after release in order to forestall a repeat act.

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