

THE WHITE COLLAR

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A Culture of Violence

Offences Against the Person-

Assaulting Motorist:
"Ah! Sir we've been queuing for fuel for six hours now, you can't just enter like that!"
The Oga: "Do you know who I am?! Shut up there! Samson teach that simpleton a lesson!"

Samson obliges with a slap to the face and completes the Assault-
"by striking, touching, or moving, or otherwise applying force of any kind to, the person of another, either directly or indirectly, without his consent..." (Section 252 of the Criminal Code Act 1990)

The offence carries a sentence of at least one-year imprisonment, but rather than being a deterrent, day-in and day-out fights burst out across queues, in offices and even in our legislative chambers to the point that people are no longer thoughtful of what it means to strike another individual, no consequence will follow and so gradually we have formed a culture of violence and impunity.

Like Charity, Violence Begins at Home

In 1990 a news story captured the attention of the nation- it was the story of Charity Agbakwuru, a young beauty queen from Port Harcourt who was scarred and blinded by her jealous boyfriend's acid attack. The response and indignation was strong, she soon received surgery and treatment owing in some degree to the sympathy this story provoked in Nigeria.

In April 2012 wife of two years, Mercy Nnamdi was inflicted with severe third degree burns all over her body from a hot pressing iron her husband used to torture her believing she was having an affair. On the same night her husband killed their only child.

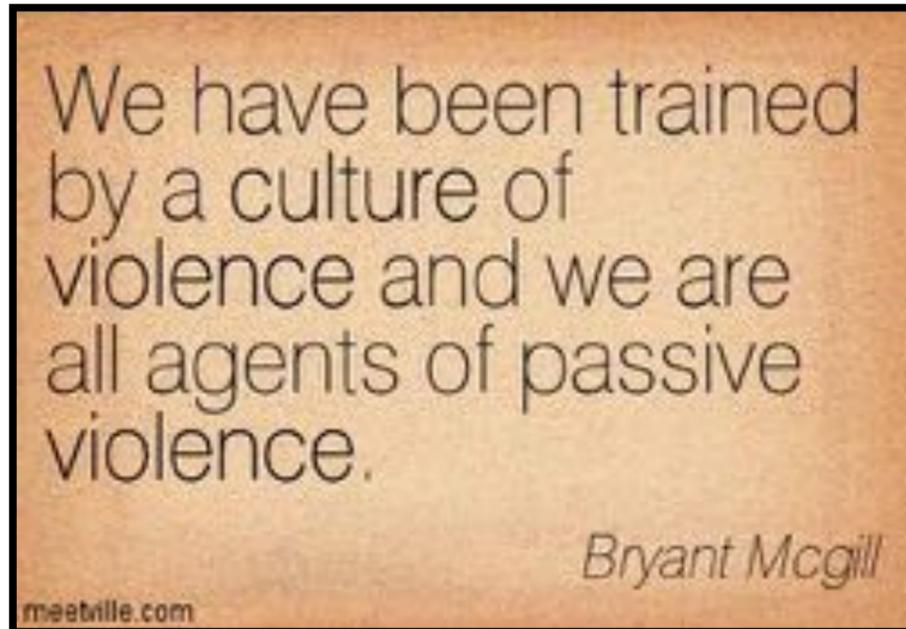
These are graphic accounts of domestic violence that occur everyday across our country, we hear about the Charities and the Mercys that are reported in the headlines but for every one of them that do there are millions of women, children and vulnerable people who are unheard, abused and unprotected. It is the reality of these vulnerable groups, a sustained culture of violence and abuse that is common, frequent and prevalent. They are recognised by the Police as "private matters"... until someone dies of course.

Society to Blame

Strong critique of this culture of violence and abuse often comes from alternative legal theories such as Feminist jurisprudence- formed on the basis that societies such as the Nigerian society are inherently designed to sustain 'Patriarchy'- a system of social order that maintains and perpetrates all forms of male dominance, and must therefore be corrected. This school of thought is of the opinion that the gender roles designed for men and women from infancy and childhood are inherently flawed and therefore encourage or in fact "cause" the violent culture of abuse and exploitation that is inevitably manifest today in the streets, the office and in law and politics.

Numbers Don't Lie

Before we are even able to consider the argument itself it becomes obvious that a large part of this culture of violence is the absence of clear quantifying data to assess the reality of the problem in Nigeria. Until we have this information women, children and vulnerable individuals will



keep suffering in silence and alone. Still, by comparison speaking specifically about Sexual Violence and Abuse- the World Health Organisation estimates that 150 million girls and 73 million boys under the age of 18 are sexually abused. The Wellbeing Foundation in Nigeria puts the figure at 1 in 5 Nigerian girls under the age of 15 years. The true magnitude of the problem is unknown and the consequences of this violent culture are deep and far reaching. In children alone violence and abuse is directly attributed to the poor development of social skills, learning difficulties, emotional/psychological problems such as anxiety, depression and aggression, drug abuse, and a predisposition to earlier sexual indulgence and becoming abusers themselves.

The Sexual Offences Bill

Once upon a time it was acceptable to sell another human being, men killed each other for sport, children were used as instruments of trade, and women were considered chattel. We have come a long way since those dark times but it would seem we have not come far enough because children, women and vulnerable individuals in our society are still abused on a daily basis without consequence or protection. That is what proposed laws like the Sexual Offences Bill intend to correct.

The Sexual Offences Bill (SOB) has attracted a lot of attention, and rightly so, but unfortunately it seems that it has done so for the wrong reason. First, renowned Advocate Femi Falana SAN and Nobel Laureate Wole Soyinka drew attention to the Bill with scathing criticisms about the implications of certain sections of the Bill and how they redefine the age of consent. Then the Bill's drafters fired back a response defending their work and accusing the two respected commentators of commenting without being informed, steeping the Bill in further controversy to the point that we are now talking about what was said, instead of this potentially redefining Bill.

We may be tempted to be less critical of the SOB when we consider its history and purpose- "To Make Provision About Sexual Offences, Their Definition, Prevention And The Protection Of All Persons From Harm, Unlawful Sexual Acts". But the truth is the criticisms are not about its proponents, in truth we necessarily must be critical of this Bill because it is that important. This Bill is not just "another good innovation", it is "a moral imperative", a fundamental piece of legislation that has been necessary for sometime

now. And if this was not enough, then the simple hope that this may one day become binding law by which all Nigerians are compelled is imperative enough for us to speak out. Many Nigerians are affected deeply and profoundly by the contents of this Bill, and all Nigerians in some way will be touched by it or share a close personal degree of connection to someone who is. It is not a subject to be trivialised or underestimated, and it is in this spirit that it ought to be perceived.

Examining the Bill itself generally it attempts to be quite thorough in scope, it introduces many innovative regulations that define and criminalise practices that for years have been prevalent and without restriction. For instance **section 23(1)** speaks specifically to 'Sexual Harassment' an offence relatively new to Nigerian law but which has long since been prohibited in countries with progressive laws in this are. Section 23(1) prohibits persons in positions of authority or holding public office from making sexual advances or requests to persons, when they know or have reasonable grounds to know those advances or requests are unwelcome. Section 23(2)(b) allows the offence to be proved by reference to the effect of these advances on a person's work or education/learning environment- something that has been necessary for decades just looking at Nigerian Universities and the abuse that is perpetrated against students. **Section 26** creates an offence of deliberately transmitting HIV or other "life threatening diseases" ('Deliberate Transmission of HIV or other Life threatening diseases'), **section 14** prohibits Child Prostitution, **section 9** introduces an offence of 'Gang Rape' and many more strong protections for children and vulnerable individuals.

The problem is not with these innovations, worthy as they are; rather it appears to be with the awkward drafting of the Bill. An example is **section 15** prohibiting **Child Pornography**, a thorough and almost comprehensive coverage of the offence except that it made reference only to the distribution or likewise act of "obscene books, objects or pamphlets" among other things. In the four encompassing subsections it does not mention child nudity or recorded sexual acts involving a child once, choosing rather to focus on articles that promote 'lascivious' or 'prurient' attitudes in their consumers- respectfully though, that could be anything. In fact a cooking book could lead to a conviction of 'Child Pornography'. And while it is attractive to draw the net wide to encompass the myriad of unacceptable habits now preva-

lent, the problem is these laws become too wide and impractical to enforce, leaving the vulnerable and those susceptible to the abuse worse off- now there are laws to protect them that cannot.

Another example is section 7's offence of Defilement of a Child, it creates three separate degrees of the same offence in three subsections punishable by the same life imprisonment when one offence could have stipulated an age range that covered the entire period of minority. The question the Nobel Laureate and the SAN asked by their criticism was, "Why?". Of course a cursory discussion of a Bill more than seven years in the making is inadequate, however what is also obvious is that much still needs to be done to secure the kind of protection necessary for vulnerable groups through the Sexual Offences Bill, unless it is simply to become a pleasant window-dresser-law with no real impact or effect in the lives of Nigerians.

Lost in Translation- The Vulnerable Remain Vulnerable

We have a culture of common and persistent violence- sexual, domestic, against infants and children, in public service, as private individuals etc- we present ourselves stereotypically as a society prone to violence and the pattern exists to be seen. The assertion is not that we are all violent, on the contrary we are perhaps no more violent than other nations. Rather it is that because there is little consequence to violence in our society at the slightest instance of provocation we are more easily drawn to violent recourse.

Whether correct or not the argument that gender roles in Nigeria perpetrate this violent culture is a difficult consideration to make, but it is one we cannot afford to ignore any longer. We pride ourselves with being a people with a rich cultural heritage purposefully designed and sustained over centuries to make us who we are today. We are proud of our ancient ways because we know that there is also deep wisdom and thought in them that allows us to transfer and preserve our way of life from generation to the next. The consideration that we may be wrong in some aspects of that will not be made easily, but more and more it is becoming apparent that a lot of this is being lost in translation as one generation passes on and another rushes to grab what is valuable in their own estimation.

There is wisdom beyond strength, beyond assessing a person by the roles they can perform and it is that wisdom that we ought to aspire to in our homes and as a nation. If we don't teach our young men to respect and care for children, women and those they are "Stronger" than we cannot expect them to be anything but bullies and we ought to just get used to being a nation of victims and abusers.

Considering it differently we may ask ourselves in all this what is our most basic human responsibility? Beyond labels and beyond the intellectual arguments, beyond excuses and hiding behind customs that are at risk of being antiquated and unproductive or even regressive. Beyond all this is our simple responsibility to protect those who cannot protect themselves. That is why laws like the Sexual Offences Bill are so important, that is why we must get it right. They are the last remaining confines of our humanity keeping us from the abyss of self-interest and endemic arbitrary abuse of authority; that is why it is so important to get them right. The alternative is unthinkable- a future where our children suffer for our inability to do so.