

COMPARATIVE LEGAL ANALYSIS OF THE PUNISHMENT FOR RAPE UNDER THE NIGERIAN LAWS

By

Faiza Miko Abdullahi* & Maryam Lawal Kera*

ABSTRACT

This work analyses the laws and punishments of rape under the various laws of Nigeria. Rape is a violation of fundamental right of the victim as enshrined in Section 34 of the Constitution of the Federal Republic of Nigeria. Rape is a traumatic event that leads to lifelong consequence. This paper adopt doctrinal method through the use of statute, judicial precedent and text books. This research aims to analyze the laws and punishments with a view to deter the crime against future perpetrators. This paper finds that the laws of rape are obsolete Under the Criminal Code Act and Penal Codes Act though the VAPP Act was enacted to update the outdated laws, unfortunately, the VAPP Act fails to recognized the offence of defilement of child, attempted rape and the age as to which a person can give a valid consent. The punishment for rape appears to be a discretion granted to the judge, which makes the judge to pass a very little sentence though the Penal Code Law of Kaduna State and Zamfara provide for stiff punishment and a mandatory sentence, yet, this punishment seems to only appear on paper, it lacks strict implementation. Thus, this work recommends that the laws of rape should be reviewed to meet up with today's society, and the punishments for rape should be life imprisonment with strict implementation in order to serve as deterrence to other perpetrators.

Keywords: Rape, Laws, Punishments, Nigeria.

* PhD Candidate, Department of Public Law, Faculty of Law, Ahmadu Bello University, Zaria 08108907868, mikofaiza@gmail.com

* LL.M Student, Department of Private Law Faculty of Law, Ahmadu Bello University, Zaria +234 813 674 7988, Maryamklawa123@gmail.com

1.0 Introduction

The offence of rape is not a modern phenomenon. Historically, the early Law on rape was enacted with a view to protecting Virginia from rape, abduction and forced marriage. It was also the intention of the law makers to protect the interest of a father in the virginity of his daughter or the interest of a husband in his wife's fidelity.¹ As the court held in *People v Liberto*² "the purpose behind early rape was to protect the chastity of woman and thus their property value to their fathers or husband". Rape has both physical and psychological effect on the victim like urinary tract infection, unwanted pregnancy, sexually transmitted diseases (STDs), unsafe abortion, vaginal bleeding, depression and post-traumatic stress disorder.³ Rape victims are also blame for being responsible for their crime due to indecent dressing which exposes parts of their body. However, there are other causes of rape like myth about sex, peer group influence, influence of globalization (ICT), mishandling of rape case⁴ coupled with poor penal sanction. There are different categories of rape such as marital or spousal rape which means sexual intercourse between husband and wife. War rape is a forced sexual intercourse that occurs during wars by soldiers on female victims. Anger rape where the main aim of the rapist is to hurt, humiliate and debase the victim through physical violence⁵ and gang rape is when a group of people participate in the rape of a single victim.⁶ The VAPP Act now recognized gang rape but failed to recognize war rape which was employed by *Boko Haram* (western education is forbidden) on 15 April, 2014. Many women and girls were repeatedly raped, tortured, forced labour, forced marriage and sexual slavery.⁷ Rape is

¹Emerald, O.C and Emejuru, C. T (2015) "An Appraisal of the Jurisprudence of Spousal Rape in Nigeria", *Dennis Journal of Law and Conflict Resolution*, Vol.1(1), <https://www.researchgate.net/publication/275153267><access on the 25th of February, 2019>p1

² Cited, *ibid*

³Smith, C et al (2014) "The Emotional and Psychological Aspects of Rape", *Journal of Evolution of Medical and Dental Sciences*, Vol. 3, Issue 34, <https://www.researchgate.net/publication/276248697><access on the 6th of February, 2019>p9005

⁴Chiazor, et al (2016) "Taming the Rape Scourge in Nigeria: Issue and Actions", *Gender and Behaviour*, 14(3), <https://www.researchgate.net/publication/320077852><access on the 6th of February, 2019>p7773-7774

⁵ Mferekemfon, I. P and Nwakwaola, C. L (2015) "Rape and the Girl Child", *IOSR Journal of Dental and Medical Science*, Vol.14, Issue, Ver iv, <https://www.iosrjournal.org><access on the 6th of February, 2019>p53

⁶ Chiazor, et al, *Op.cit*, p7771

⁷ Attah, C. E, (2016) "Boko Haram and Sexual Terrorism: The Conspiracy of Silence of the Nigerian Anti-Terrorism Laws", *African Human Right Law Journal*, <https://www.saflii.org><access on the 25th of February, 2019>pp393-402

the most unreported crime due to the trauma and stigma attached with the offence⁸. Thus, the laws are outdated and the punishments for rape are inadequate to deter the crime. This paper aims to analyse the laws and punishment for rape under the Nigerian law with a view to serve as deterrence to other perpetrators.

1.1 Meaning of Rape

The term “rape” originates from the Latin verb “*rapere*” meaning “to seize or take by force”⁹. At common law, rape is defined as unlawful sexual intercourse committed by a man with a woman not his wife through force and against her will¹⁰. In *Dankara v F.R.N*¹¹ the court defined rape as forcible sexual intercourse with a girl or woman without her giving consent to it. Rape means having sexual intercourse with a non-consenting female with the knowledge by the accused that his victim was not consenting.¹²

2.0 Legal Analysis of the Offence of Rape under the Nigerian Laws

There are different legal systems which criminalized rape in Nigeria: the Penal Code Act (Northern State), Criminal Code Act (Southern State), VAPP Act (F.C.T), Child Right Act (F.C.T), Sharia Penal Code Law (12 Northern State) and some states have enacted their State Law (Criminal Code of Lagos, Penal Code Law of Kaduna State and Zamfara State).

2.1 The Offence of Rape under the Criminal Code Act

Section 357 of the Criminal Code Act provides thus:

Any person who has unlawful carnal knowledge of a woman or girl, without or with her consent, if the consent is obtained by force or by means of threat or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.¹³

⁸ Bamgbose, O and Akinbiyi, S (2022) *Criminal Law in Nigeria*, Evans Brothers (Nigeria Publishers) Ltd, Ibadan, 2nd Edition, p175

⁹ <https://www.merriam-webster.com> <access on the 25th of January, 2025>

¹⁰ Garner, B. A, (2004) *Black's Law Dictionary*, 8th Edition, p3952

¹¹ (2024) 12 NWLR(Pt.1952) 227

¹² Chukkol, K. S (2010), *The Law of Crimes in Nigeria*, ABU Press Ltd, Revised Edition, p319

¹³ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004

The phrase “sexual intercourse” is not defined in the Criminal Code. But commonly understood, it is a penetration of the male sexual organ of a woman’s vagina¹⁴ outside marriage. The offence of rape is complete upon penetration, even if slight is sufficient. Penetration takes place when the male organ reaches the *labia minora* which is outside the female vagina. Penetration must be through the vagina not through the anus¹⁵ or any part of the body. It is not necessary to prove that the hymen was ruptured.¹⁶ In *State v Ijiwande*¹⁷ the court held that penetration of the penis into the vagina, even if slight or weak is sufficient to sustain a conviction for rape. Emission of the man’s sperm is equally not a necessary requirement. Hence, the slightest penetration will be sufficient to constitute the act of sexual intercourse. This is the reason that, even where penetration was proved but not of such a depth as to injure the hymen, it has been held to be sufficient to constitute the crime of rape. Thus, from the word carnal knowledge means only a man can be convicted for rape even though a woman can be charged as principal offender under section 7 of the Act.¹⁸ The *actus reus* of rape is penetration while the *mens rea* is the intention to have sexual intercourse with a non-consenting female when one knows that she is not consenting to it or when is reckless as to such consent/lack of consent.¹⁹

Consent must be valid, not one obtained through fear, force or fraud. It must be genuine and voluntarily by the defendant at the time of performing the sexual act, as prior consent cannot validate sexual aggression complained of by the victim.²⁰ The carnal knowledge must be unlawful which takes place otherwise than between husband and wife.²¹ The Act does not recognize marital rape since the wife has given irrevocable consent to sexual enjoyment to her husband. A child under the age of 12 years is presumed to be incapable of having carnal knowledge²² (cannot

¹⁴Jibril, M. T (2023) *Notes on Criminal Law in Nigeria*, Enifab Print Media, Sabonm-Gari, Zaria, p84

¹⁵Bamgbose, O and Akinbiyi, S, *Op.cit* p177

¹⁶*Ibid*

¹⁷(2020) LPELR-51627 CA

¹⁸Chukkol, K. S, *Op.cit*, p320 see also 83 of the Penal Code Act for abetting and aiding the crime of rape.

¹⁹*Ibid*, p320-322

²⁰Jibril, M. T, *Op.cit*, p83

²¹Bamgbose, O and Akinbiyi, S, *Op.cit* p178

²²Section 30 of the Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004, see also section 50 of the Penal Code Act, Cap P53, Laws of the Federation of Nigeria, 1960 as to the age of criminal liability.

commit rape or attempted rape) although on such a charge he may be convicted of indecent assault²³.

2.2 The Offence of Rape under the Penal Code Act

Section 282 of the Penal Code Act provide for the offence of rape as:

- (1) A man is said to commit rape who, except in the case of referred to in subsection (2) of this section, has sexual intercourse with a woman in any of the following circumstances-
 - a) Against her will;
 - b) Without her consent;
 - c) With her consent, when her consent has been obtained by putting her in fear of death or of hurt.
 - d) With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.
 - e) With or without her consent, when she is under fourteen years of age or of unsound mind.
- (2) Sexual intercourse by a man with his own wife is not rape, if she has attained to puberty.²⁴

The Penal Code Act has some similar wording with the provision of Criminal Code Act except section (1e) consent by a girl who is under the age of 14 years is no consent. Meaning the accused may be liable for rape if he has sexual intercourse with under-fourteen whether or not she consents.²⁵Section 282 (2) provide that a man cannot be guilty of raping his wife if she has attained puberty. This means a man can be guilty of raping his wife if she has not attained puberty although the Act did not specify the age of puberty.

²³Jibril, M. T, *Op.cit*,p86

²⁴ Penal Code Act, Cap P53, Laws of the Federation of Nigeria, 1960

²⁵ Chukkol, K. S, *Op.cit*, p321

2.3 The Offence of Rape under the Violence Against Persons (Prohibition) Act, 2015

Section 1 VAPP Act provide for new definition of rape as thus:

A person commits the offence of rape if:

1. He or she intentionally penetrate the vagina, anus or mouth of another person with any other part of his or her body or anything else;
2. The other person does not consent to the penetration; or
3. The consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any person or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.

From the wordings of this section both male and female can commit rape unlike the Criminal Code and Penal Code Act which exempt women. The Act recognized penetration through anus, mouth or any part of the body or with any objects not only through the vagina as contained under the Criminal Code and Penal Code Act. Thus, penetration through anus means male raping a male (gay). Any part of the body can include finger and anything means objects like stick, spoon etc.

2.4 The Offence of Rape under the Islamic Law

The word is translated in Arabic as *zina bi al-ikrah* which literally can be translated in English as forcible unlawful sexual intercourse.²⁶ According to Imam Malik rape is any kind of unlawful sexual intercourse (*zina*) by usurpation and without consent. This includes instances when the condition of the victims prevents them from expressing their resistance, such as insanity, sleep or being underage.²⁷ Rape can be defined in Islamic law as forcible illegal sexual intercourse by a man with a woman who is not legally married to him, without her free will and without consent.²⁸

However, section 127 of the Harmonized Sharia Penal Code provide for the offence of rape as:

²⁶Noor, A. M (2009) "Punishment for Rape in Islamic Law", *Malaysia Law Journal Article*, Vol. 5, http://rep.iiu.edu.my/16877/1/PUNISHMENT_FOR_RAPE_IN_ISLAMIC_LAW.pdf<access on the 6th of February, 2019>p1

²⁷*Ibid*

²⁸*Ibid*

- (1) A man is said to commit rape who, save in the case referred in subsection (2) has sexual intercourse with a woman in any of the following:
- a) Against her will;
 - b) Without her consent;
 - c) With her consent, when her consent has been obtained by putting her in fear of death or of hurt’
 - d) With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;
 - e) With or without her consent when she is under fifteen years or of unsound mind.
- (2) Sexual intercourse by a man with his own wife is not rape.²⁹

This provision is similar with the Criminal Code and Penal Code Act except the age as to which a person can give a valid consent to be fifteen years above unlike in Penal Code to be fourteen years above.

3.1 Legal Analysis of the Punishment for Rape under the Criminal Code Act

Section 358 of the Criminal Code Act³⁰ provides that: “any person who commits the offence of rape is liable to imprisonment for life, with or without canning.” In *Popoola v State*³¹ the facts of the case are that on the 29th of January, 2004 at about noon the Prosecutrix Bukola Adebayo was easing herself in the school of farm of the Abeokuta Grammar School, Abeokuta Ogun State when the Appellant accosted her and threatened to report her to the school authority on the ground that students had been barred from defecating in the school farm. The Prosecutrix pleaded with him but the Appellant demanded for money which the Prosecutrix said she did not have, however, in the process of further threat of reporting the Prosecutrix, the Appellant grabbed her and dragged her further into the farm, rather than take her to the school, the Appellant then over powered her and raped her before fleeing the scene. The Appellant was found guilty for the offence of rape and sentenced him to a term of five (5) years imprisonment with hard labour and which sentence was

²⁹Harmonized Sharia Penal Code, Cap 4, 2002, see also Section 123 Kaduna State Sharia Penal Code Law, No.4, Kaduna State of Nigeria, 2002

³⁰Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004

³¹(2015) 6 NWLR (Pt.1464)28 S.C

affirmed by both the Court of Appeal and the Supreme Court. In *Ogunbayo v State*³² the facts of the case was that on 23rd of December, 1987, while the Prosecutrix was stooling in their own garden toilet, the Appellant surprisingly, opened the door of the said toilet and rained slaps on her face. He then dragged her from the said toilet, through the open boundary/fence of the Appellant's house and their own house she was living. She was struggling with the Appellant, but she was overpowered by the Appellant and forcefully had carnal knowledge of her. The Supreme Court found the Appellant guilty of the offence charge and sentenced him to a term of seven (7) years imprisonment with hard labour or in its lieu, to a fine of ₦5,000.00 (five thousand naira)

3.2 Legal Analysis of the Punishment for Rape under the Penal Code Act

Section 283 of the Penal Code Act³³ provide for the punishment of rape thus: "whoever commits rape shall be punished with imprisonment for life or for any less term and shall also be liable to fine". In the case of *Isah v Kano State*³⁴ the case was that the victim was on her way from her mother's place at Unguwa Uku, she met the Appellant, who pleaded and gave her money to buy him pure water and which she obliged him as requested, that upon bringing the water, the Appellant held her hand, dragged her to an uncompleted building and had sexual intercourse with her. The Appellant was sentenced to a ten (10) year term of imprisonment commencing from the date of the commission of the offence charge. The court also imposed a fine of ₦10, 000.00 on the Appellant and in default of payment of which he was to serve an additional one year jail term. The conviction was affirmed by both the Court of Appeal and the Supreme Court.

3.3 Legal Analysis of the Punishment for Rape under the VAPP Act, 2015

Section 2 of the VAPP Act provides that: A person convicted of an offence under subsection (1) of this section is liable to imprisonment for life except:

- a) Where the offender is less than 14 years of age, the offender is liable to a maximum of 14 years imprisonment;

³²(2007) 61NWLR (Pt.1035)157 S.C

³³Penal Code Act, Cap P53, Laws of the Federation of Nigeria, 1960

³⁴(2013) 35 S.C

- b) In all other cases, to a minimum of 12 years imprisonment without an option of fine;
 - c) In the case of rape by a group of persons, the offenders are liable jointly to a minimum of 20 years imprisonment without an option of fine.
- (3) The court shall also award appropriate compensation to the victim as it deem fit in the circumstances.³⁵

From the above sections provided under the Criminal Code Act, Penal Code Act and VAPP Act is clear that the punishment of rape did not provide for mandatory sentence as the word “IS” was used which is different from “SHALL” this make the punishment a discretionary. for the judge to either give a very little sentence or otherwise. This bring uncertainty as to the maximum punishment to be impose on a rapist. Though the VAPP Act expands the meaning of rape but fail to give a harsh and mandatory sentence. Subsection (c) of the VAPP V Act provide for gang rape and provide for 20 years imprisonment unlike the Criminal Code and Penal Code Act.

3.4 Legal Analysis of the Punishment of Rape under the Penal Code Law of Kaduna State and Zamfara State

The Penal Code Law of this States has amended the punishment for the offence of rape. Section 258 of the Penal Code Law of Kaduna State³⁶ provides that:

- (1) Whoever commits rape of a child below the age of fourteen years shall be punished with surgical castration and death.
- (2) Whoever has sexual intercourse with a male child below the age of fourteen years shall be punished with surgical castration and death.
- (3) Where a female adult is convicted for the offence of rape of a child, the court shall punish the accused with bilateral salpingectomy and death.
- (4) Where the victim is above fourteen years, the court shall on conviction punish the accused with surgical castration and life imprisonment.

³⁵See the case of *Dankara v State*, Supra

³⁶ Penal Code Law NO. 5, Kaduna State of Nigeria, 2020

While the Penal Code Law of Zamfara State³⁷ in section 261 provides thus:

- (a) Whoever commits rape through the vagina or anus shall be sentenced to death if married and one hundred lashes if not married, in addition to Fifteen years imprisonment.
- (2) Where the victim is infected with terminal disease, in the case of an unmarried person the offender shall be sentenced to life imprisonment.
- (3) Where the offender is a minor, he shall be detained in a remand home until he is certified being reformed.

The above sections have changed the meaning of rape. The sections also provide for harsh and mandatory sentence for the offence of rape in law. The defendants can be convicted for the offence of rape at the trial and sentenced according to this provision; unfortunately the defendant has the right to appeal to this decision up to Supreme Court which can hardly affirm the trial court decision. These laws only appear in the book but it lacks implementation.

3.5 Legal Analysis of the Punishment for Rape under the Islamic Law

Section 128 of the Harmonize Sharia Penal Code³⁸ provides that: whoever commits rape shall be punished:

- (a) With caning of one hundred lashes if unmarried, and shall also be liable to imprisonment for a term of one year; or
- (b) If married, with stoning to death (*rajm*); and
- (c) In addition to either (a) or (b) above shall pay the dower of her equal (*sadaq al-mithli*) and other damages to be determined by the court.

The punishment for rape under the Sharia Penal Code is one hundred lashes, one year imprisonment for unmarried and the punishment of stoning to death (*rajm*). The defendant must also pay dower of (*sadaq al-mithli* or proper *sadaq*) and other damages. In *C. O. P v Ya'u Aliyu*³⁹ the accused entered a house in Unguwan Lemo Zaria City and raped a woman while he is about

³⁷ Penal Code Law, No. 18, Zamfara State of Nigeria, 2024

³⁸ Harmonized Sharia Penal Code, Cap 4, 2002

³⁹ 24/USC1/2012 Unreported

to run her husband came back. The accused was charged to court and sentenced to one year imprisonment, one hundred lashes and was asked to pay one-half of her sadaq to her husband.

From the above legal analyses of the punishment for rape it can be rightly said that judges don't imposed the maximum punishment for the offence of rape. Although among the judges some are of the view that the punishment should be severe to serve as deterrence to other. For instance in the case of *Popoola v State*⁴⁰ on the need to imposed severe punishment of the offence of rape per MUNTAKA COOMASSIE., J. S. C "The offence appeared to be heinous and heartless acts. The sentence meted out by the trial court amount to abdication its role as a judicial officer. I condemned such type of sentence. The sentence is unnecessarily lenient and loose". Hence, the judges should impose the maximum punishment fixed for the offence without any punishments reduction on the rapist. The punishment must be sufficient enough to deter future wrongdoers. If the punishments are not harsh enough then the deterrence aim of criminal law shall lose its meaning and the crime cannot be controlled.

4.0 Other Related Offence of Rape in Nigeria

4.1 Defilement of a Child and Idiot

Section 208 of the Penal Code Law of Zamfara State⁴¹ provide for defilement of a child as thus: "Any person who has sexual intercourse with a child is guilty of an offence and shall be sentenced to death. If the offender is below the age of majority, he shall be sentenced to not exceeding One Hundred lashes". While section 218 of the Criminal Code Act⁴² provides that: "any person who has unlawful carnal knowledge of girl under the age of thirteen is guilty of a felony, and is liable to imprisonment for life with or without whipping. Any person who attempt to have unlawful carnal knowledge of a girl under the age of thirteen is guilty of a felony, and is liable to imprisonment for fourteen years with or without whipping". In *Adonike v State*⁴³ the facts of this case reveal that on or about the 16th day of June, 2010, the Appellant invited and requested a child of five years of age to buy pure water for him. On her return, the Appellant lured her into his room, pulled her pant and had carnal knowledge of her. The High Court convicted and sentenced the

⁴⁰ Supra

⁴¹Penal Code Law, No. 18, Zamfara State of Nigeria, 2024

⁴²Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004

⁴³(2015) 7 NWLR (Pt. 1458) 237 S.C

Appellant to six years imprisonment with six strokes of the cane for the offence of defilement, which sentence was affirmed by both the Court of Appeal and the Supreme Court. The punishment of defilement of a child in Zamfara State is death sentence which is very harsh and under the Criminal Code Act provide for life imprisonment which is not a mandatory sentence.

Section 221 of the Criminal Code Act⁴⁴ provide for defilement of girls of girls over thirteen but under sixteen years and of idiot: “any person who has or attempt to have unlawful carnal knowledge of a girl being of or above thirteen and sixteen of age; or knowing a woman or girl to be an idiot or imbecile, has or attempt to have unlawful carnal knowledge of her; is guilty of misdemeanor, and is liable to imprisonment for two years, with or without whipping.

4.2 Attempted Rape

Section of 359 of the Criminal Code Act⁴⁵ provide that “any person who attempt to commit the offence of rape is guilty of felony is liable to an offence to imprisonment for fourteen years with or without whipping”. In the case of *Ophara v State*⁴⁶ the case for the prosecution is that on the 2nd day of August, 1994, the Prosecutrix who had gone to the village stream to fetch water and was on her way home when the Appellants met. They forcibly removed the water she was carrying from her head, pushed her into the bush while the 1st Appellant removed his shorts and forcibly had sexual intercourse with her, while the 2nd Appellant held her legs apart to allow the 1st Appellant’s penis into her vagina. The Supreme Court set aside the conviction of the 1st Appellant for rape and substitutes there for a conviction for attempted rape. And also set aside the conviction of the 2nd Appellant for abatement of rape and substitute there for a conviction for abetment of attempted rape. Also confirm the sentence of three (3) years imprisonment as impose on each of the Appellant.

5.0 Conclusion

Criminal law works on the principle of deterrence and thus it punishes the wrongdoers to set an example for the other. The offence of rape is a breach of right of the victim and has both physical and psychological effects on the victim. Thus, this paper finds that the definition of rape under the Criminal Code Ac, Penal Code Act, and Sharia Penal Code Law is archaic save for VAPP Act and

⁴⁴Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004

⁴⁵Criminal Code Act, Cap C38, Laws of the Federation of Nigeria, 2004

⁴⁶(2003) 6 NWLR (Pt. 816) 230

Penal Code Law Kaduna State which extend the meaning of rape to cover cases of homosexuality unfortunately the VAPP Act fail to recognized the offence of defilement of a child, attempted rape, war rape and the age as to which a person can give a valid consent. The wok finds that the word “is” in the punishment for rape appear to be discretionary granted to the judge and this give the judge the power to pass sentence which is ridiculously low. Although the Penal Code Law of Kaduna and Zamfara State provide for harsh punishment for the offence of rape but this law seem to only appear inside the paper, since it lacks strict implementation. This paper recommends that the definition of rape under the Criminal Code Act and Penal Code Act should be reviewed to meet’s up with today’s society. The VAPP Act should enact laws for defilement of a child, attempted rape, war rape and also determine the age as to which a person can give a valid consent to rape. The word “is” under the Criminal Code Act, Penal Code Act and VAPP Act should be replace with the word “shall” to make the punishment for rape a mandatory punishment and the judges should impose the maximum punishment as prescribed by law. Thus, this paper recommends that life imprisonment should be the punishment for rape and defilement of a child, while fourteen years imprisonment for the offence of attempted rape throughout the country with strict implementation of the laws in order to serve as deterrence to other perpetrators.