

**THE ROLE OF THE VAPP ACT IN ADVANCING WOMEN'S RIGHTS AND  
COMBATING GENDER BASED VIOLENCE IN NIGERIA.**

**BY**

**Stephanie Iyobosa, OGBEVOEN**

**LAW1906234**

**FACULTY OF LAW**

**UNIVERSITY OF BENIN**

**BENIN CITY**

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,  
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FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS (LL.B) OF THE  
UNIVERSITY OF BENIN, BENIN CITY.**

**FEBRUARY, 2025**

**CERTIFICATION**

I, **Stephanie Iyobosa, OGBEVOEN**, with Matriculation Number **LAW1906234**, hereby certify that apart from references to other persons' works which have been duly acknowledged, the entire work is a product of my research, and this project has neither in whole nor in part been presented for another degree elsewhere.

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**Stephanie Iyobosa, OGBEVOEN**  
**LAW1906234**

**APPROVAL**

We certify that this project was written and completed by **Stephanie Iyobosa, OGBEVOEN**, with Matriculation Number **LAW1906234**, in partial fulfilment of the requirements for the award of a Bachelor of Laws (LL.B) degree.

**PROF. OSARETIN AIGBOVO**  
**PROJECT SUPERVISOR**

\_\_\_\_\_  
**SIGNATURE AND DATE**

**DR. D.T. ACHI**  
**PROJECT COORDINATOR**

\_\_\_\_\_  
**SIGNATURE AND DATE**

**PROF. BRIGHT BAZUAYE**  
**DEAN, FACULTY OF LAW**

\_\_\_\_\_  
**SIGNATURE AND DATE**

## **DEDICATION**

I dedicate this research project to all the victims of femicide across Nigeria.

## **ACKNOWLEDGEMENT**

No great work is ever truly done alone, and this project is proof of that. While my name may be on the cover, this journey has been carried on the shoulders of many incredible people, to whom I owe an immense debt of gratitude.

First, my utmost appreciation goes to God, who saw and kept me through the course of this project work, the entire LLB journey and blessed me with all I needed to make it a success.

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Protocol to the ACHPR on the Rights of Women in Africa

## LIST OF ABBREVIATIONS

CAP: Chapter

CRA:	Child Rights Act
FWLR:	Federation Weekly Law Reports
Ibid:	Same Author and Same Authority
JSC:	Justice of the Supreme Court
LFN:	Laws of the Federation of Nigeria
LPELR:	Law Pavillion Electronic Law Reports
NGO:	Non-Governmental Organisations
NLR:	Nigeria Law Reports
NMLR:	Nigeria Monthly Law Report
NWLR:	Nigerian Weekly Law Report
SCNJ:	Supreme Court of Nigeria Judgments
UNICEF:	United Nations Children Education Fund
VAPPA:	Violence Against Persons Prohibition Act
WHO:	World Health Organisation

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## **ABSTRACT**

The Violence Against Persons Prohibition Act (VAPP Act) of 2015 is a critical legislative framework in Nigeria aimed at advancing women's rights and combating gender-based violence (GBV). This study evaluates the effectiveness of the VAPP Act in addressing the pervasive issue of GBV, which remains a significant concern in Nigeria despite the Act's enactment. The research explores the Act's contributions, including its expansive definition of rape, prohibition of harmful traditional practices, and provisions for victim support and offender punishment. However, it identifies several challenges hindering the Act's full potential, such as slow domestication in states, cultural resistance, inadequate public awareness, and systemic issues within the judicial process. The study utilizes a doctrinal research approach, drawing on both primary and secondary legal sources, to provide a comprehensive analysis of the Act's legal and institutional frameworks. Through a critical examination of case studies and comparative analysis with international legal standards, the study highlights both the successes and shortcomings of the VAPP Act. Ultimately, it offers recommendations to enhance the Act's impact, emphasizing the need for robust enforcement, increased awareness, and legal reforms to ensure better protection of women's rights and more effective combat against GBV in Nigeria.

# CHAPTER ONE

## INTRODUCTION

### 1.1. BACKGROUND OF STUDY

The issue of Gender-Based Violence (GBV) has been and unfortunately still remains a prevalent one, affecting millions of women and girls throughout Nigeria. It is deeply rooted in patriarchal norms and ingrained in societies fueled by misogynistic values. GBV is therefore a universal problem, but manifests itself in various ways and at different rates, depending on factors such as cultural relativism as well as the progressiveness of the society. Gender based violence is defined as any harmful act that is perpetrated against a person's will and that is based on socially ascribed differences between males and females.<sup>1</sup> The implication of this definition is that anyone can be a victim of Gender based violence. It however affects women disproportionately, hence the focus of this research project. GBV manifests through various forms of physical, sexual, mental emotional, psychological abuse and exploitation. According to the data manager, Federal Ministry Women of Affairs, Mr Sunday Agbakaba, Nigeria recorded 27,698 cases of sexual and Gender based violence between 2020 and 2023. One would expect that these disturbing numbers, are all there is to these violence cases. Unfortunately there's a plethora of unreported cases due to reasons such as shame, guilt, fear of judgement and even a lack of basic awareness and information of rights to legal recourse. Even with the reported and recorded cases, some of them never see the light of day due to our slow judicial process, backlogs, prolonged litigation amongst others.

The Violence Against Persons Prohibition Act 2015 (VAPP Act) is a law enacted by the Nigeria National Assembly and was assented to become law by President Goodluck Ebele

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<sup>1</sup> Inter-Agency Standin Committee. 2015. Guidelines for Integrating Gender-Based Violence Interventions in Humanitarian Action: Reducing risk, promoting resilience and aiding recovery.

Jonathan in 2015<sup>2</sup>. The Act aims to combat Gender based violence and its enactment marks a milestone in addressing this violence crisis amongst women living in Nigeria. In its own words, the purpose of the Act is “to eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders; and for related matters.” The VAPP Act represents a very important step in the protection of women’s rights and combating Gender based violence as it provides a much needed and long overdue legal framework for the specific purpose of addressing these issues.

The motivation for this research is found in the need to assess the importance of the VAPP Act, especially given the current state of affairs, the “sudden” wave of femicide in Nigeria as well as a call for the repeal of the VAPP Act. In the midst of all these, I believe it is necessary to prevent problems of GBV from dying in the noise and reiterate how serious of an issue it is as well as how important the Act is to Nigerian women and the society at large.

## **1.2. STATEMENT OF PROBLEM**

As has been earlier stated and will be further treated extensively in following chapters, Gender based violence is a prevalent issue affecting millions of women and girls throughout Nigeria, and the VAPP Act 2015 was enacted to combat this issue of GBV plaguing our society. Unfortunately, despite the enactment there still remains an abundance of problems. Sad to say, the effectiveness of the Act is not at a point we hoped it would be, at least by now. An investigation by PUNCH Healthwise discovered that despite the VAPP Act, at least 6,142 GBV cases which include sexual, physical and psychological abuses were reported in various Nigerian states between January and May<sup>3</sup>.

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<sup>2</sup> <[https://en.m.wikipedia.org/wiki/Violence\\_Against\\_Persons\\_\(Prohibition\)\\_Act\\_2015](https://en.m.wikipedia.org/wiki/Violence_Against_Persons_(Prohibition)_Act_2015)> accessed November 11 2024

<sup>3</sup> Sodiq Ojuroungbe, “Despite VAPP Act, gender based violence rises to 6,142 cases in five months” Punch (May 21 2024) <<https://punchng.com/despite-vapp-act-gender-based-violence-rises-to-6142-cases-in-five-months/>> accessed November 11 2024

This is largely due to a range of setbacks with which the Act has faced, from the slow domestication process leading to implementation problems, an acute shortage of widespread awareness, especially in the rural areas and Northern states where it has just recently been domesticated. Organizations such as Women’s Rights Advancement and Protection and Protection Alternative (WRAPA) which dedicate their time and resources to spreading awareness on these issues and ensuring justice for victims of GBV do not have stable funding. Even our legal system, the same one tasked with enforcing this very Act is severely underfunded, leading to these cases suffering poor management, prolonged delays and in many cases, no justice at all. Cultural resistance is a major challenge as well, in societies upheld by patriarchal values as it is very difficult for the Act to thrive and reach its maximum potential in such societies. Another setback which the VAPP Act is currently faced with, and a personal motivation is the call for the repeal of the Act. The proposed repeal which has already passed its second hearing, if successful would strip away the very protections countless victims have relied upon, returning Nigeria to a time when such brutalities were met with silence and impunity.<sup>4</sup> It was argued that repealing the VAPP Act is necessary to facilitate amendments that would address its perceived shortcomings.<sup>5</sup> It is important to state that a replacement Act was proposed as well. This is however not sufficient as Section 36(8) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) was clearly not considered before taking such decision. This section provides that “No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence.” What then becomes of the people who suffer violence from the day the one comprehensive law

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<sup>4</sup> Oluwaseyi Kehinde-Peters, “Senate should consider repealing VAPP Act” Punch (September 3 2024) <<https://punchng.com/senate-should-reconsider-repealing-vapp-act/?amp>> accessed November 11 2024

<sup>5</sup> <<https://wfm917.com/2024/08/30/vapp-act-repeal-and-its-implications-on-womens-rights/>>accessed November 11 2024

addressing Gender based violence is repealed to the day this “new and improved” version is enacted. What becomes of the victims in the states where domestication takes forever?

These drawbacks prevent the Act from reaching barely a fraction, let alone its full potential, thereby leaving millions of Nigerian women unprotected as if there were no law put in place for that reason. Exploring and addressing these problems is a necessary step to ensure that the rights of Nigerian women are protected and that we are adequately shielded from the evil called Gender based violence.

### **1.3.RESEARCH QUESTIONS**

This research project will address the following questions:

1. How effective has the VAPP Act been in addressing the issue and lowering rates of Gender based violence across Nigeria?
2. What are the main challenges hindering the VAPP Act from becoming fully effective and reaching its full potential?
3. How important is public awareness for the effectiveness of the Act in combating Gender based violence?
4. What role does cultural relativism play in the enforcement of the Act?
5. What successes has the VAPP Act attained since its enactment?
6. What are the shortcomings of the Act? How does the Act deter itself from having the intended effect?
7. What recommendations are there for strengthening the overall impact of the VAPP Act in protecting the rights of Nigerian women and combating the problem of GBV in Nigeria?

### **1.4.AIMS AND OBJECTIVES OF THE STUDY**

The research study aims to examine the role, emphasize the importance and evaluate the effectiveness of the VAPP Act in protecting the rights of women and combating Gender based violence in Nigeria.

The objectives of this study include:

1. To provide a comprehensive analysis of the VAPP Act as it relates to the rights and protections of women in Nigeria.
2. To assess the impact of the VAPP Act on the protection of women and in tackling the problem of GBV in Nigeria.
3. To identify the challenges faced in the implementation and enforcement of the VAPP Act and its provisions.
4. To identify the failures and successes of the Act, noting potential reasons for the various outcomes.
5. To evaluate societal attitudes across various cultures towards the topic of women's rights and protections in response to the implementation of the Act and the enforcement of its provisions.
6. To make recommendations that will ensure smoother enforcement of the provisions of the Act, and maximize its effectiveness in protecting the rights and dignities of female persons in Nigeria.

### **1.5. SCOPE AND LIMITATIONS OF STUDY**

The scope of this study includes an examination of the VAPP Act and the role it plays in the advancement of women's rights and combating Gender based violence in Nigeria. It will analyze the Act and its relevant provisions, highlighting its challenges, successes, shortcomings and most of all, its importance to the fight against issues of GBV. Geographically, this study is constricted to the Federal Republic of Nigeria and the states

therein. References to other jurisdictions will be brief and simply for the purpose of comparative analysis.

Like most things, this study is not without its limitations. For starters, this study is constrained by time, thereby limiting the exploration of more relevant literature and case studies that may further highlight the relevance of this Act. As a result of the doctrinal research approach, this study relies on secondary data, mostly focusing on written laws and judicial interpretations. This may however not capture the intensity of the problem of Gender based violence in Nigeria.

It is pertinent to note that in spite of these limitations, this research project will do an excellent job at addressing all that needs to be addressed; the VAPP Act, GBV, women's rights. These limitations are simply hurdles that will be overcome.

#### **1.6. SIGNIFICANCE OF THE STUDY**

Legal research should impact theory, policy, practice, or address an existing knowledge gap. To this effect, this study bears significance to policymakers, legal and academic researchers, and the general public. This study will provide insights into the strengths as well as the drawbacks of the VAPP Act, and this will allow for consideration by policymakers, amendments and improvements where necessary in order to maximize its effectiveness. Agencies and institutions that push for the protection of women's rights and aid the enforcement of the VAPP Act and other anti GBV laws can make use of the insights provided by this study to push for improvements and amendments to the laws to aid their jobs and procure better outcomes. This study provides an in-depth analysis of the VAPP Act and its impact on the problem of GBV and the rights of women in Nigeria. Therefore for the academic and legal researchers, this study provides a theoretical understanding of the impact of legal frameworks on societal issues and is thus a brilliant addition to other

existing theoretical frameworks on similar topics, thereby encouraging and aiding even further research.

This study will also serve as a valuable tool for raising awareness and spreading information about Gender based violence and how deep it has eaten into the fabric of our society as well as the legislations available to reduce its incidences and ensure justice for victims and just combat the problem overall. Women and all victims of GBV should know that the law is ultimately on their side in spite of its flawed nature and that there is an option of legal recourse for many of them. After coming in contact with this research project either through the library, as a publication or even through a seminar, women should know of their rights under the VAPP Act, communities should strive to protect the Act, now knowing its importance and calling for amendments where necessary. There should be zero tolerance for perpetrators of GBV in our society, that is the intended effect of this study.

### **1.7. RESEARCH METHODOLOGY**

This research project will employ the doctrinal/library-based research method which entails research into books, online articles, journals and other available written materials on the research area. This research approach is the traditional method of researching into law, focusing on the study of statutes, treaties, case law and legal literature. Both primary and secondary materials will be referred to, with the primary sources including national laws such as the constitution of the Federal Republic of Nigeria 1999 (as amended), the Violence Against Persons Prohibition Act 2015, amongst others, and case laws relevant to this research. Secondary sources will include journals, online articles and other relevant literature on Gender based violence, women's rights and the VAPP Act. Any author whose work was referenced in this long essay, will be credited appropriately.

### **1.8. SYNOPSIS OF CHAPTERS**

Chapter One is the introductory chapter, laying a foundation for the rest of the research project. It begins with a background to the study, which is followed by the statement of the problem and research questions. The aims and objectives, scope and limitations of the study, as well as research method are then clearly articulated and defined. The chapter closes with this part; synopsis of the chapters, carefully breaking down the expectations of this project according to the contents of each chapter.

Chapter Two contains conceptual and theoretical frameworks, defining and clearly explaining key concepts such as Gender based violence, providing theoretical perspectives on these concepts. This chapter includes a literature review of previous studies and already existing knowledge as well.

Chapter Three provides for a review and analysis of the various legal and institutional frameworks that protect women from Gender based violence, with greater emphasis on the VAPP Act, being the central part of this research project. It will first analyze international frameworks, followed by a closer examination of national statutes, then other laws. The chapter also identifies government agencies tasked with enforcement of the VAPP Act and other related legal framework, recognizes other supporting institutions as well as the challenges they are faced with.

Chapter Four makes use of case studies to highlight the importance of the VAPP Act. It also presents a comparative analysis of the VAPP Act as against the laws of other jurisdictions. This is done to “take a page from the books” of the other jurisdictions where necessary.

Chapter five being the closing chapter, includes a summary of the findings of this research project thus far and provides recommendations to aid the protection of women’s rights and the fight against Gender based violence in Nigeria.

## CHAPTER TWO

### CONCEPTUAL, THEORETICAL FRAMEWORK AND LITERATURE REVIEW

#### 2.1. Definition and Explanation of Key Concepts; Women's Rights, Gender-Based Violence

In this study, the term Gender-based violence will be conceptually clarified, beginning first, with its lexical definition, and proceeding to its contextual meaning.

##### 2.1.1. Women's Rights

Women's rights refer to the fundamental freedoms and entitlements that ensure women have equal opportunities, treatment, and protections in society.<sup>1</sup> These rights include access to education, employment, political participation, health care, and protection from discrimination and violence.<sup>2</sup> They stem from the broader framework of human rights but specifically address the unique challenges women face due to historical and cultural inequalities. Women's rights aim to dismantle barriers that prevent women from fully participating in social, economic, and political life. They emphasize gender equality and the right of women to live free from oppression, marginalization, and gender-based violence.

The struggle for women's rights has evolved over centuries, beginning with early movements advocating for women's suffrage, property ownership, and access to education.<sup>3</sup> The 19th and 20th centuries saw major milestones, such as the right to vote, equal employment laws, and advancements in reproductive rights. Global efforts, including the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), have strengthened the recognition of these rights. In many societies,

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<sup>1</sup> Omolade Adeyemi Oniyinde, 'A Review of the Law on Women's Rights in Nigeria' (2020) 2(1) *IJOCLLEP*, 181-186.

<sup>2</sup> *Ibid*, 182-185.

<sup>3</sup> *Ibid*, 181.

women's rights have expanded through activism, legal reforms, and policy changes, though challenges such as gender-based violence and wage disparities persist.

In Nigeria, women's rights are recognized under both statutory and constitutional laws, as well as international treaties to which the country is a signatory. The Nigerian Constitution guarantees fundamental human rights to all citizens, including women, and prohibits discrimination based on sex.<sup>4</sup> Specific laws, such as the Violence Against Persons (Prohibition) Act (VAPP) and the Child Rights Act, aim to protect women from abuse and exploitation.<sup>5</sup> Judicial rulings have also reinforced gender equality, though enforcement remains a challenge due to cultural and societal norms. Women's rights advocacy in Nigeria continues to push for stronger legal protections and implementation.

### **2.1.2. Gender-based Violence**

Gender-based violence (GBV) refers to harmful acts directed at individuals based on their gender identity, often rooted in unequal power dynamics and societal norms that perpetuate discrimination.<sup>6</sup> It encompasses a range of physical, sexual, psychological, and economic abuses, including domestic violence, sexual assault, human trafficking, and forced marriage. GBV disproportionately affects women and girls but can target anyone, regardless of gender. It undermines human dignity, violates fundamental rights, and hinders social and economic development. The Violence Against Persons (Prohibition) Act, 2015 provides a clear definition of sexual violence—a form of gender-based violence—as follows

This is any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances or acts to traffic or otherwise directed, against a person's sexuality using coercion, by any person regardless of their

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<sup>4</sup> CAP. C23, LFN 2004, ss. 15(2) & 42.

<sup>5</sup> Violence Against Persons (Prohibition) Act (VAPP) 2015; CRA 2003.

<sup>6</sup> UNICEF, *Gender-based Violence* <<https://www.unicef.org/protection/gender-based-violence-in-emergencies>> accessed 12 January 2025.

relationship to the victims, in any setting, including but not limited to home and work.<sup>7</sup>

The aforementioned definition of violence is comprehensive since it includes violence directed towards individuals of all genders and ages, as well as violence of an economic or political nature. What is particularly intriguing is that it is applicable in both times of peace and times of military war. Consequently, this Act can be utilized to tackle instances of sexual violence committed during periods of armed war in Nigeria.

The pivotal term in the definition of gender-based violence is coercion, encompassing a wide spectrum of force intensities. The force encompasses several means, including but not limited to physical force, psychological intimidation, blackmail, and other forms of threat, such as the threat of physical injury or the risk of employment termination or failure to secure a desired job position. Typically, persons that engage in abusive behavior might be people who are known to the victim, such as friends, family members, or individuals who are trusted, as well as strangers.

Various contexts and conditions can give rise to a gender-based violence. Akpoghome<sup>8</sup> outlined the following forms of gender-based violence:

- a. Non-consensual sexual activity within a marriage or dating relationship;
- b. Sexual assault committed by strangers or a group of individuals;
- c. Widespread sexual violence occurring in armed conflicts;
- d. Unwanted sexual advances or harassment, such as demanding sex in exchange for favors, or unwelcome touching;

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<sup>7</sup> VAPPA 2015, s.1.

<sup>8</sup> T.U. Akpoghome, 'Analysis of the Domestic Legal Framework on Sexual Violence in Nigeria' *Journal of Criminal Law and Justice*, (2016) 4 (2)17–30. <<https://doi.org/10.15640/jlcj.v4n2a3>> accessed 12 January 2025.

- e. Sexual abuse targeting individuals who are mentally or physically challenged;
- f. Sexual abuse involving children;
- g. Coercion or forced union, including child marriages;
- h. Denial of the right to access contraceptives;
- i. Imposing abortions against a person's will;
- j. Violent acts that violate the sexual integrity of women, such as female genital mutilation and mandatory virginity inspections;
- k. Coerced involvement in prostitution and the trafficking of individuals for sexual exploitation.
- l. Engaging in non-consensual exhibitionism by exposing one's genitals or naked body to others;
- m. Engaging in public masturbation;
- n. Observing someone engaged in a private act without their awareness or consent.

## **2.2. Theoretical Perspectives on Gender-Based Violence and Women's Rights**

Underlying this research work is the behavioral theory, legal positivism theory, and critical realism theory. Each of these theories will be elucidated in turn.

### **2.2.1. Behavioral theories**

This theory was pioneered by John B. Watson and Ivan Pavlov, as well as Betram Skinner in the beginning of the twentieth century.<sup>9</sup> Behavioral theories claim that abusive behaviors

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<sup>9</sup> D. Kwasnicka and Others, 'Theoretical explanations for maintenance of behaviour change: a systematic review of behaviour theories' *Health Psychology Review*, (2016) 10 (3)277–296. <<https://doi.org/10.1080/17437199.2016.1151372>> accessed 12 January 2025.

are acquired through the process of learning.<sup>10</sup> Behavioral theories posit that deviant arousal is a key factor in the perpetration of gender-based violence. They suggest that individuals who experience sexual attraction or arousal towards inappropriate stimuli are more prone to committing gender-based violence compared to those with appropriate sexual desires.

According to behavioral theory, the persistence of abuse behavior, like any behavior, is influenced by the presence of reward and punishment. The perpetration of abusive activities and the belief that there will be no negative repercussions for engaging in such offences, along with a lack of encouragement to refrain from such behavior, contributes to the persistence of gender-based offences. The crucial determinant is that when the adverse outcomes of the conduct (penalties) are potent enough, the undesirable behavior (gender-based violence) is less prone to transpire.

Self-regulation is a behavioral theory that has been used to study and understand abusive behaviors and tendencies. Self-regulation encompasses the process of choosing a certain objective and employing tactics to achieve such objective.<sup>11</sup> The objectives of sexual gratification, closeness, regulation of emotions, or other incentives associated with sexual deviance might impact memory retrieval, decision-making, and cognitive processing. Self-regulation theory posits that the objective of participating in sexually deviant behavior and the tactics taken to achieve that objective become ingrained in the offender's behavior due to repeated reinforcement in the past.<sup>12</sup>

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<sup>10</sup> M.E. Bouton, 'A learning theory perspective on lapse, relapse, and the maintenance of behavior change' *Health Psychology*, (2000) 19 (1)57–63. <<https://doi.org/10.1037/0278-6133.19.Supp1.57>> accessed 12 January 2025.

<sup>11</sup> R.F. Baumeister and T.F. Heatherton, 'Self-regulation failure: An overview' *Psychological Inquiry*, (1996) 7 (1)1–15. <[https://doi.org/10.1207/s15327965pli0701\\_1](https://doi.org/10.1207/s15327965pli0701_1)> accessed 12 January 2025..

<sup>12</sup> R.F. Baumeister, 'Ego depletion and self-regulation failure: A resource model of self-control', *Alcoholism-Clinical and Experimental Research*, (2003) 27 (2)281–284. <<https://doi.org/10.1097/01.alc.0000060879.61384.a4>> accessed 12 January 2025.

### 2.2.2. Legal Positivism

The theory of legal positivism originates from the works of Francis Bacon, Auguste Conte and the early twentieth-century group of scientists known as the Vienna Circle. Legal positivism is a theoretical framework that asserts the separation of law and morality, positing that the validity of legal principles is not dependent on their ethical or moral content but on their source and observance of legal procedures.<sup>13</sup> In the realm of law, legal positivism emphasizes the importance of positive law – the rules that have been explicitly enacted or recognized by a sovereign authority.<sup>14</sup> In this research, legal positivism serves as a lens through which to critically examine the extant legal and institutional framework prohibiting sexual violence in Nigeria.

Legal positivism contributes to research by providing a structured and objective approach to analyzing legal norms and principles. By grounding the analysis in positive law, researchers can identify gaps or inconsistencies in the legal framework and propose targeted amendments or improvements. Moreover, legal positivism contributes to practice by offering a clear foundation for the development and interpretation of laws. Policymakers and legal practitioners can rely on legal positivism to navigate through complex issues such as the onerous burden of proof, ensuring that decisions and actions are firmly anchored in established legal principles. This approach facilitates the creation of more effective and enforceable policies that align with the existing legal framework.<sup>15</sup>

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<sup>13</sup> N.J. Petty, 'Ready for a paradigm shift? Part 2: Introducing qualitative research' *Manual Therapy*. <<https://doi.org/10.1016/j.math.2012.03.004>> accessed 12 January 2025.

<sup>14</sup> M. Ketokivi and S. Mantere, 'Two Strategies for Inductive Reasoning in Organizational Research' *The Academy of Management Review* (2010) 35(1), 315-333. <<https://doi.org/10.5465/AMR.2010.48463336>> accessed 12 January 2025.

<sup>15</sup> M.N. Saunders, P. Lewis, and A. Thornhill, *Research Methods for Business Students* (8th ed., Pearson Education Limited 2019).

However, legal positivism has its limitations. Critics argue that this theory may overlook the intrinsic connection between law and morality, particularly in areas where legal norms might clash with universally accepted ethical standards. In the context of sexual violence offenses, a strict positivist approach might fail to take into cognizance, the religious and cultural perspectives that legitimize sexual violence. Additionally, legal positivism may struggle to address the huge reporting gap in sexual violence cases, which stems from feelings of guilt, shame, and fear of ostracism by members of the society.

Applying legal positivism to the assessment of the efficacy of the existing legal framework to curb gender-based violence in Nigeria involves scrutinizing the extant legal and institutional frameworks through a positivist lens. The focus is on treaties, conventions, municipal legislation, and policies that specifically address the issue. The research evaluates the clarity, enforceability, and effectiveness of these legal instruments in prohibiting and prosecuting gender-based violence. By adopting a legal positivist approach, the research avoids moral and ethical debates and instead concentrates on the authoritative sources of law. It identifies potential gaps or ambiguities in the legal framework and proposes recommendations for enhancing its efficacy. For instance, the analysis may reveal weaknesses in the enforcement mechanisms or call for amendments to address emerging challenges related to the investigation and prosecution of gender-based violence in Nigeria.

### **2.2.3. Critical Realism**

Critical realism was propounded by Roy Bhaskar, in response to the perceived defects of positivist views.<sup>16</sup> As a theoretical framework, it seeks to understand the underlying structures and mechanisms that shape the social world. It acknowledges the existence of an external reality while recognizing that our knowledge of this reality is mediated by various

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<sup>16</sup> J.V.Maanen, J.B. Sørensen, and T.R. Mitchell, 'The Interplay between Theory and Method' *Academy of Management Review* (2007) 32(4), 1145–54.

factors. In the context of criminal law, critical realism goes beyond the positivist approach by examining the social, economic, and political contexts that influence the creation, interpretation, and enforcement of legal norms.<sup>17</sup> This research employs critical realism to scrutinize the extant legal framework prohibiting sexual violence in Nigeria.

Critical realism contributes to research by providing a holistic perspective on the complexities surrounding legal norms. Unlike legal positivism, critical realism encourages researchers to delve into the underlying social structures and power dynamics that shape the formulation and implementation of sexual violence laws.<sup>18</sup> This framework facilitates a nuanced understanding of how legal norms are influenced by political, economic, and cultural factors, allowing for a more comprehensive analysis. In practice, critical realism assists policymakers and legal practitioners in crafting interventions that go beyond legal formalities. By acknowledging the influence of broader societal structures, critical realism encourages the development of strategies that address root causes rather than merely treating the symptoms. This approach promotes more effective policies and interventions that consider the socio-economic and political realities impacting the proliferation of sexual violence in Nigeria.<sup>19</sup>

While critical realism enriches research and practice, it is not without limitations. The framework's emphasis on context and complexity may pose challenges in providing clear-cut solutions to legal issues. Additionally, the subjective interpretation of social structures may lead to varying analyses among researchers. Moreover, critical realism may be

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<sup>17</sup> D.E. McNabb, *Research Methods in Public Administration and Nonprofit Management: Quantitative and Qualitative Approaches*. (3<sup>rd</sup> ed., Routledge 2013).

<sup>18</sup> A. Lawani, 'Critical realism: what you should know and how to apply it' *Qualitative Research Journal*, (2021) 21 (3)320-333. <<https://doi.org/10.1108/QRJ-08-2020-0101>> accessed 12 January 2025..

<sup>19</sup> G. Steinmetz, 'Critical Realism and Historical Sociology: A Review Article' *Comparative Studies in Society and History*, (1998) 40 (1)170–186. <<https://doi.org/10.1017/S0010417598980069>> accessed 12 January 2025.

criticized for its potential to prioritize certain perspectives over others, raising questions about objectivity and neutrality.<sup>20</sup>

Applying critical realism to the assessment of the efficacy of Gender based violence laws in Nigeria, involves examining not only the laws themselves, but also the broader social, economic, and political factors shaping these norms. The research explores how power dynamics, economic interests, and cultural contexts influence the creation, implementation, and enforcement of laws combating GBV. It seeks to uncover hidden structures and mechanisms that contribute to the proliferation of GBV cases despite existing legal frameworks. The critical realist approach allows for a nuanced critique of the legal framework, considering the socio-economic inequalities and power imbalances that may perpetuate the occurrence of Gender based violence in Nigeria. It encourages the identification of underlying causes and the development of more holistic interventions that address not only legal gaps but also the complex social realities contributing to the problem.

### **2.3. Historical Overview of Gender-Based Violence and Protection of Women's Rights in Nigeria**

The function of women and their position in Nigerian society have seen consistent shifts from the country's pre-colonial era to the early 21st century. It would be inaccurate to say that the Nigerian woman embodies the stereotypical picture of a subjugated, frightened, powerless, and oppressed figure that has been so often used to characterize women of earlier generations. In pre-colonial Nigeria, the status of women varied greatly depending on which of the country's many ethnic groups they belonged to. The status of a woman was determined not only by the familial structure of the group but also by the function that women played within the framework of the economic structure of the community.

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<sup>20</sup> G.R. Steele, 'Critical thoughts about critical realism' *Critical Review*, (2005) 17 (1-2), 133–154. <<https://doi.org/10.1080/08913810508443632>> accessed 12 January 2025.

Despite the existence of a patriarchal system, which was prevalent in Nigerian society at the time, the position of women in those times was one that was complimentary to that of males. On the domestic front, women were expected to submit to the authority of males. Outside of her connection with a male, whether it her father, kinsman, or spouse, a woman had very few rights, if any at all. This was true regardless of the nature of the relationship. For instance, they had the right to cultivate the plots that belonged to the husband, as well as the unrestricted freedom to purchase and sell goods in the marketplace. However, she only participated in market operations after receiving authorization from her husband. She often divided the earnings from the market operations among her husband and their children, regardless of how much money was made. Also, the idea of inheritance in traditional Nigerian culture did not believe women to be allowed to inherit any property.

This was the case even up to the seminal judgements in *Mojekwu v Mojekwu*<sup>21</sup> and *Ukeje v Ukeje*.<sup>22</sup> In point of fact, women were considered to be property that should be divided up in the event that their husbands passed away. The Igbo civilization was especially notable and distinctive for having this trait. Therefore, since the pre-colonial Nigerian culture acknowledged the right of widows to inherit property, males were given more respect than women. In spite of the fact that women may have been relegated to a secondary position in the house, their contributions to the social, political, and economic spheres were significant. In terms of the economy, the division of labor was based on gender, and women dominated several vocations, including those involving the preparation of food, the weaving of mats, the manufacture of pottery, and cooking.

In addition to this, property was held by the community, and women gained access to it via either their spouses or their parents. In a patrilineal society, while a man served as the head

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<sup>21</sup> (2000) 5NWLR PT 657 402.

<sup>22</sup> (2001) 27 WRN 142.

of the home, it was the elder women in the family who controlled the labor of the younger members of the family. Women had an essential role in the marketplace as well. They were the most influential people in Yoruba long-distance commerce, which afforded them vast opportunity to amass riches and earn titles in the Yoruba social hierarchy. Those who were the most successful were able to ascend to the position of “Iyalode”, a chieftaincy that carried with it a considerable deal of authority and privilege.<sup>23</sup>

Even women who practiced purdah in northern Nigeria were active participants in the production of food and participated in commerce with the assistance of their children. The majority of the time, these women were the only providers of food for their families' houses. Women also participated in fishing activities and sold their catches at markets in the south-south region. In a nutshell, in contrast to western women, who were effectively prevented from having any influence on their economies, Nigerian women experienced economic emancipation in a completely different way.

In the political arena of pre-colonial Nigeria, there were women in leadership roles among the numerous tribes and kingdoms. These women held positions of authority. There was a title known as "queen mother" among the Yoruba and the Edo people. This was a highly prestigious title that was given to the mother of a king, and it gave her a significant amount of power in political affairs. It is impossible to understate the importance of Queen Kambasa of Bonny's leadership position in the eastern portion of the region. It was said that she was a heroic figure in her society and that she was a firm believer that women should not be subject to more limitations than men. As a result, it was reported that she had set a

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<sup>23</sup> Eme Okechukwu Innocent, Onyishi Anthony O. and Chimaraoke Nwaoha, ‘Women Marginalization in Electoral Politics in Nigeria : A Historical Perspective’ (2014) 2(7) *Nigerian Chapter of Arabian Journal of Business and Management Review* 1, <<http://dx.doi.org/10.12816/0011606>> accessed 12 January 2025.

precedent for accomplishments and compiled a list of accomplishments for the ladies of that kingdom.<sup>24</sup>

In addition, women played an extremely important part in the political history of ancient Zaria.<sup>25</sup> Queen Bakwa Turuku, who reigned during the first part of the 16th century, is credited with laying the foundation for the contemporary city of Zaria. Amina, one of her daughters, eventually took over as ruler of the country after her death. She was a renowned and formidable warrior, and her name was Queen Amina. She stretched the bounds of her kingdom beyond Bauchi and constructed a tall wall all the way around Zaria in order to defend the city from potential attackers. The residents of Kano and Katsina paid respects to her in the aftermath of her passing. She elevated Zaria to prominence as a business hub via her efforts. Queen Moremi of Ife was an exceptional ruler who made the selfless decision to allow herself to be kidnapped by the adversaries (the ibos) and then to live among them in order to discover their vulnerabilities and secrets. She then brought this information back to Ife.

The introduction of colonialism in Nigeria resulted in significant social changes, many of which were detrimental to the position of women in society. The British, who were used to seeing women as weak and sensitive individuals incapable of having the mental capacity for politics or administration, completely excluded women from the political arena. The status of female chiefs became less important as male chiefs began to cooperate with the British colonial authority in the process of tax collection and government administration. Nigerian men and European companies controlled the distribution of rubber, cocoa, groundnuts (also known as peanuts), and palm oil as the economy grew more focused on the development of cash commodities for export.

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<sup>24</sup> Nigeria) Women Advocates Research & Documentation Centre (Lagos, *Who gets what?: A gender perspective to budgeting in Nigeria* (Women Advocates Research and Documentation Centre 2002).

<sup>25</sup> *Ibid.*

Women, who were relegated to a secondary role, were coerced into shifting their focus to the cultivation of subsistence crops. It seemed as if they had lost all of the influence they had during the pre-colonial era. Women, on the other hand, did not accept this meekly or without putting up a fight. During this time period, Nigerian women made significant contributions to the nation's political development. They accomplished this by organizing themselves into political pressure groups in order to combat the injustices, oppression, and exploitation perpetrated by the colonial administration and their traditional rulers.<sup>26</sup> The prohibition of female participation in political and administrative roles contributed to the outbreak of the Aba Women's War in 1929.

The British made an effort to establish political institutions that would command authority and have exclusive control over force. The British paid attention to the political institutions that were headed by Igbo males, but they neglected those headed by Igbo women, which effectively excluded women from positions of political authority.<sup>27</sup> The uprising started when hundreds of Igbo women from the Bende District, Umuahia, and other regions in eastern Nigeria traveled to the town of Oloko to protest against the Warrant Chiefs. These women believed that the Warrant Chiefs were limiting the roles that women could play in the government. The Aba Women's War of 1929 is more accurately seen as an anti-colonial insurrection that was strategically implemented by women to rectify social, political, and economic problems. It took place in Aba, Nigeria, in 1929. Women from six different ethnic groups took part in the demonstration (Ibibio, Andoni, Orgoni, Bonny, Opobo, and Igbo).<sup>28</sup>

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<sup>26</sup> Abigail Hunt, Hannah Bond and Ruth Ojiambo Ochieng, 'CHAPTER 11 – Bridging inequalities through inclusion: women's rights organisations as the 'missing link' in donor government-led participatory policy development and practice', *Gender and Inequalities* (Practical Action Publishing Ltd 2018) <<http://dx.doi.org/10.3362/9781780447278.011>> accessed 12 January 2025.

<sup>27</sup> Elizabeth Daley and Birgit Englert, 'Securing land rights for women' (2010) 4(1) *Journal of Eastern African Studies* 91, 220 – 239. <<http://dx.doi.org/10.1080/17531050903556675>> accessed 12 January 2025.

<sup>28</sup> Ibid.

The uprising was successful in that it led to the incorporation of women into local judicial systems and resulted in the elimination of the role of warrant chiefs in Southern Nigeria. During the post-colonial era, women's rights were expanded in a number of different ways. In comparison to the situation in colonial Nigeria, the status of human rights and women's rights improved significantly after independence thanks to the establishment of the constitutional framework. The Fundamental Human Rights were outlined in Chapter III of the Constitutional Order in Council of 1996. This document was created in 1996. This clause remained in the Constitution in its original form as Chapter IV in both 1979 and 1999<sup>29</sup>, respectively. In addition to the fact that the protections of human rights were expanded in the 1979 Constitution under this Chapter, it also introduced a new Chapter II that was focused on Fundamental Objectives and Directive Principles of State Policy. Both of these provisions may be found in the Constitution.<sup>30</sup>

#### **2.4. Literature Review; Review of Previous Studies on the Effectiveness of the VAPP Act**

According to Adams, the widespread prevalence of gender-based violence globally is unbecoming, and warrants concern.<sup>31</sup> UNICEF reports that close to 30% of women and girls aged 15-49 have endured female genital mutilation/cutting, while over 23 million girls and women are married off as child brides.<sup>32</sup> The Nigeria Demographic and Health Survey 2018 indicates that 31% of women reported that they had experienced physical abuse, while 9% had experienced sexual abuse.<sup>33</sup> Hockett and Saucier noted that sexual violence causes

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<sup>29</sup> CAP. C23, LFN 2004, Ch. IV

<sup>30</sup> Ibid.Ch. II & IV.

<sup>31</sup> H. Adams, 'Rape of children by parents, elder relatives, and other responsible elders', *Journal of International Women's Studies*, (1999) 10(10), 12-15.

<sup>32</sup> UNICEF, *Child Protection*. <<https://www.unicef.org/nigeria/child-protection>> accessed 12 January 2025.

<sup>33</sup> Available at <<https://dhsprogram.com/pubs/pdf/FR359/FR359.pdf>> accessed 12 January 2025.

significant psychological distress and potential development of sexually transmitted diseases.<sup>34</sup> They further identified that sexual assault, particularly rape, has severe consequences for victims' physical health and social well-being.<sup>35</sup>

Emeka, Odika, and Nweke, outline the international and municipal legal framework for combating gender-based violence in Nigeria. Amongst others, they enumerated the following frameworks: the Universal Declaration of Human Rights<sup>36</sup>, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW),<sup>37</sup> and The Declaration on the Elimination of Violence against Women (DEWA).

Abbey and McAuslan, surmised that there is generally a constricted conceptualization of gender-based violence, as it is limited to the female gender, due to their perceived vulnerability.<sup>38</sup> A good example is Nigeria where the focus of the campaign against gender-based violence has mostly been on safeguarding women and girls from sexual abuse. There has been minimal attention given to violence against males, despite its increasing prevalence in our society. This has resulted in many males enduring silence, particularly when there is a lack of advocacy on their behalf. Onyekachi opined that male rape is frequently committed in detention centers, owing to their dilapidated conditions, and lack of

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<sup>34</sup> J.M. Hockett and D.A Saucier, 'A Systematic Literature Review of "Rape Victims" versus "Rape Survivors": Implications for Theory, Research, and Practice' (2015) 25 *Aggression and Violent Behavior*, 1-14. <https://doi.org/10.1016/j.avb.2015.07.003> accessed 12 January 2025.

<sup>35</sup> Ibid.

<sup>36</sup> Universal Declaration of Human Rights 1948, art 25  
<<https://www.standup4humanrights.org/en/article.html>> accessed 12 January 2025.

<sup>37</sup> Convention on the Elimination of all Forms of Discrimination against women, 1979. Available at <<https://www.un.org/womenwatch/daw/cedaw/text/econvention.htm>> accessed 12 January 2025.

<sup>38</sup> A. Abbey and P.A. McAuslan, 'Longitudinal examination of male college students' perpetration of sexual assault', *Journal of Consulting and Clinical Psychology*, (2014) 72, 747-756.

regulatory oversight.<sup>39,40</sup> Majority of male prisoners are frequently compelled to yield and comply with correctional facility officials, unless they wish to endure hunger and be subjected to contemptuous treatment.

Yejide Gbenga-ogundare provided a summary of the current condition of the Nigeria prison service.<sup>41</sup>

*Sexual assaults are a manifestation of the deterioration that has transformed Nigeria's prisons into a fertile environment for criminals. The reduction in feeding fees for individual inmates, from #150 to #70 per day, has resulted in underfeeding, reduced food rations, poor food quality, overcrowding, and inadequate medical services. These conditions have made both male and female prisoners highly susceptible to sexual assaults, as they are promised favours and special treatment in exchange. Prisons subject inmates to severe mistreatment, which leads to prisoners attempting to escape because of the harsh conditions they endure. As a result, jail breakouts are widespread in Nigeria. One such incident occurred on September 11, 2007 at Agodi Prison in Ibadan, while another took place in September 2008 at the old jail in Benin City, resulting in the escape of 23 dangerous criminals.*

Lending his voice to the ongoing discourse, Akinade *et al.* conducted a study to ascertain the socio-legal factors that contribute to the occurrence of gender-based violence in Nigeria.<sup>42</sup> The researchers discovered that the prevalence of sexual assault in Nigeria is primarily attributed to the following factors: Inadequate law enforcement and poor response of authorities in instances of rape or sexual violence; the judiciary's dependence on rigorous

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<sup>39</sup> P.O. Onyekachi, *The Nigerian Prisons: What they look like from the inside.* (Hurrion Publishers 2010).

<sup>40</sup> E.E. Obioha, *Challenges and reforms in the Nigerian prisons system* (Jeks Publishers 2011); E. Ojo, 'In Prison with prisoners' (*The Tell Magazine*, 14th December 2007), 12.

<sup>41</sup> M.C. Eze, 'Institutional reforms, and the development of Nigeria prisons service, 1999-2007' (2011) 2(5) *Journal of African studies and development*, 23-45.

<sup>42</sup> E.A. Akinadea, F.F. Adewuyib and A.A. Sulaimanc, 'Socio-Legal Factors that Influence the Perpetuation of Rape in Nigeria', *Procedia Social and Behavioral Sciences*, (2010) 51, 760-1764.

evidence in cases involving sexual violence. In addition, they acknowledge that low socio-economic position or class, as well as legislators, also contribute to the prevalence of sexual assault. They proposed that to address this issue, various societal entities such as the government, community, non-governmental organizations, and educational institutions should implement effective preventive and combative measures to reduce the occurrence of sexual violence.

Akintayo et al also conducted a review on the conceptual aspects of gender-based violence, including its preventive and control methods in Nigeria.<sup>43</sup> They acknowledge the reality that the issue of gender-based violence has become widespread and prevalent in Nigeria, which is a cause for concern. Sexual assault, including rape, not only undermines the dignity of victims but also has detrimental effects on their overall well-being, health, and physical condition within their community. While acknowledging that young females are frequently targeted by sexual violence, it is important to note that males also endure acts of sexual violence, although to a lesser extent compared to females' statistics. They additionally asserted that the origins of rape or sexual assault frequently arise from the detrimental impact of impoverished economic, social, and cultural circumstances prevalent in many civilizations.

They also acknowledge that multiple players, including the government, government ministries, agencies, religious institutions, and non-governmental organizations, are working to reduce the occurrence of sexual violence. However, there are various obstacles hindering the reduction, and these obstacles include: Misconceptions regarding sexual violence - Societal marginalization resulting from social norms - Underreporting of sexual violence cases - Onerous legal prerequisites for establishing or substantiating instances of

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<sup>43</sup> O.O. Akintayo, F.O. Oshiname, and F.O. Ajagunna. 'A Review of the Conceptual Issues, Social Epidemiology, Prevention and Control Efforts Relating to Rape in Nigeria' *African Journal of Reproductive Health*, (2019) 23 (4)109.

sexual violence. They proposed the following solutions to effectively reduce the occurrence of rape or sexual abuse for both males and females: Public awareness campaigns, collaborative efforts among stakeholders, legislative reform, education and training of healthcare professionals specifically addressing the management and support of rape victims.

Adogu et al. share the same perspective that sexual violence occurs in both industrialized and developing societies worldwide.<sup>44</sup> However, in Nigeria, the problem of sexual violence is considered widespread; this is alarming due to its prevalence and the resulting public outrage over the heinous acts being committed. They additionally asserted that despite the agitation of numerous female activists and concerned groups, there is still a lack of effective preventive measures in place to curb the occurrence of sexual violence or rape. This pertains to his research, which relies on diverse literature, and uncovers that there were a total of 717 instances and officially documented occurrences of sexual violence or rape between January and March 2020. They emphasized the necessity of involving several stakeholders due to the detrimental effects of rape on the victims.

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<sup>44</sup> P.O.U. Adogu, E.D. Adinma, V.I. Onyiaorah, and C.F. Ubajaka, 'Perception, Prevalence and Predictors of Rape among Female Students in a Tertiary Institution South East Nigeria' *International Journal of Clinical Medicine*, (2019) 5. 819-828. <<http://dx.doi.org/10.4236/ijcm.2014.514110>> accessed 27 January 2024.

## CHAPTER THREE

### LEGAL AND INSTITUTIONAL FRAMEWORK

#### 3.1. Legal Frameworks

This chapter of this research project examines the legal and institutional frameworks surrounding the issue of gender-based violence as well as women's rights and protections, including and with emphasis on the Violence Against Persons (Prohibition) Act (2015). Some of these frameworks will be examined as follows:

##### 3.1.1. International Provisions

###### **The United Nations Declaration of Human Rights, 1948<sup>1</sup>**

This law affirms that all human beings are born free and equal in dignity and rights. It prohibits torture, inhuman and degrading treatment or punishment and provides for equality before the law. This therefore means that the right of women should be respected and this includes the prohibition of sexual violence in any form.

###### **Declaration on the Elimination of Violence against Women, 1993<sup>2</sup>**

This law condemns all form of psychological and physical violence against women.<sup>3</sup> It has been ratified but is yet to be domesticated as part of Nigerian Laws. The law recommended that State parties ensure laws are enacted against family abuse, rape, sexual assault and other forms of Gender-Based violence.

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<sup>1</sup> Universal Declaration of Human Rights, adopted by General Assembly Resolution 217 A(III), of 10 December 1948 <<https://www.standup4humanrights.org/en/article.html>> accessed 2 December 2022.

<sup>2</sup> Declaration on the Elimination of Violence against Women (adopted 20 December 1993, UNGA Res 48/104).

<sup>3</sup> Ibid, art. 1.

## **Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)<sup>4</sup>**

The 1979 Convention on the Elimination of all Forms of Discrimination against Women is an international bill enumerating the rights of women.<sup>5</sup> The Convention defines discrimination against women as, ‘any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field’.<sup>6</sup>

CEDAW provides that States should ensure that any Act or practices of discrimination against women are curbed. It also states that appropriate measures should be taken to eliminate discrimination against both men and women for equality of all. Also, CEDAW Committee listed a wide range of obligations of State parties to combat sexual violence, appropriate treatment for victims in the justice system, counselling and support services, medical and psychological assistance to victims and so on.<sup>7</sup>

### **3.1.2. National Statutes**

#### **Constitution of the Federal Republic Nigeria, 1999 (as amended)**

The Constitution of the Federal Republic of Nigeria contains a bill of rights in its chapter four known as the Fundamental Human Rights.<sup>8</sup> These provisions include rights and entitlements that are claimed for women in the international arena (albeit not decisively),

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<sup>4</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid, art. 1.

<sup>7</sup> Committee on the Elimination of all forms of Discrimination of Violence against Women, General Recommendation No.19 (Eleventh Session, 1992) U.N Document CEDAW/ C/1992/L.1/Add, 15

<sup>8</sup> CAP. C23, LFN 2004, Chapter IV.

and they may typically be utilized to restrict actions that constitute gender discrimination and violence against women. The right to be free from discrimination is addressed in Section 42 of the Constitution of 1999, as amended.<sup>9</sup> Subsection (1) of this provision expressly forbids discrimination on the basis of an individual's ethnic group, place of origin, gender, religious affiliation, or political viewpoint<sup>10</sup>. This section addresses issues of equality between the sexes regardless of context. Also, section 17(2)(a) states that “every citizen shall have equality of rights, obligations and opportunity before the law”.<sup>11</sup>

However, it is pertinent to note that, the provisions of the fundamental objectives are not justiciable by reason of the same constitutional provisions and so whatever they serve to protect are merely rhetoric as any action brought under them will be nugatory and government is not obligated to act on them.<sup>12</sup> According to Augie: these are noble ideals set out in the Constitution, and on paper, which is all it is...<sup>13</sup>

In spite of the fact that these measures for the protection of women's rights exist, it is very unlikely that they will ever be put into optimal practice due to the difficulty involved. This has been a barrier in the way of achieving the goal of holding the government responsible for its indifference and discrimination towards women.<sup>14</sup>

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<sup>9</sup> Ibid, s. 42.

<sup>10</sup> Ibid s. 42(1).

<sup>11</sup> Ibid, s. 17(2)(a).

<sup>12</sup> Ibid, s. 6(6)(b)

<sup>13</sup> I. Nnadi, ‘Legal Instruments Against Gender Discrimination and Violence Against Women in Nigeria: How Adequate?’ (2016) 1 *LFRP*, 63- 99.

<sup>14</sup> Ibid.

## **Violence Against Persons (Prohibition) Act (VAPPA), 2015.**

Before the passage of the Violence Against Persons (Prohibition) Act, there was no all-encompassing federal legislation in Nigeria that specifically addressed sexual harassment and domestic violence. This changed when the Act was passed. The VAPP Act offers a framework for the protection of all types of violence against vulnerable persons, particularly women and girls. This is especially important since gender-based violence is the most common form of violence in Nigeria.

Harmful widowhood practices, harmful traditional practices, female circumcision or genital mutilation, harmful traditional practices, acid baths, political violence, and violence by state actors are all considered to be offenses under the newly enacted law. Other offenses include spousal battery, forced ejection from home, forced financial dependence or economic abuse, and harmful traditional practices. Accredited service providers and government organizations are obligated to give victims and survivors with extensive medical, psychological, and legal help. Additionally, victims and survivors have the right to have their names shielded while their cases are being heard in court.

Notably, the Act expansively defines the offence of rape, providing as follows:

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
- c) 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 or fraudulent representation as to the nature of the act or the use of any substance 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.

While previous laws may have limited the concept of rape to just include non-consensual vaginal penetration of females,<sup>15</sup> the Act has made significant progress by broadening the

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<sup>15</sup> See Penal Code, s. 281 and Criminal Code, s. 357.

interpretation and extent of rape. According to the description of rape in the Act, it is evident that individuals of all genders can be victims of rape and are safeguarded by the Act.

The issue of gender bias in rape cases has been a prominent topic in Nigerian legal jurisprudence for some time.<sup>16</sup> This is due to the existing laws' failure to acknowledge situations when a man could be a victim of rape. However, the Act's provisions demonstrate a progressive approach by acknowledging that the concept of sex today encompasses more than only the use of basic sexual organs, but also includes the anus and mouth. This is another triumph, as in the past in Nigeria, it was challenging to classify forceful anal or oral sex as rape, as it was not explicitly covered by our legal framework.

Another noteworthy aspect is that penetration in this context does not solely refer to the offender's sex organ (penis), but can involve any portion of their body or any other object. This is an enhancement of the Criminal Code Act and Penal Code that mandates sexual intercourse. Once again, consent must have been compromised or acquired through coercion, such as the use of physical force, threats, intimidation, or dishonesty, including impersonation. The punishment for the crime of rape is sufficient,<sup>17</sup> however, in the case of group rape, the sentence should also be life imprisonment.<sup>18</sup> Granting the court sole discretion over compensation seems unnecessary. The Act should have included a provision specifying a minimum sum that would enable judges to grant punitive compensation against the perpetrator, so serving as deterrence to others. Establishing and managing a database of sexual offenders is commendable, yet the nation still faces challenges in effectively maintaining records due to the magnitude of the undertaking.

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<sup>16</sup> M.N. Dike and A.K. Anya, 'Foundation on Framework for Male and Female Rape Legislations in Nigeria: Delta State as a Case Study', *Kampala International University*, (2023) 8(1) 141–153.

<sup>17</sup> The Act provides that where the offender is found culpable under section 1, he would be sentenced to life imprisonment; Where the offender is less than 14 years, the punishment is a maximum term of 14 years Imprisonment. *See* VAPPA 2015, s. 2(1)(a)-(b).

<sup>18</sup> The Act provides that for gang rape, the offenders are liable jointly to a minimum term of 20 years without an option of fine. *See* VAPPA 2015, s. 2(1)(c).

The Act also addresses the issue of female circumcision or genital mutilation,<sup>19</sup> which is considered a form of sexual assault. The Act explicitly forbids the practice of circumcision or genital mutilation of female children or women.<sup>20</sup> In order to emphasize the point, the Act also specifies that any anyone who carries out Female Genital Mutilation (FGM) or female circumcision, or who enlists someone else to do so, can be sentenced to a maximum of 4 years in jail or fined up to N200,000.00, or both.<sup>21</sup> Engaging in the act of committing the offence has a maximum penalty of imprisonment for up to 2 years, a fine not exceeding N100,000.00, or both, upon being found guilty.<sup>22</sup> If an individual encourages, assists, or advises another person to conduct the crime of Female Genital Mutilation (FGM), they will be subject to a maximum prison sentence of 2 years and a fine of up to N100,000.00, or both, upon conviction.<sup>23</sup>

This provision is commendable for the fact that it acknowledges the plague and torture called FGM, but the penalties for this offense in my humble opinion are testaments to how trivialized the problem is. It is a step to recognize the issue, but a measly 2 or 4 years will and do not suffice. These provisions will also be ineffective until states pass their own legislation on this matter. Female circumcision is a cultural practice rooted in the belief that it is necessary for a woman to be deemed worthy and pure. States should actively engage in a sensitization effort aimed at addressing the hazards of Female Genital Mutilation (FGM).

Section 25 of the Act includes provisions for the crime of incest, which is a type of sexual violence.<sup>24</sup> If convicted, the perpetrator will receive a term of 10 years in jail, with no

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<sup>19</sup> VAPPA 2015, s. 6.

<sup>20</sup> Ibid, s. 6(1).

<sup>21</sup> Ibid, s. 6(2).

<sup>22</sup> Ibid, s. 6(3).

<sup>23</sup> Ibid, s. 6(4).

<sup>24</sup> It provides that incest is knowingly and willfully having carnal knowledge of another within the prohibited degrees of consanguinity and affinity.

possibility of paying a fee.<sup>25</sup> If both parties give their consent willingly and without being deceived or coerced, they will be subject to a mandatory prison sentence of 5 years, with no possibility of paying a fine.<sup>26</sup> This is a relevant issue, as certain dads have engaged in incestuous relationships with their daughters, and even mothers have engaged in incestuous relationships with their sons or other close relatives, which violates laws about banned degrees of consanguinity and affinity.

Moreover, the Act criminalizes any involvement in acts of indecent exposure. The provision will be quoted verbatim as follows

A person who intentionally exposes his or her genital organs, or a substantial part thereof with the intention of causing distress to the other party, or that another person seeing it may be tempted to commit an offence under this Act commits an offence termed ‘indecent exposure’.<sup>27</sup> A person who intentionally exposes his or her genital, or a substantial part thereof and induces another to either massage or touch with the intention of deriving sexual pleasure from such acts commits an offence under this section.<sup>28</sup>

After being found guilty, the offender will receive a punishment of either one year of imprisonment or a fine that does not exceed N500,000.00, or both.

The High Court of the Federal Capital Territory has the authority to try these charges, and the police have the jurisdiction to arrest a suspect with or without a warrant.<sup>29</sup> The police are also obligated to aid the victims of such violence as outlined in the Act.<sup>30</sup> Restricting the jurisdiction to only the High Court of the Federal Capital Territory (FCT) could be a

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<sup>25</sup> VAPPA 2015, s. 25(a).

<sup>26</sup> Ibid, s. 25 (b).

<sup>27</sup> Ibid, s. 26(1).

<sup>28</sup> Ibid, s. 26(2).

<sup>29</sup> Ibid, s. 27.

<sup>30</sup> Ibid, s. 32(1)-(3).

hindrance to the effective enforcement of the Act. The Act seems to have replicated certain parts of pre-existing criminal legislation and infringed upon the constitutional rights of individuals, as protected by sections 35, 40, and 41 of the Constitution of the Federal Republic of Nigeria, as amended in 2011. In general, it can be confidently inferred that the Act encompasses provisions pertaining to efficacious redress, which includes the entitlement to aid for victims.

According to section 38 of the Act, every victim has the right to obtain essential resources and comprehensive support in medical, psychological, social, and legal matters from either government agencies or non-governmental organizations that offer such aid. Victims will be provided with access to the accessible legal, health, and social services, as well as any other pertinent aid they may require. The victims are also eligible for state-funded reintegration and rehabilitation courses. These programmes aim to provide the victims with the essential skills required for their chosen profession, as well as access to formal education and microcredit facilities.

Each of the 36 states in the federation is anticipated to have its own legislation on violence against individuals. Ebonyi, Lagos, and Jigawa states have enacted legislation to prohibit domestic abuse, while Edo and Cross River states have enacted legislation specifically addressing female genital mutilation. While the VAPPA has made advancements in the provisions of the Penal and Criminal Codes, it is necessary to evaluate these laws as the different states have not yet implemented their own legislation on this matter.

### **The Penal Code Act<sup>31</sup>**

The Penal Code refers to the legal document that contains a set of laws and regulations governing criminal offences and their corresponding punishments. The Penal Code is

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<sup>31</sup> CAP. P3, LFN 2004

enforceable only in the Northern states of the federation. It contains numerous provisions addressing gender-based violence, which will be discussed in this research.

The initial matter to be discussed is the offence of assault or criminal force against women with the intention of causing offence to their modesty.<sup>32</sup> This provision stipulates that any individual who employs physical force against a woman with the intention of violating her modesty, or with the knowledge that such an act is likely to result in the violation of her modesty, shall be subject to a penalty of three years of imprisonment, a fine, or both.<sup>33</sup> The topics of abduction and kidnapping were discussed, although not specifically in relation to gender-based violence.<sup>34</sup> Curiously, Section 275 of the Code includes a provision for the reproduction of underage girls. According to the Code, anyone who persuades a girl under the age of eighteen to leave a place or engage in any action with the intention of forcing or seducing her into having illegal sexual intercourse with another person will be subject to imprisonment for up to 10 years and may also be fined.<sup>35</sup>

An attentive analysis of the aforementioned law indicates that incarceration is a possibility due to the usage of the term "shall" for both imprisonment and fine. However, the duration of the imprisonment is determined by the court's judgement. The absence of a specified fine for the offender is concerning, as it may serve as an incentive for them to continue engaging in criminal activities. This provision lacks rigour and is more likely to be violated than upheld. It is not surprising that many individuals use religion as a cover to commit acts of sexual abuse. Many underage girls have been acquired or kidnapped and justified by religious means.

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<sup>32</sup> Ibid, s. 285.

<sup>33</sup> Ibid, s. 285(1).

<sup>34</sup> Ibid, ss. 272–274.

<sup>35</sup> Ibid, s, 275.

Rape is defined in the Penal Code as the act of a male engaging in sexual intercourse with a woman under the following circumstances:

- (a) against her volition
- (b) without her explicit agreement
- (c) With her agreement, gained through instilling fear of death or harm.
- (d) With her consent, when the man is aware that he is not her husband and that her consent is based on the belief that he is another man to whom she is either legally married or thinks herself to be legally married.
- (e) Regardless of her agreement, if she is under the age of fourteen or mentally incapacitated.<sup>36</sup>

According to the Code, just penetration is enough to meet the requirement of sexual intercourse for the crime of rape. Curiously, the Code does not explicitly state that corroboration is necessary to establish the offence according to the law. The penalty for the crime of rape is a sentence of fourteen years. This is rather flexible. Life imprisonment should be implemented since it will effectively serve as a deterrent to potential offenders. A duration of 14 years is insufficient. Engaging in acts of gross indecency is punishable by a prison sentence of seven years and a monetary penalty.<sup>37</sup> Ultimately, engaging in incest is punishable by a prison sentence that can last up to seven years.

### **The Criminal Code Act**

The Criminal Code Act refers to the body of laws that defines and governs criminal offences and their corresponding penalties in the southern states of Nigeria.<sup>38</sup> Each state possesses its own set of criminal statutes. Section 357 of the Code defines the offence of rape as follows:

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<sup>36</sup> Ibid, s.282.

<sup>37</sup> Ibid, s.285.

<sup>38</sup> CAP. C38, LFN 2004.

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 by means of threats 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 impersonating her husband, is guilty of an offence which is called rape.<sup>39</sup>

The elements of the crime of rape consist of the following: 1. The accused engaged in non-consensual sexual intercourse with a woman (the victim); 2. The intercourse was illegal because it did not occur between a married couple and the woman believed that the accused was her husband; 3. Penetration has been established; 4. The accused must have had the necessary *mens rea*, meaning the intention to engage in intercourse without the victim's consent; and 5. Supporting evidence must be presented to confirm the victim's complaint. This is not a legal obligation, but rather a customary practice.

These elements have undergone legal scrutiny and will be discussed briefly. In the case of *Adeoti v State*,<sup>40</sup> the Court of Appeal determined that the crime of rape is considered complete when a man engages in sexual intercourse with a woman or girl without her consent, or when consent is obtained through force, threats, intimidation, fear of death or bodily harm, or deception, falsehood, or fraudulent misrepresentation regarding the nature of the act. The court also ruled that the crucial and primary element of the crime of rape is penetration, and if penetration is not shown, the case would not succeed. Even the slightest penetration is enough to constitute the crime of rape, and it is not required to prove harm or tearing of the hymen.

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<sup>39</sup> Ibid, s. 357.

<sup>40</sup> (2009) ALL FWLR (Pt. 454) 1450.

In the case of *Ogunbayo v State*,<sup>41</sup> the Supreme Court established that sexual interference is considered to be fully accomplished when there is evidence of the penis into the vagina. Emission is not an essential prerequisite. Nevertheless, it has been established that any form of penetration, no matter how minimal, is considered enough to qualify as sexual intercourse. Therefore, even in cases where penetration was demonstrated but did not cause significant damage to the hymen, it has been determined to be enough to establish the offence of rape. Therefore, it is unnecessary to provide evidence of the tearing of the hymen in order to establish the crime of rape.

The matter of corroboration has been a contentious topic in the legal field regarding the crime of rape. The method by which the crime takes place renders it nearly hard to demand verification, as it is mostly lacking. However, in the case of *Sambo v State*,<sup>42</sup> the court ruled that in order for the prosecution to successfully convict the accused, the testimony of the victim must be supported by corroborating evidence. This corroborating evidence must be strong, convincing, and leave no room for doubt that the accused committed the alleged offence. It should consist of independent evidence that links the accused to the crime, as well as evidence that implicates the accused in the commission of the offence.

The current representation of the law however, cannot accurately reflect the reality of sexual assault in our society. Some of these crimes go unnoticed and are committed by individuals who seem to have more power than their victims. As a result, these victims are continuously forced into sexual slavery or become objects of sexual satisfaction at the perpetrators' command. Finding evidence to support the act of rape is extremely challenging in these cases as the victim is often not prepared for or expectant of this vile act. Hence, the author

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<sup>41</sup> (2007) ALL FWLR (Pt. 365) 408.

<sup>42</sup> (1993) 6 NWLR (Pt. 300) 399.

surmises that maintaining this approach will result in an influx of rapists and pedophiles, causing significant harm to vulnerable victims in our streets and neighborhoods.

### **National Gender Policy, 2007**

The National Policy on Women was approved back in 2000, however in 2006, the Federal Ministry of Women's Affairs began advocating for the National Gender Policy to take its place. This was done so that the National Policy on Women could be retired. In order to achieve equitable rapid economic growth, the purpose of the policy is to build a just society free from discrimination; develop an evidence-based planning and governance system in which human, social, financial, and technological resources are utilized in an effective manner; promote the enjoyment of fundamental human rights; protect the health, social, economic, and political wellbeing of all citizens; harness the full potentials of all social groups regardless of sex or circumstance; promote the full potentials of all social groups regardless of circumstance; promote the full potentials of all by incorporating the principles of the United Nations Convention on the Elimination of all Forms of Discrimination Against Women and other global and regional frameworks that support gender equality and women's empowerment into the country's laws, legislative processes, judicial and administrative systems. This will help ensure that women are given the same rights as men and that gender inequality is eradicated.

The National Gender policy on Affirmative Operation has not yet been put into action in the proportion that is specified by the policy, despite the fact that the program's principles are worthy of praise and commendation. There is no law on the subject of affirmative action at either the state or the federal level.

### **3.1.3. Other Provisions**

#### **African Charter on Human and People's Rights**

Another legal document that was created with the intention of defending the rights of people living on the African continent is called the African Charter on Human and Peoples' Rights (often referred to as the Banjul Charter).<sup>43</sup> The non-discriminatory provision is included in Article 2 of the Charter.<sup>44</sup> In accordance with the third paragraph of Article 18 of the charter, the State shall ensure the elimination of any and all forms of discrimination against women and also ensure the protection of the rights of women and children in accordance with the provisions of international declarations and conventions.<sup>45</sup>

### **Protocol to the ACHPR on the Rights of Women in Africa**

The protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa is also known as the Maputo Protocol.<sup>46</sup> It was adopted by the African union on the 11<sup>th</sup> of July 2003 at its second summit in Maputo, Mozambique. On 25<sup>th</sup> November 2005, after ratification by 15 member states of the African Union, the protocol entered into force. The Protocol focuses on the enforcement and protection of women's rights and provides that it is the duty of the state to ensure that women are afforded equal opportunities with men.

The introductory note on the Draft Protocol to the African Charter on Human and peoples' Rights on the Rights of Women in Africa explains that to date, no African instrument relating to human rights proclaimed or stated in a precise way what the fundamental rights of women in Africa are. The Protocol therefore guarantees women's rights on the continent

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<sup>43</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter).

<sup>44</sup> Ibid, art. 2.

<sup>45</sup> Ibid, art. 18(3).

<sup>46</sup> Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005).

as the emergence of this protocol was as a result of the plight of women in Africa in terms of human rights.<sup>47</sup>

### **3.2. Institutional Frameworks**

Accountability to gender equality and women's freedom from sexual abuse, as recognized in a number of international and regional instruments, is primarily the responsibility of the government and is dependent on a number of different institutions, especially public ones, to give it meaning. This accountability is recognized in a number of different international and regional instruments. The following list includes the primary institutions that are accountable for the protection and progress of women's rights:

- i. Federal Ministry of Women Affairs (FMWA);
- ii. the National center for Women Development (NCWD);
- iii. the National Human Rights Commission (NHRC);
- iv. the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP)

#### **3.2.1. Government Agencies Responsible for Enforcing the VAPP Act and other Legal Framework**

##### **The National Human Rights Commission (NHRC)**

The National Human Rights Commission was established in 1995 by the National Human Rights Act in accordance with the resolution of the General Assembly of the United Nations that enjoins all member states to establish Human Rights Institutions for the purpose of promoting and protecting human rights.<sup>48</sup> The resolution was passed in line with the

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<sup>47</sup> I. Nnadi, 'Legal Instruments Against Gender Discrimination and Violence Against Women in Nigeria: How Adequate?' (2016) 1 *LFRP*, 63- 99.

<sup>48</sup> CAP N46, LFN 2004.

National Human Rights Act, 1995. The Human Rights Commission acts as a tool for the improvement of people's ability to exercise their rights. The purpose of its establishment is to create an environment that is conducive to the extra-judicial recognition, promotion, protection, and enforcement of human rights, as well as the obligations imposed by treaties, and to provide for a place where the public can be educated and engage in dialogue on issues pertaining to human rights.

### **National Agency for the Prohibition of Traffic in Persons and other Related Matters (NAPTIP)**

Trafficking is a highly complicated phenomena that may be attributed to a wide range of factors, including a person's standing, wealth gaps, gender inequalities, discrimination, and informational imbalances, in addition to political, social, and economic disadvantages. Human rights are grossly violated by the practice of trafficking, which mostly affects those who are more vulnerable, such as women and girls.

In accordance with the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, the National Association to Prevent Trafficking in Persons (NAPTIP) is a specialized law enforcement agency (TIPLEA).<sup>49</sup> The Nigerian government has a duty and a commitment to the United Nations Convention against Transnational Organized Crime and its Supplementary protocol, and this legislation is a fulfillment of such obligations and commitments. The prevention, suppression, and punishment of trafficking in humans, particularly women and children, is the purpose of this act. It also came about as a consequence of the determination of the federal government to put a stop to the rising tide of modern slavery and the behaviors associated with it.

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<sup>49</sup> No. 24 of 14<sup>th</sup> July, 2003 as amended in 2005.

### **3.2.2. Other Institutions Supporting the Fight for Women’s Rights and against Gender-Based Violence**

#### **Federación Internacional de Abogadas (FIDA)**

Federación Internacional de Abogadas, which translates as The International Federation of Women Lawyers (FIDA) is a global organization dedicated to protecting and promoting the rights of women and children, with a strong presence in Nigeria. FIDA Nigeria provides free legal aid, advocacy, and representation for women facing discrimination, domestic violence, and other forms of gender-based abuse. The organization also engages in public awareness campaigns, policy advocacy, and capacity-building programs to advance gender equality. Through strategic partnerships with government agencies, civil society groups, and international bodies, FIDA plays a vital role in strengthening legal protections and ensuring justice for women and girls across Nigeria.

#### **Federal Ministry of Women Affairs**

The National Commission for Women Act, 1989 (later revoked by the National Commission for Women's Decree, 1992) created a National Commission for Women in 1989.<sup>50</sup> In addition to its roots in the Better Life Programme established by the late Maryam Babaginda, the Commission was elevated to the status of a full-fledged ministry within the authority of the Act and given the name the Federal Ministry for Women's Affairs and Social Development (FMWASD). In 1996, gender units were formed in several ministries and the federal government with the intention of promoting gender equality in all facets of social life. 1997 saw the establishment of state ministries devoted specifically to women's issues and social development. The institution was given the responsibility to ensure the codification of laws that protect women and children; to facilitate the domestication of all conventions, treaties, charters, and declarations to which Nigeria is a signatory; to initiate

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<sup>50</sup> Now National Commission for Women’s Act, 1992, No. 42, Cap N23 , LFN, 2004

policies, carry out programs/projects, and provide services towards the total elimination of all socio-cultural practices that discriminate against women; to promote the economic and political empowerment of women; and to accelerate the peaceful attainment of general parity.

### **National Centre for Women Development (NCWD)**

Dr. (Mrs.) Maryam I. Babaginda, a former First Lady of Uganda, conceived the idea for the National Center for Women's Development (NCWD), which was officially established on October 17, 1992 under her name as the Maryam Babaginda Centre for Women's Development. It is a tangible embodiment of its creator's aspirations for women's liberation via education, self-accomplishment, and mobilization under the previous Better Life Programme for rural women, which she started in 1987. These goals were established by the organization's founder.

The National Centre for Women Development (NCWD) was formally established in Nigeria by virtue of the National Centre for Women Development Act, which was passed in 1995.<sup>51</sup> The act's primary objective was to establish a legal framework for the NCWD, which would then be used to plan and carry out various activities and programs.

### **3.2.3. Challenges Facing these Institutions and Government Agencies**

The proliferation of sexual violence in Nigeria represents a critical issue that severely impacts the lives and dignity of many, particularly women and children. Despite the establishment of laws and policies intended to mitigate this violence, the prevalence of rape and sexual assault remains distressingly high.<sup>52</sup> The persistent ineffectiveness of these legal

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<sup>51</sup> June 15, 1995 Law No. 11, Cap N15, LFN, 2004

<sup>52</sup> The Nigerian police recorded that over 1,827 rape cases occurred in 2015. See T.G. Obagboye, 'Low Reporting of Rape Cases in Nigeria: Challenges and Prospects' *African Journal of Law and Human Rights*, (2019) 3(2) 69.

frameworks can be attributed to several factors, including systemic flaws in implementation, cultural stigmas, and inadequate legal provisions.<sup>53</sup> This section aims to explore these deficiencies and propose potential improvements to enhance the protection of victims and the prosecution of offenders.

### **Lethargic Implementation of Sexual Violence Laws by the Police Force**

The police force plays a crucial role in the enforcement of laws against sexual violence.<sup>54</sup> However, their approach has often been criticized for being lethargic and unsympathetic. Victims face hostile treatment and skepticism when they attempt to report offenses. This discouragement from the very outset prevents many cases from being formally recorded or investigated effectively.<sup>55</sup>

### **Onerous Evidential Requirements**

The burden of proof in cases of rape and sexual assault is exceptionally high. Victims are required to provide substantial evidence, including proof of penetration and resistance, which can be traumatically invasive and difficult to establish.<sup>56</sup> This stringent requirement often results in a low conviction rate, as many victims either cannot meet the evidential threshold or are discouraged by the invasive nature of the evidence collection process.<sup>57</sup>

### **Absence of an Effective Reporting Mechanism**

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<sup>53</sup> E.O. Onwugbenu, 'Ascertaining the Challenges in the Enforcement of the Abuse of Women's Rights in Nigeria' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, (2023) 14(2) 63.

<sup>54</sup> C.O Adekoya, 'Using Law to Serve the Purpose of Women in the 21st Century: Rising to the Challenge of the Scourge of Sexual Violence in Nigeria' *Akungba Law Journal*, (2008) 1(2) 161-189.

<sup>55</sup> M.D. Enaikele, 'Prevalence and Challenges confronting the Prosecution of Paedophilic Assault Cases in Lagos State, Nigeria' *KIU Journal of Social Sciences*, (2019) 5(4) 243.

<sup>56</sup> Obagboye (n44), 75.

<sup>57</sup> I.D. Emeka, B.T. Odika, and N.G. Igboanugo, 'Sexual Violence in Nigeria: A Challenge to Sustainable National Security and Development' *JUPEB Journal of Development and Educational Studies*, (2022) 1(1) 76-86.

There is a distinct lack of accessible and victim-friendly reporting mechanisms.<sup>58</sup> Current systems do not provide the confidentiality or support necessary to encourage victims to come forward. Moreover, there is no standardized protocol for handling reports of sexual violence, leading to inconsistencies and inefficiencies in processing and response.

### **Lacunae in the Criminal and Penal Code**

The existing criminal and penal codes in Nigeria have significant gaps. For example, marital rape is not recognized as a crime under these codes, reflecting outdated perceptions of marital consent.<sup>59</sup> This omission fails to protect married women from sexual violence within their marriages, reflecting a broader issue of gender inequality within the legal system.

### **Non-Domestication of the VAPP Act by Nigerian States**

While the VAPP Act represents a significant advancement in legal protections against sexual violence, its impact is limited by the fact that it is not universally adopted across all Nigerian states.<sup>60</sup> This non-domestication results in a patchwork of protections where some states provide far greater protections than others, undermining the overall effectiveness of the law.

The gaps and limitations within Nigeria's framework to combat sexual violence highlight the urgent need for comprehensive reforms. These should aim not only at amending and enforcing the laws but also at changing cultural attitudes that perpetuate stigma and silence around sexual violence. To be effective, these reforms have to be implemented uniformly across all states, with a focus on victim support, police training, and public awareness

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<sup>58</sup> R.A. Aborisade, 'Barriers to Rape Reporting for Nigerian Women: The Case of Female University Students' *International Journal of Criminology and Sociology Theory*, (2014) 7(2) 1-14.

<sup>59</sup> S. 30 of the Criminal Code Act.

<sup>60</sup> 34 States in the Federation have domesticated the VAPP. Partners West Africa Nigeria, 'VAPP Tracker' <https://www.partnersnigeria.org/vapp-tracker/> accessed 21 April 2024.

campaigns to ensure that the rights and dignity of all individuals are protected against sexual violence.

## CHAPTER FOUR

### CASE STUDY AND COMPARATIVE ANALYSIS

#### 4.1. THE ROLE AND IMPORTANCE OF THE VAPP ACT, USING VARIOUS CASE STUDIES

##### 4.1.1. CRIMINALIZING DOMESTIC VIOLENCE

The VAPP Act plays a crucial role in criminalizing domestic violence, addressing physical, emotional, and psychological abuse within households.<sup>1</sup> Before its enactment, Nigerian law lacked a comprehensive framework for protecting victims from spousal battery and intimate partner violence.<sup>2</sup> By explicitly outlawing domestic abuse, the Act ensures perpetrators face legal consequences, including imprisonment and fines.<sup>3</sup> It also allows courts to issue protective orders, ensuring victim safety.<sup>4</sup> Criminalizing domestic violence sends a strong message that abuse is unacceptable, reinforcing the state's responsibility to protect vulnerable individuals and promoting a legal framework that prioritizes human dignity and gender equality in Nigerian society.

##### 4.1.2. PROTECTING VICTIMS OF SEXUAL VIOLENCE

The VAPP Act enhances legal protections for victims of sexual violence by expanding the definition of sexual offenses beyond traditional rape laws.<sup>5</sup> It criminalizes sexual coercion,

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<sup>1</sup> Felicia Anyogu and B.N. Okpalaobi, 'Violence Against Persons (Prohibition) Act 2015 and other Existing Gender Legislation: A Comparative Analysis' (2017) 8(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 35–39.

<sup>2</sup> The corpus of laws that existed prior to that time were the Criminal Code Act Cap. C38, LFN 2004 and the Penal Code Cap. P3, LFN 2004.

<sup>3</sup> VAPP Act 2015, s. 2.

<sup>4</sup> *Ibid*, s. 30.

<sup>5</sup> *Ibid*, s. 1. It defines rape as an offence, where a person: (a) intentionally penetrates vagina, anus, or mouth of another person with any other part of his or her body or anything else; (b) the other person does not consent to the penetration; or (c) 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 substance or additive capable of taking the away the will of such person or in the case of a married person impersonating his or her spouse.

harassment, and exploitation, recognizing that sexual violence extends beyond forceful penetration.<sup>6</sup> The Act removes the requirement for corroboration in sexual offense cases, making it easier for victims to seek justice.<sup>7</sup> By shifting the focus from the victim's behavior to the perpetrator's actions, the law aligns with global best practices. Strengthening sexual violence protections ensures perpetrators are held accountable, victims receive justice, and Nigeria moves toward a more victim-centered approach in legal proceedings.

#### **4.1.3. ADDRESSING HARMFUL TRADITIONAL PRACTICES**

The VAPP Act criminalizes harmful traditional practices that violate human rights, such as female genital mutilation (FGM), forced marriage, and widow inheritance.<sup>8</sup> These practices, deeply embedded in cultural norms, disproportionately affect women and girls, perpetuating gender inequality. By imposing strict penalties, the Act signals a shift toward prioritizing individual rights over cultural traditions that cause harm, in line with the principles of natural justice. Criminalizing these practices aligns Nigeria with international human rights standards and helps eradicate deep-rooted customs that threaten women's autonomy. Legal frameworks like the VAPP Act are essential in transforming societal attitudes and ensuring cultural preservation does not come at the expense of human dignity.

#### **4.1.4. PROVIDING COMPENSATION AND REMEDIES FOR VICTIMS**

The VAPP Act recognizes that survivors of gender-based violence experience not only physical harm but also emotional, psychological, and financial distress. To address these challenges, the law provides for compensation, medical treatment, and psychosocial support

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<sup>6</sup> Ibid, ss. 1, 2, 3, 5, & 13.

<sup>7</sup> Ibid, s. 38(2).

<sup>8</sup> Ibid, ss. 6, 15, & 20.

for victims.<sup>9</sup> This provision ensures a holistic approach to justice, acknowledging that punitive measures against perpetrators alone are insufficient. Financial reparations help victims recover from economic hardships caused by violence, such as loss of employment or medical expenses. By mandating institutional support, the Act fosters a legal system that prioritizes victim welfare, ensuring survivors can rebuild their lives with dignity and financial security.

#### **4.1.5. PROMOTING GENDER EQUALITY**

The VAPP Act advances gender equality by establishing legal protections against violence, recognizing that GBV stems from systemic discrimination. By criminalizing acts that disproportionately affect women, such as spousal battery,<sup>10</sup> emotional abuse,<sup>11</sup> and sexual exploitation,<sup>12</sup> the Act challenges entrenched gender norms that justify violence. It also empowers women by granting them legal avenues to seek justice, reinforcing their right to safety and dignity. Gender equality is foundational to a just society, and the Act strengthens legal frameworks that ensure all individuals, regardless of gender, have equal protection under the law, fostering a society where violence is not tolerated.

#### **4.1.6. STRENGTHENING LEGAL PROTECTION FOR EMOTIONAL AND PSYCHOLOGICAL ABUSE**

The VAPP Act expands the definition of gender-based violence to include emotional and psychological abuse, which was previously unrecognized under Nigerian law.<sup>13</sup> This acknowledges that harm extends beyond physical violence, as persistent intimidation,

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<sup>9</sup> Ibid, s. 38(1).

<sup>10</sup> Ibid, s. 19.

<sup>11</sup> Ibid, s. 14.

<sup>12</sup> Ibid, s. 24.

<sup>13</sup> Ibid, s. 14.

humiliation, and coercion can severely impact mental health. The Act criminalizes actions that cause distress, fear, or self-harm, ensuring that victims have legal recourse.<sup>14</sup> By broadening the scope of protection, the law provides a crucial mechanism for holding perpetrators accountable for non-physical abuse. Recognizing emotional violence as a crime signifies an evolving legal system that prioritizes the holistic well-being of survivors beyond just physical harm.

#### **4.1.7. PROHIBITING STALKING AND HARASSMENT**

The VAPP Act criminalizes stalking and harassment, recognizing them as serious offenses that can escalate into physical violence.<sup>15</sup> Stalking, often a precursor to gender-based violence, involves unwanted attention, persistent surveillance, and intimidation that instills fear in victims. The law provides protective measures such as restraining orders, making it easier for victims to seek legal redress before harm occurs.<sup>16</sup> By addressing stalking explicitly, the Act aligns with international best practices in victim protection. Criminalizing harassment ensures that individuals, particularly women, can live without fear of being monitored, threatened, or repeatedly contacted against their will, reinforcing personal safety and autonomy.

#### **4.1.8. PREVENTING WORKPLACE SEXUAL HARASSMENT**

The VAPP Act strengthens protections against workplace sexual harassment, holding employers accountable for maintaining safe environments.<sup>17</sup> It recognizes that power imbalances in professional settings can lead to exploitation, making legal safeguards

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<sup>14</sup> Ibid, s. 4.

<sup>15</sup> Ibid, s. 17.

<sup>16</sup> Ibid, ss. 28–29.

<sup>17</sup> Ibid, s. 12.

essential. The Act criminalizes unwelcome sexual advances, coercion, and quid pro quo harassment, ensuring that victims can report violations without fear of retaliation.<sup>18</sup> It mandates that organizations implement anti-harassment policies, conduct awareness training, and establish reporting mechanisms. By addressing workplace harassment comprehensively, the Act promotes a professional culture where women and other vulnerable employees can work free from intimidation, ensuring career advancement is not hindered by exploitation.

#### **4.1.9. COMBATING SPOUSAL ECONOMIC ABUSE**

The VAPP Act criminalizes economic abuse, which includes restricting a spouse's financial resources, withholding access to funds, or sabotaging employment opportunities.<sup>19</sup> Economic violence is a form of control that traps victims in abusive relationships by making them financially dependent. The Act provides legal remedies for individuals subjected to financial manipulation, ensuring they can claim financial support and damages.<sup>20</sup> Recognizing economic abuse as a form of violence is crucial in addressing the broader spectrum of domestic abuse, as financial insecurity often prevents victims from leaving dangerous situations. Legal intervention empowers survivors by ensuring economic independence and financial justice.

#### **4.1.10. ESTABLISHING SPECIALIZED COURTS FOR GENDER-BASED VIOLENCE CASES**

The VAPP Act facilitates the establishment of specialized courts and fast-tracked legal processes for gender-based violence (GBV) cases. Previously, lengthy trial delays discouraged victims from seeking justice. The Act mandates the creation of designated

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<sup>18</sup> Ibid.

<sup>19</sup> Ibid, s. 12.

<sup>20</sup> Ibid, s. 28.

courts to handle GBV cases efficiently, ensuring timely resolutions. It also promotes survivor-friendly legal proceedings by allowing testimonies to be given in private, reducing re-traumatization. Specialized courts ensure that judges and law enforcement officers receive proper training in GBV issues, promoting informed rulings. By expediting justice and prioritizing victim protection, these courts play a critical role in strengthening the legal response to gender-based violence.

## **4.2. A COMPARISON OF THE VAPP ACT AND ANTI-VIOLENCE PROVISIONS OF OTHER JURISDICTIONS**

### **4.2.1. UNITED KINGDOM**

Violence against women and girls (VAWG) remains a pressing issue in the United Kingdom. According to the Office for National Statistics (ONS), 1.7 million women experienced domestic abuse in England and Wales in 2022, with over 800,000 cases reported to the police.<sup>21</sup> Despite a strong legal framework, underreporting remains a challenge, with many survivors facing barriers to justice. The UK government has consistently revised its approach to tackling gender-based violence, implementing legislative reforms and multi-agency interventions. Compared to Nigeria's VAPP Act, the UK's legal framework incorporates both statutory and policy measures to combat VAWG, ensuring a comprehensive response.

The United Kingdom has an extensive legal framework addressing gender-based violence, consisting of multiple statutes and policy documents. The Domestic Abuse Act 2021 is the primary legislation that consolidates laws on domestic violence, coercive control, and

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<sup>21</sup> Meghan Elkin, 'Domestic Abuse in England and Wales Overview: November 2022' *Office for National Statistics* (England, 25 November 2022). Available at: <https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/domesticabuseinenglandandwalesoverview/november2022/pdf> accessed 17 February 2025.

economic abuse.<sup>22</sup> Other relevant laws include the Sexual Offences Act 2003, which criminalizes various forms of sexual violence,<sup>23</sup> and the Female Genital Mutilation Act 2003, which provides protection against harmful traditional practices.<sup>24</sup> Additionally, the UK has ratified the Istanbul Convention, an international treaty aimed at preventing and combating violence against women, ensuring that its laws align with global best practices.

The Domestic Abuse Act 2021 introduced groundbreaking provisions that strengthened protections for survivors. One of the most significant changes was the statutory definition of domestic abuse, which includes physical, emotional, coercive, and economic abuse.<sup>25</sup> The Act also created Domestic Abuse Protection Notices (DAPNs)<sup>26</sup> and Domestic Abuse Protection Orders (DAPOs),<sup>27</sup> granting courts the power to impose immediate safeguards for victims. Additionally, the Act provides legal recognition of children as victims of domestic abuse, expanding their rights to protection.<sup>28</sup> These provisions offer a more comprehensive approach to addressing domestic violence compared to Nigeria's VAPP Act, which lacks enforcement mechanisms.

Nigeria can draw several lessons from the UK's approach to combating gender-based violence. First, implementing specialized protective orders, similar to DAPNs and DAPOs, would provide immediate safety measures for victims. Second, expanding the definition of domestic violence in the VAPP Act to include coercive and economic abuse could enhance legal protections. Third, the UK's institutional frameworks, such as MARAC, offer a model for multi-agency collaboration. Lastly, Nigeria should consider ratifying international

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<sup>22</sup> Domestic Abuse Act 2021.

<sup>23</sup> Sexual Offences Act 2003.

<sup>24</sup> Female Genital Mutilation Act 2003.

<sup>25</sup> Domestic Abuse Act 2021, s. 1.

<sup>26</sup> Ibid, ss. 22–26.

<sup>27</sup> Ibid, ss. 27–49.

<sup>28</sup> Ibid, s. 3.

treaties like the Istanbul Convention to strengthen its global commitments to gender justice. These lessons could enhance the effectiveness of Nigeria’s legal response to VAWG.

#### **4.2.2. UNITED STATES OF AMERICA**

Violence against women remains a widespread problem in the United States. According to the National Coalition Against Domestic Violence (NCADV), one in four women experiences severe intimate partner violence in her lifetime, and over 500,000 incidents of sexual violence occur annually.<sup>29</sup> While federal and state laws criminalize gender-based violence, enforcement varies significantly across jurisdictions. The U.S. has implemented landmark legislation such as the Violence Against Women Act (VAWA), which provides federal protections and funding for survivor support programs. Comparing the U.S. legal framework with Nigeria’s VAPP Act highlights key strengths and gaps in each system’s approach to gender justice.

The Violence Against Women Act (VAWA), first passed in 1994 and reauthorized multiple times, is the cornerstone of federal law addressing gender-based violence. It criminalizes domestic violence, sexual assault, stalking, and human trafficking while funding prevention and victim support programs. Additionally, the Family Violence Prevention and Services Act (FVPSA) provides shelter and resources for survivors. State laws supplement federal protections, with variations in restraining order procedures and definitions of domestic violence. The United States also recognizes international obligations, such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), though it has not ratified the treaty.

VAWA has introduced several key provisions that have strengthened the U.S. response to gender-based violence. One significant provision is the federal funding of domestic violence

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<sup>29</sup> National Coalition Against Domestic Violence, ‘Domestic Violence Statistics’ Available at: <https://www.thehotline.org/stakeholders/domestic-violence-statistics/> accessed 17 February 2025.

shelters, legal aid, and victim support services, ensuring survivors receive comprehensive assistance. The Act also enhances protections for immigrant survivors by providing U visas and self-petitions under the Violence Against Women Act, allowing undocumented victims to seek safety without fear of deportation. Additionally, the Act criminalizes stalking and cyberstalking, addressing contemporary forms of abuse. These provisions, which emphasize victim protection and institutional support, contrast with Nigeria's VAPP Act, which faces implementation challenges.

U.S. courts have played a crucial role in shaping legal interpretations of gender-based violence laws. In *Castle Rock v. Gonzales (2005)*, the Supreme Court ruled that police failure to enforce a restraining order did not violate constitutional rights, sparking debates on enforcement gaps. Conversely, *United States v. Morrison (2000)* struck down parts of VAWA that allowed survivors to sue perpetrators in federal court, limiting the Act's reach. Institutional responses include the Office on Violence Against Women (OVW), which funds state-level programs, and law enforcement agencies that implement specialized domestic violence units, improving access to justice for survivors.

Nigeria can adopt several strategies from the U.S. legal framework to enhance the VAPP Act's effectiveness. First, Nigeria should prioritize sustainable funding for domestic violence shelters and survivor services, mirroring VAWA's grant-based model. Second, expanding immigration protections for trafficked women and abused migrants could enhance Nigeria's human rights approach. Third, stronger cyberstalking laws would address emerging digital threats. Lastly, creating a dedicated Office on Gender-Based Violence to oversee policy implementation, as seen in the U.S., could improve enforcement. By adopting these measures, Nigeria can strengthen its response to gender-based violence and enhance survivor protections.

### **4.2.3. SOUTH AFRICA**

South Africa has one of the highest rates of gender-based violence (GBV) in the world. According to a 2022 report by Statistics South Africa, an estimated 51% of women have experienced some form of violence, with femicide rates five times the global average. Cases of domestic violence, sexual assault, and intimate partner violence remain prevalent, despite legislative efforts. The South African government has responded by strengthening legal frameworks and introducing specialized courts. Comparing South Africa's legal approach to Nigeria's VAPP Act highlights key differences in legal protections, law enforcement mechanisms, and institutional responses to gender-based violence.

South Africa has a comprehensive legal framework to address gender-based violence, with key statutes including the Domestic Violence Act 1998 (DVA), the Criminal Law (Sexual Offences and Related Matters) Amendment Act 2007, and the Prevention and Combating of Trafficking in Persons Act 2013. In 2021, the government introduced amendments to strengthen protections, expanding the definition of domestic violence and increasing accountability measures. South Africa is also a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and aligns its laws with international human rights standards.

The Domestic Violence Act 1998 provides broad legal protections for survivors, including protection orders, emergency monetary relief, and the removal of abusers from shared residences. The Sexual Offences Act criminalizes marital rape and introduces strict sentencing guidelines for sexual crimes. Recent amendments require police to inform survivors of their rights and improve protection order enforcement. Additionally, the National Strategic Plan on Gender-Based Violence (2020–2030) outlines a multi-sectoral approach to prevention, victim support, and law enforcement. Compared to Nigeria's VAPP

Act, South Africa's framework incorporates more robust implementation mechanisms and institutional oversight.

South African courts have delivered landmark rulings on gender-based violence. In *S v. Baloyi (2000)*, the Constitutional Court upheld the importance of protection orders, reinforcing the state's duty to combat domestic violence. In *Carmichele v. Minister of Safety and Security (2001)*, the court ruled that the government must actively prevent gender-based violence, holding law enforcement accountable for failures. Institutional responses include the establishment of specialized Sexual Offences Courts, Thuthuzela Care Centres providing holistic support for survivors, and the National Council on GBV, which coordinates policy implementation. These mechanisms enhance enforcement, ensuring that survivors receive legal and psychological support.

Nigeria can learn valuable lessons from South Africa's legal and institutional approach. First, enforcing strict penalties for law enforcement failures, as seen in *Carmichele v. Minister of Safety and Security*, would improve accountability in Nigeria. Second, the introduction of specialized GBV courts, similar to South Africa's Sexual Offences Courts, could expedite justice for survivors. Third, expanding protection order provisions and ensuring their enforcement would enhance survivor safety. Lastly, Nigeria could establish a national council dedicated to coordinating GBV policy implementation, ensuring cross-sector collaboration. These measures would strengthen the VAPP Act's impact and improve Nigeria's response to gender-based violence.

## CHAPTER FIVE

### RECOMMENDATIONS AND CONCLUSION

#### 5.1. SUMMARY OF FINDINGS

This research project found that Gender-Based Violence (GBV) remains a significant barrier to women's rights in Nigeria, despite national and international legal frameworks. Chapter Two established that GBV manifests in various forms, including domestic violence, sexual assault, and economic deprivation, disproportionately affecting women. The study found that deeply rooted cultural beliefs, legal gaps, and weak enforcement mechanisms contribute to the persistence of GBV. It also identified that while Nigeria has ratified global treaties such as CEDAW, full domestication remains a challenge, limiting their effectiveness in protecting women's rights. This highlights the need for stronger implementation and legal harmonization efforts.

This study found that Nigeria's legal framework for combating GBV, particularly the Violence Against Persons (Prohibition) Act (VAPP Act) 2015, represents a major step forward but faces enforcement challenges. Chapter Three analyzed the Act alongside constitutional and international provisions, revealing that the VAPP Act criminalizes various forms of GBV, including psychological abuse and harmful traditional practices. However, the study found that implementation remains inconsistent across states, as many have yet to domesticate the Act. Additionally, weaknesses such as inadequate funding for survivor support services and lack of specialized courts hinder the full realization of legal protections under the VAPP Act.

This study found that comparative legal analysis with the United Kingdom, United States, and South Africa offers valuable lessons for strengthening Nigeria's response to GBV. Chapter Four highlighted that the UK's Domestic Abuse Act 2021 provides extensive

victim protection measures, while the Violence Against Women Act (VAWA) in the U.S. ensures institutional funding for shelters and legal aid. South Africa's specialized Sexual Offences Courts demonstrate the impact of fast-tracked legal proceedings. This study found that Nigeria can improve its approach by enhancing judicial efficiency, expanding protective measures, and ensuring mandatory implementation of GBV laws across all states.

## **5.2. RECOMMENDATIONS**

To enhance the enforcement of the Violence Against Persons (Prohibition) Act (VAPP Act) 2015, this study recommends that all Nigerian states domesticate and fully implement the law. Currently, many states have yet to adopt the Act, limiting its effectiveness. The federal government should mandate state compliance and provide incentives for implementation, including funding for legal enforcement mechanisms. Furthermore, specialized courts should be established to handle gender-based violence (GBV) cases, ensuring expedited trials and preventing delays that discourage victims from seeking justice. Mandatory training for judges and law enforcement officers will further enhance the Act's enforcement across all jurisdictions.

This study recommends the expansion of victim protection services, including safe shelters, legal aid, and psychological support for survivors of GBV. The Nigerian government should allocate dedicated funds to sustain these services, drawing from international best practices like the Violence Against Women Act (VAWA) in the U.S. Public-private partnerships can enhance service delivery, ensuring that survivors receive comprehensive support. Additionally, Nigeria should introduce Domestic Abuse Protection Orders (DAPOs) similar to the UK model, allowing courts to issue immediate protective measures for at-risk individuals. Strengthening these protections will ensure that survivors feel safe enough to report abuse.

Public awareness and education are essential in changing cultural norms that perpetuate GBV. This study recommends nationwide sensitization campaigns targeting schools, religious institutions, and local communities. Educational curricula should incorporate lessons on gender equality, human rights, and legal protections under the VAPP Act. Community leaders and religious figures should also be engaged in advocacy, as cultural and religious misinterpretations often justify harmful practices. Additionally, the media should play an active role in promoting positive narratives around women's rights and the consequences of GBV, ensuring that gender-based violence is universally condemned rather than normalized.

This study recommends strengthening law enforcement responses to GBV by improving police training, investigative procedures, and survivor-centered approaches. Many victims hesitate to report abuse due to police bias, intimidation, and mishandling of cases. Establishing dedicated GBV police units—modeled after South Africa’s Thuthuzela Care Centres—would ensure more effective investigations and proper case handling. Additionally, forensic evidence collection should be enhanced to support convictions, reducing reliance on victim testimony alone. Implementing an anonymous GBV reporting system would also encourage more survivors to come forward, ensuring that cases are documented and perpetrators held accountable.

Finally, this study recommends legal reforms to strengthen penalties for GBV-related offenses and close existing legal loopholes. Sentencing guidelines should be reviewed to ensure stricter punishments for sexual violence, spousal battery, and economic abuse. Mandatory minimum sentences should be introduced for repeat offenders, while group rape and human trafficking should attract life imprisonment to deter perpetrators. The establishment of a National GBV Monitoring Agency would improve oversight, ensuring that law enforcement agencies, courts, and support institutions adhere to best practices.

These reforms will enhance Nigeria's response to GBV and promote long-term societal change in gender justice.

#### **5.4. CONTRIBUTION TO KNOWLEDGE**

This study contributes to knowledge by providing a comprehensive analysis of the Violence Against Persons (Prohibition) Act (VAPP Act) 2015, highlighting its strengths, limitations, and implementation challenges. Unlike previous studies that focus only on domestic violence, this research examines the Act's broader provisions, including psychological abuse, harmful traditional practices, and economic violence. It also explores the gaps in enforcement, emphasizing the need for state-level domestication. By identifying legal and institutional weaknesses, this study enhances understanding of the Act's practical shortcomings and provides a foundation for future legislative amendments that will improve its effectiveness in protecting victims of gender-based violence.

This study expands the comparative analysis of anti-GBV laws by evaluating Nigeria's VAPP Act alongside legal frameworks in the United Kingdom, United States, and South Africa. While prior research has examined individual laws in isolation, this study systematically contrasts provisions such as the UK's Domestic Abuse Act 2021, the Violence Against Women Act (VAWA) in the U.S., and South Africa's Sexual Offences Courts. By identifying best practices from these jurisdictions, this research provides concrete policy recommendations that can improve Nigeria's GBV response. This comparative approach contributes to legal scholarship by bridging gaps between international standards and Nigerian legislation.

This study introduces a multi-dimensional approach to GBV enforcement, demonstrating that legal provisions alone are insufficient without strong institutional support, public awareness, and law enforcement cooperation. It highlights how police inefficiency, judicial

delays, and inadequate victim support services hinder justice delivery. Unlike prior studies that focus solely on legal provisions, this research underscores the importance of multi-agency collaboration, emphasizing the role of social workers, NGOs, and healthcare providers in GBV interventions. This perspective contributes to interdisciplinary scholarship by showing that legal, social, and psychological approaches must work together to effectively combat gender-based violence.

Another key contribution is the study's emphasis on survivor-centered justice, advocating for protective measures such as Domestic Abuse Protection Orders (DAPOs), specialized GBV courts, and enhanced forensic evidence collection. Existing literature on Nigeria's GBV laws has largely overlooked survivor-focused solutions, often emphasizing punitive measures alone. This study shifts the discourse toward ensuring survivors feel safe, supported, and empowered to seek justice. By recommending survivor-friendly policies and procedural reforms, this research provides a framework for improving victim experiences within Nigeria's justice system, ensuring that legal protections translate into meaningful relief for those affected by gender-based violence.

Finally, this study contributes to knowledge by challenging the cultural and structural barriers to GBV prevention in Nigeria. It highlights the role of traditional norms, religious interpretations, and economic dependency in perpetuating gender-based violence. While past research has focused on legislative gaps, this study integrates sociocultural perspectives, demonstrating how deep-seated beliefs hinder legal effectiveness. By emphasizing education, public sensitization, and media advocacy, it provides a roadmap for changing harmful societal attitudes. This contribution ensures that gender-based violence is not only addressed through legal means but also through cultural transformation, leading to more sustainable, long-term solutions in Nigeria.

#### **5.4. CONCLUSION**

This research project has critically examined the role of the Violence Against Persons (Prohibition) Act (VAPP Act) in advancing women's rights and combating gender-based violence (GBV) in Nigeria. It established that while the Act provides a progressive legal framework addressing domestic violence, sexual assault, and harmful traditional practices, enforcement remains a major challenge. The lack of uniform domestication across states, weak institutional responses, and socio-cultural barriers hinder the Act's full implementation. Despite its strong legal provisions, gaps in enforcement leave many victims without justice, emphasizing the urgent need for strengthened legal mechanisms, public awareness, and improved institutional support systems.

A comparative analysis with the United Kingdom, United States, and South Africa provided valuable insights into best practices that Nigeria can adopt. These jurisdictions have implemented specialized courts, survivor protection orders, and institutional funding, which have improved their GBV response. This study concludes that Nigeria must go beyond legislation and adopt comprehensive multi-sectoral strategies to enhance legal enforcement, improve victim services, and shift societal attitudes towards gender-based violence. Strengthening the judicial system, law enforcement, and public awareness initiatives will be crucial in ensuring that the VAPP Act achieves its intended impact in protecting women's rights.

In conclusion, legal frameworks alone are insufficient without robust implementation, survivor-centered support systems, and continuous cultural reorientation. The findings of this study underscore the need for greater government commitment, increased funding, and stronger law enforcement training to ensure the VAPP Act serves as an effective tool in eliminating gender-based violence. By adopting international best practices, engaging

communities, and prioritizing survivor well-being, Nigeria can build a more inclusive and just society where women's rights are protected, and gender-based violence is effectively addressed at all levels. Only through these holistic interventions can lasting change be achieved.

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