

**A CRITICAL ANALYSIS OF LEGAL AND INSTITUTIONAL RESPONSES TO
GENDER-BASED VIOLENCE AND FEMICIDE IN NIGERIA: EVALUATING THE
EFFECTIVENESS OF CRIMINAL LAW AND HUMAN RIGHTS ENFORCEMENT
MECHANISMS.**

BY

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,
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CERTIFICATION

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DEDICATION

To Almighty God, the architect of wisdom, my constant guide, my provider, my hope and my unfailing strength throughout this academic journey.

This academic project is also dedicated to my amazing, wonderful and ever present parents, Mr. Augustus Omokaro Eriaria and Mrs. Gloria Omokaro Eriaria, whose love and sacrifices throughout the duration of these academic rigors taught me that greatness is not inherited, it is built and that you can do great things even from a small place. You believed in me long before I became conscious of myself.

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ABBREVIATIONS / ACRONYMS

GBV	-	Gender Based Violence
SARC's	-	Sexual Assault Referral Centre
ECCJ	-	ECOWAS Community Court of Justice
NHRC	-	National Human Rights Commission

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ABSTRACT

This research critically examines Nigeria's legal and institutional responses to gender-based violence against women and femicide, evaluating the effectiveness of criminal law and human rights enforcement mechanisms. Despite progressive legislation including the Violence Against Persons (Prohibition) Act 2015 and ratification of international instruments like CEDAW and the Maputo Protocol, systemic institutional failure persists across all levels of Nigeria's justice system. The research identifies interconnected challenges undermining enforcement: chronic resource constraints, deeply embedded patriarchal attitudes among criminal justice actors, pervasive corruption, victim withdrawal under social pressure, geographic inconsistencies in law implementation, inadequate data systems, and insufficient survivor support infrastructure. While civil society organizations like Mirabel Centre, WARIF, and STER have provided essential services to thousands of survivors, these successes remain isolated rather than systematic. The findings reveal a profound gap between law and reality that constitutes a moral failure, yet demonstrate that effective responses are achievable when political will, adequate resources, and coordinated action align. This research concludes that Nigerian women have waited long enough for justice, and that Nigeria possesses the capacity to do better if it makes the necessary political choices and resource commitments. As UN Secretary-General António Guterres stated, "Violence against women is not inevitable"—it is a choice Nigeria can make differently.

Keywords: Gender-based violence, femicide, Violence Against Persons (Prohibition) Act, CEDAW, criminal justice, human rights enforcement, institutional responses, Nigeria, women's rights, domestic violence.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Violence against women remains one of the most prevalent human rights violations in contemporary society, cutting across geographical, cultural, and socioeconomic boundaries. In Nigeria, gender-based violence (GBV) has evolved from being perceived as a private, domestic matter into a recognized public health crisis and human rights emergency that demands urgent legal and institutional intervention. The phenomenon manifests in various forms—domestic violence, sexual assault, forced marriages, female genital mutilation, and increasingly, femicide—the intentional killing of women simply because they are women.

The scale of this crisis is staggering. Available statistics, though likely underreporting the true extent of the problem, paint a disturbing picture. The Nigeria Demographic and Health Survey indicates that approximately 31% of women have experienced physical violence since age 15, with 35.9% experiencing some form of intimate partner violence including physical, sexual and emotional violence, while recent reports suggest that cases of femicide have been on an alarming rise, particularly in urban centers. These are not just numbers; they represent mothers, daughters, sisters, and wives whose lives have been shattered or cut short by violence rooted in gender inequality.

Nigeria's legal framework concerning GBV has undergone significant evolution over the past two decades. The ratification of international instruments such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985 and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) in 2004 marked important turning points. Domestically, the enactment of the Violence

Against Persons (Prohibition) Act (VAPP Act) in 2015 represented a watershed moment, providing a comprehensive legal framework to address various forms of violence against women at the federal level.

However, Nigeria's federal structure presents unique challenges. While the VAPP Act applies directly only in the Federal Capital Territory, its adoption at the state level has been inconsistent and slow. As of mid-2025, 35 states have adopted the VAPP Act, however challenges remain in its full implementation, including public awareness and survivor support. This fragmented legal landscape is further complicated by the coexistence of multiple legal systems—statutory law, customary law, and Islamic law—which sometimes contain provisions that directly contradict or undermine women's rights protections.

Beyond legislation, Nigeria has established various institutional mechanisms to combat GBV, including specialized police units, human rights commissions, and dedicated agencies like the National Agency for the Prohibition of Trafficking in Persons (NAPTIP). Yet, despite these formal structures, the gap between law on paper and law in action remains significantly wide. Women who summon the courage to report violence often encounter a system characterized by inefficiency, insensitivity, corruption, and inadequate resources. The question is no longer whether Nigeria has laws and institutions to address GBV, but whether these responses are actually working.

This reality is further compounded by deeply entrenched sociocultural attitudes that normalize violence against women, stigmatize survivors, and create environments where perpetrators enjoy exemption from punishment. Cultural practices that subordinate women, patriarchal family

structures, and harmful traditional norms continue to fuel GBV even in the face of progressive legislation. Understanding the effectiveness of Nigeria's legal and institutional responses therefore requires examining not just the frameworks themselves, but how they interact with these complex social situations.

1.2 Statement of the Problem

Despite the existence of constitutional guarantees, international treaty obligations, domestic legislation, and institutional frameworks designed to protect women from violence, gender-based violence and femicide continue to escalate in Nigeria with disturbing frequency and brutality. This contradiction raises fundamental questions about the effectiveness of the country's legal and institutional responses.

The core problem this study addresses is the apparent disconnect between the formal existence of legal protections and human rights enforcement mechanisms on one hand, and the persistent, often worsening reality of violence against women and femicide on the other. Several dimensions of this problem warrant critical examination.

Firstly, there is the issue of legal adequacy and coherence. While the VAPP Act and state-level legislation provide important protections, significant gaps and ambiguities persist. The definition of key terms like "femicide" remains absent from Nigerian criminal law, making it difficult to specifically prosecute gender-motivated killings or gather accurate data on their prevalence. Moreover, the fragmented nature of Nigeria's legal system creates jurisdictional confusion and allows perpetrators to exploit legal loopholes.

Secondly, implementation challenges undermine even well-crafted laws. Reports consistently highlight poor enforcement, with police often dismissing GBV reports as "family matters," investigators lacking proper training, and prosecutors struggling with evidence collection and case management. The criminal justice system's general inefficiency—characterized by delayed trials, case backlogs, and inadequate forensic capabilities—is magnified in GBV cases, where survivors face additional barriers including fear of retaliation, economic dependence on perpetrators, and social stigma.

Third, institutional responses appear inadequate and uncoordinated. While various agencies have mandates touching on GBV, their efforts often lack synergy, suffer from insufficient funding, and fail to reach vulnerable populations in rural areas. Human rights mechanisms, including the National Human Rights Commission and state-level bodies, have limited enforcement powers and often cannot compel compliance with their recommendations.

Finally, there is the problem of impunity. High-profile cases of violence against women, including brutal murders, frequently fail to result in convictions or meaningful accountability. This creates a dangerous cycle where potential perpetrators perceive minimal consequences for their actions, while survivors and their families lose faith in the justice system's ability to protect them.

This study therefore seeks to critically examine whether Nigeria's current legal and institutional architecture is fit for purpose, identifying specific weaknesses, analyzing underlying causes of implementation failures, and ultimately, proposing evidence-based pathways toward more effective protection of women's rights to life, dignity, and security.

1.3 Aim and Objectives of the Study

The primary aim of this study is to conduct a comprehensive critical analysis of Nigeria's legal and institutional responses to gender-based violence against women and femicide, with a view to evaluating their effectiveness in protecting women's rights and ensuring accountability for perpetrators.

To achieve this aim, the study pursues the following specific objectives:

- ❖ **To examine the legal framework governing gender-based violence and femicide in Nigeria.**
- ❖ To evaluate Nigeria's compliance with international and regional human rights obligations concerning violence against women.
- ❖ **To assess the effectiveness of institutional mechanisms in preventing, investigating, and prosecuting cases of gender-based violence and femicide.**
- ❖ To identify and analyze the barriers—legal, institutional, sociocultural, and economic—that impede effective responses to gender-based violence and femicide in Nigeria.
- ❖ To critically evaluate the human rights enforcement mechanisms available to survivors of gender-based violence in Nigeria.
- ❖ To propose evidence-based recommendations for strengthening Nigeria's legal and institutional responses to gender-based violence and femicide.

1.4 Scope and Limitations of the Study

This study focuses specifically on legal and institutional responses to gender-based violence against women and femicide in Nigeria, with particular emphasis on criminal law mechanisms and human rights enforcement systems. From a legal perspective, the study examines criminal law responses, constitutional protections, and human rights enforcement mechanisms. Civil remedies and family law aspects of GBV receive attention primarily in their interaction with criminal justice responses. The study engages with statutory law, customary law, and Islamic law as they apply to GBV, recognizing Nigeria's plural legal system.

The study concentrates on the following forms of gender-based violence: domestic violence, sexual assault (including rape and sexual harassment), forced marriage, and femicide. While acknowledging that GBV encompasses other harmful practices such as female genital mutilation and human trafficking, these receive limited attention except where directly relevant to the study's primary focus. The study emphasizes violence perpetrated against adult women, though relevant protections for female children are discussed where they inform broader legal frameworks.

Several limitations must be acknowledged. First, data availability poses a significant challenge. Reliable, comprehensive statistics on GBV and femicide in Nigeria are scarce due to underreporting, inconsistent data collection across states, and the absence of centralized databases. This study therefore relies on available official statistics, NGO reports, and research studies, while acknowledging that these likely underrepresent the true scale of the problem.

Second, as a doctrinal research study, this work primarily examines law through textual analysis of legislation, case law, and policy documents. While doctrinal methodology provides valuable

insights into legal frameworks and their internal coherence, it has inherent limitations in capturing lived experiences of survivors or the practical day-to-day functioning of institutions. The study addresses this partially through engagement with empirical research conducted by others, but cannot fully substitute for primary empirical investigation.

Third, access to certain institutional data and internal policy documents may be limited due to administrative barriers or confidentiality concerns. The study works within these constraints while attempting to draw on publicly available information and published reports.

Finally, this is a study of formal legal and institutional responses. While recognizing that informal justice mechanisms, community-based interventions, and civil society efforts play important roles in addressing GBV, detailed examination of these falls outside the study's primary scope.

Notwithstanding these drawbacks, the report offers a thorough examination of Nigeria's institutional and legal frameworks for dealing with GBV, pinpoints particular flaws, and suggests specific reform avenues based on both legal theory and real-world application.

1.5 Significance of the Study

This study holds substantial significance and contributes to knowledge in several important ways.

- ❖ **Academic Contribution:** By rigorously examining not just what laws exist but how well they work in practice, this study contributes important insights to the fields of criminal law, human rights law, and gender studies in Nigeria. It provides a comprehensive

resource for future researchers, students, and scholars interested in gender justice and legal reform.

- ❖ **Policy Relevance:** The findings and recommendations of this study have direct practical relevance for policymakers, legislators, and government officials at both federal and state levels. By identifying specific weaknesses in current legal frameworks and implementation strategies, the study provides evidence-based guidance for legal reform efforts. This can also help ensure that scarce resources are directed toward interventions most likely to produce meaningful change.
- ❖ **Impact on Human Rights Advocacy:** Civil society organizations, women's rights groups, and human rights defenders working to combat GBV in Nigeria will find this study useful. It provides comprehensive documentation of legal protections and enforcement mechanisms, which can inform advocacy strategies and public education campaigns.
- ❖ **Institutional Development:** For institutions with mandates related to GBV—including police forces, prosecution services, human rights commissions, and specialized agencies—this study offers constructive analysis of current performance and concrete suggestions for improvement. It can inform training programs, guide institutional reforms, and help organizations develop more effective protocols for handling GBV cases.
- ❖ **Social Impact:** Perhaps most importantly, this study matters because of its potential to contribute, however modestly, to the protection of women's lives, safety, and dignity. Every femicide case represents a preventable tragedy. Every instance of domestic

violence or sexual assault that goes unpunished represents a failure of justice. By rigorously examining why current responses fall short and identifying pathways for improvement, this research serves the fundamental human rights principle that every person deserves to live free from violence.

1.6 Research Methodology

This study employs a doctrinal legal research methodology, also known as black-letter legal research or library-based research. This approach is particularly appropriate for analyzing legal frameworks, evaluating their consistency with established principles, and assessing their effectiveness in achieving stated objectives.

The study relies on both primary and secondary legal sources. Primary sources include:

- Constitutional provisions: Relevant sections of the 1999 Constitution of the Federal Republic of Nigeria (as amended), particularly those relating to fundamental rights, non-discrimination, and dignity.
- Legislation: The Violence Against Persons (Prohibition) Act 2015, state-level VAPP Acts and similar legislation, the Criminal Code Act, the Penal Code, and other relevant statutes.
- Case law: Reported and unreported judgments from Nigerian courts addressing gender-based violence, women's rights, and related issues. This includes decisions from the Supreme Court, Court of Appeal, High Courts, and specialized tribunals.

- **International and regional instruments:** Treaties, conventions, and protocols to which Nigeria is a party, including CEDAW, the Maputo Protocol, and relevant declarations and resolutions.

Secondary sources include:

- **Academic literature:** Books, journal articles, theses, and dissertations examining gender-based violence, criminal law, human rights, and related topics in Nigeria and comparatively.
- **Reports and studies:** Publications from international organizations (UN agencies, African Union), national human rights institutions, and civil society organizations documenting GBV patterns and evaluating responses.

CHAPTER TWO

LITERATURE REVIEW AND THEORITICAL FRAMEWORK ANALYSIS

2.1 Gender-Based Violence Defined

Gender-Based Violence (GBV) refers to harmful acts directed at individuals based on their gender. It is rooted in structural inequalities, power imbalances, and cultural norms that perpetuate discrimination and subordination, particularly against women and girls. Definitions of GBV vary across legal and institutional frameworks, but they share common elements: harm, discrimination, and gendered power imbalance.

The United Nations Declaration on the Elimination of Violence Against Women (1993) defines GBV as: “Any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”¹ The Committee on the Elimination of Discrimination Against Women (CEDAW Committee) in its General Recommendation No. 19 significantly advanced the understanding of gender-based violence by

¹ UN General Assembly, Declaration on the Elimination of Violence Against Women 1993 Article 1.

recognizing it as a form of discrimination that 'seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men.'²

At the regional level, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) defines violence against women in Article 1(j) as 'all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war.'³

The World Health Organization adopts a public health perspective, defining gender-based violence as 'violence directed against a person on the basis of gender or sex. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty.'⁴ This definition emphasizes the centrality of gender as the motivating factor distinguishing GBV from general violence.

In Nigeria, the law does not explicitly employ the term 'gender-based violence' in its statutory framework. However, the Violence Against Persons (Prohibition) Act 2015 (VAPP Act), which represents the most comprehensive legislative response to interpersonal violence in Nigeria, defines violence in section 46 as 'any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm whether this occurs in

² UN Committee on the Elimination of Discrimination Against Women (CEDAW), CEDAW General Recommendation No. 19: Violence against women, 1992, <https://www.refworld.org/legal/resolution/cedaw/1992/en/96542> [accessed 30 October 2025]) para 1.

³ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), art. 1(j).

⁴ World Health Organization, 'Violence Against Women' (WHO, 9 March 2021) <https://www.who.int/news-room/fact-sheets/detail/violence-against-women> accessed 30 September 2025.

private or public life, in peace or in conflict situations.⁵The Act criminalizes a wide range of acts that fall within its scope, including rape, battery, emotional abuse, harmful traditional practices, and economic abuse. Section 1 of the Act states: “A person who willfully causes or inflicts physical injury on another person by means of any act or omission which is of such nature as to cause bodily harm commits an offence.”⁶

The VAPP Act adopts a gender-neutral approach but is primarily invoked in cases involving violence against women and girls. The Act's preamble recognizes violence as 'a violation of human rights and an offence against the dignity of the person'⁷, and proceeds to criminalize multiple manifestations of gender-based violence including rape, female genital mutilation, forced marriage, and various forms of domestic abuse.

Scholarly literature provides more nuanced definitions that emphasize the structural and systemic nature of gender-based violence. Bunch argues that gender-based violence 'is violence that is directed against a woman because she is a woman or that affects women disproportionately.'⁸ This formulation captures both the intentional targeting based on gender and the disparate impact criterion.

⁵ Violence Against Persons (Prohibition) Act 2015, s 46.

⁶ Violence Against Persons (Prohibition) Act 2015, s. 1.

⁷ *ibid*, Preamble.

⁸ Charlotte Bunch, 'Women's Rights as Human Rights: Toward a Re-Vision of Human Rights' (1990) 12 Human Rights Quarterly 486, 491.

Onyejekwe, examining the Nigerian context specifically, defines gender-based violence as 'violence involving men and women, in which the female is usually the victim; and which arises from unequal power relationships between men and women.'⁹

Drawing from these various definitional approaches, gender-based violence can be understood as comprising four essential elements:

First, gender as the determinative factor. The violence must be perpetrated against individuals specifically because of their gender or sex, or disproportionately affect one gender due to socially constructed gender roles and expectations.¹⁰

Second, rooting in gender inequality and power imbalances: GBV is fundamentally a manifestation and reinforcement of historically unequal power relations between men and women, serving to maintain male dominance and female subordination.

Third, the harm element: The violence must cause or be likely to cause physical, sexual, psychological, emotional, or economic harm or suffering. This harm may be actual or threatened, recognizing that threats alone constitute violence.¹¹

⁹ Chima Jacob Onyejekwe, 'Nigeria: The Dominance of Rape' (2004) 9(3) *Journal of International Women's Studies* 104, 105.

¹⁰ UN Women, 'Frequently Asked Questions: Types of Violence Against Women and Girls' (UN Women) <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence> accessed 30 September 2025.

¹¹ UN Declaration on the Elimination of Violence Against Women (n 1) art 2.

Fourth, violation of fundamental rights: GBV constitutes a violation of fundamental human rights including the rights to life, liberty, security of person, dignity, equality, and non-discrimination.¹²

2.1.2 Typology of Gender-Based Violence

Gender-based violence manifests in multiple forms across various contexts. Understanding this typology is essential for evaluating whether legal frameworks adequately address the full spectrum of violence women face. This section examines the various types of GBV relevant to the Nigerian context..

(i) Physical Violence

Physical violence encompasses acts that cause or attempt to cause physical harm through the application of force. The VAPP Act addresses physical violence through multiple provisions including sections 2 to 5 dealing with battery, assault, and causing harm.¹³

Physical violence in the Nigerian context manifests in various forms including battery, slapping, punching, kicking, burning, use of weapons or objects to inflict harm, strangulation, and acid attacks. The 2018 Nigeria Demographic and Health Survey found that 31% of women aged 15-49 have experienced physical violence since age 15, with 14% experiencing physical violence in the 12 months preceding the survey.¹⁴ The practice of female genital mutilation, specifically prohibited under section 6 of the VAPP Act¹⁵, represents a particularly harmful form of physical violence rooted in cultural traditions.

¹² Committee on the Elimination of Discrimination Against Women (n 2) para 6.

¹³ Violence Against Persons (Prohibition) Act 2015, ss 2-5.

¹⁴ National Population Commission (NPC) and ICF (n 31) 395.

¹⁵ *ibid* s 6.

The case of *IHRDA & WARDC v. Federal Republic of Nigeria* establishes that violence against women is a human rights violation. In this case, Ms. Mary Sunday was a victim of severe domestic violence by her fiancé, who was a policeman. The abuse occurred in August 2012. Two NGOs, WARDC and IHRDA, filed a suit at the ECOWAS Community Court of Justice (ECCJ) on her behalf, alleging that Nigerian authorities failed to conduct an impartial investigation into the violence. In January 2017, the ECOWAS Court ruled that it had competence to hear the case as a human rights violation and ordered the Nigerian government to pay Ms. Sunday N50 million (about \$138,000 US) in damages.¹⁶

(ii) Sexual Violence

Sexual violence comprises any sexual act, attempt to obtain a sexual act, or acts directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting.¹⁷

The VAPP Act provides comprehensive coverage of sexual violence. Section 1 defines rape as 'the intentional penetration of the vagina, anus or mouth of another person with any other part of his body or anything else' without consent or with vitiated consent.¹⁸ This definition represents a significant advancement over the narrow definitions in the Criminal Code and Penal Code which limit rape to penile-vaginal penetration.¹⁹

¹⁶ (2018) ECW/CCJ/APP/26/15 (ECOWAS Court of Justice)

¹⁷ World Health Organization, 'World Report on Violence and Health' (WHO 2002) 149

¹⁸ Violence Against Persons (Prohibition) Act 2015 Section 1(1).

¹⁹ Criminal Code Act Section 357; Penal Code Section 282

Sexual violence manifests in Nigeria through various forms including rape, gang rape, marital rape (though the Criminal Code maintains a marital rape exemption in section 6)²⁰, sexual assault, sexual harassment in educational institutions and workplaces, incest, child sexual abuse, forced prostitution, and sexual exploitation through trafficking.

A critical gap in Nigerian law remains the marital rape exemption embedded in the Criminal Code's definition of 'unlawful carnal knowledge.' Section 357 criminalizes rape but section 6 excludes sexual intercourse within marriage from the definition of 'unlawful' acts²¹, effectively immunizing husbands from rape prosecution. The VAPP Act removes this exemption²², but its limited state-level adoption means many Nigerian women remain unprotected from marital sexual violence.

Case here

(iii) Psychological and Emotional Violence

Psychological violence encompasses acts causing mental or emotional suffering, often less visible than physical violence but equally damaging. The VAPP Act addresses psychological violence through sections 14 (emotional, verbal and psychological abuse), 15 (use of dangerous weapons, threat of violence), and 18 (intimidation).²³

Section 14 specifically defines emotional, verbal and psychological abuse as acts including '(a) repeated degradation, humiliation or ridicule; (b) repeated insults, ridicule or name calling; (c)

²⁰ Criminal Code Act Section 6 ('unlawful carnal knowledge' excludes marital relations).

²¹ *Ibid* Sections 6, 357.

²² Violence Against Persons (Prohibition) Act 2015, Section 1 (no marital exemption).

²³ Violence Against Persons (Prohibition) Act 2015, Sections 14, 15, 18.

repeated threats to cause emotional pain; or (d) repeated exhibition of obsessive possessiveness or jealousy which constitutes a serious invasion of the other person's privacy, liberty, integrity or security.¹²⁴

Psychological violence in Nigeria manifests through verbal abuse, threats, intimidation, humiliation, isolation from family and friends, controlling behavior, stalking (addressed in section 17 of the VAPP Act)²⁵, cyberbullying, gaslighting, and forced confinement. These forms are particularly prevalent in intimate partner relationships where power imbalances facilitate ongoing emotional abuse.

(iv) Economic Violence

Economic violence involves the deprivation of economic resources, denial of access to finances, or actions that undermine economic autonomy and security. Section 12 of the VAPP Act addresses economic abuse, defining it as the unreasonable deprivation of economic or financial resources to which the person is entitled under any law or which the person requires out of necessity including household necessities and medicines.²⁶

Economic violence in Nigeria commonly manifests through denial of access to marital finances, prohibition from working or engaging in economic activity, property grabbing (particularly affecting widows), denial of inheritance rights, forced economic dependency, destruction of property or means of livelihood, and denial of maintenance obligations.

²⁴ *Ibid* Section 14.

²⁵ *Ibid* Section 17.

²⁶ *Ibid* Section 12

The intersection of economic violence with customary practices is particularly significant in Nigeria. Widowhood practices often include property dispossession by the deceased husband's family, leaving widows economically vulnerable.²⁷ While section 15 of the VAPP Act prohibits 'harmful widowhood practices'²⁸, enforcement remains weak and many widows lack knowledge of their legal protections.

(v) Harmful Traditional Practices

Harmful traditional practices comprise culturally sanctioned behaviors that cause physical, sexual, psychological or economic harm, primarily affecting women and girls. These practices persist due to deep-rooted patriarchal norms, religious misinterpretations, and cultural relativism arguments.

The VAPP Act addresses several harmful practices including female genital mutilation (section 6),²⁹ forced isolation or separation (section 13)³⁰, harmful widowhood practices (section 15),³¹ and abandonment of children, spouses and other dependents without sustenance (section 16)³²

Female genital mutilation (FGM) remains prevalent in Nigeria despite legal prohibition. The Nigeria Demographic and Health Survey 2018 reported that 20% of women aged 15-49 had undergone FGM³³, indicating substantial gaps between legal prohibition and practical eradication.

²⁷ Project Alert on Violence Against Women, 'Widowhood Practices in Nigeria' (Project Alert, 2014).

²⁸ Violence Against Persons (Prohibition) Act 2015, Section 15.

²⁹ *Ibid* Section 6

³⁰ *Ibid* Section 13

³¹ *Ibid* Section 15

³² Violence Against Persons (Prohibitions) Act 2015, Section 16

³³ National Population Commission (NPC) [Nigeria] and ICF, *Nigeria Demographic and Health Survey 2018* (NPC and ICF 2019) 361

Child marriage, prohibited under section 21 of the Child Rights Act 2003 which sets the marriage age at 18³⁴, remains widespread particularly in Northern Nigeria where only 19 of 36 states have adopted the Act³⁵. Section 61 of the Penal Code permits marriage upon attainment of puberty³⁶, creating direct conflict with federal child rights legislation.

Widowhood rites represent another harmful traditional practice involving forced mourning rituals like, head shaving, confinement, and in some communities, drinking water used to bathe the deceased husband's corpse or ritual sexual cleansing. While section 15 of the VAPP Act prohibits these practices³⁷, cultural pressures and lack of awareness often compel compliance.

In *Mojekwu v Mojekwu*, the Nigerian Court of Appeal ruled that the Ili-Ekpe (or Oli-ekpe) custom, which prevents women from inheriting property, is unconstitutional and void because it is discriminatory and repugnant to natural justice, equity, and good conscience.³⁸ This seems to challenge many discriminatory laws and customs relating to women's rights.

2.2 FEMICIDE: DEFINITION AND CLASSIFICATIONS

Femicide is defined as the intentional killing of women and girls because of their gender. The term "femicide" was first used in modern scholarship by Diana Russell in 1976 to describe "the

³⁴ Child Rights Act 2003, Section 21.

³⁵ UNICEF Nigeria, 'Child Protection' (UNICEF Nigeria) <https://www.unicef.org/nigeria/child-protection> (accessed 30 September 2025).

³⁶ Penal Code (n 7) s 61.

³⁷ Violence Against Persons (Prohibition) Act 2015, Section 15.

³⁸ (1997) 7 NWLR (Pt 512) 283

killing of females by males because they are female."³⁹ Russell and Jill Radford later refined this definition as "the misogynist killing of women by men," emphasizing the role of sexism and misogyny as motivating factors.⁴⁰ This definition highlights that femicide is not simply the murder of a woman—which could occur for any reason—but murder motivated by gender-based hatred, prejudice, or desire for control.

2.2.1 Classifications of Femicide

Femicide is not just a singular crime but it encompasses various types of killings distinguished by perpetrator-victim relationship, context, and apparent motivation. Several classification systems exist, each highlighting different dimensions of the problem.

- i. **Intimate Partner Femicide:** This involves killing by current or former intimate partners—husbands, boyfriends, cohabiting partners, or dating partners. This is the most common form of femicide globally and in Nigeria specifically.⁴¹ Intimate partner femicide typically represents the culmination of a history of abuse, though it can also occur when women attempt to leave violent relationships—the period of separation being particularly dangerous.⁴² Risk factors include prior domestic violence, access to weapons, partner's substance abuse, estrangement (particularly recent separation), and stalking behavior.⁴³

³⁹ Diana E.H. Russell, "Femicide: Politicizing the Killing of Females" (Strengthening Understanding of Femicide, Washington D.C., November 2008) 1.

⁴⁰ Diana E.H. Russell and Jill Radford (eds), *Femicide: The Politics of Woman Killing* (Open University Press 1992) 3.

⁴¹ UNODC 11.

⁴² Jacquelyn C. Campbell et al, "Risk Factors for Femicide in Abusive Relationships: Results from a Multisite Case Control Study" (2003) 93 *American Journal of Public Health* 1089, 1089-1097.

⁴³ *Ibid* 1092-1095.

- ii. **Family-Related Femicide:** This includes killings by non-intimate family members. This category encompasses so-called "honor killings," where women are killed by male relatives for perceived violations of family honor—typically related to sexuality, relationships, or refusal of arranged marriage.⁴⁴ While "honor killings" receive significant attention, family-related femicide also includes killings motivated by property disputes, dowry-related murders, and infanticide of female babies based on son preference.
- iii. **Sexual Femicide:** This refers to killings preceded by sexual violence or where the murder is sexually motivated. This includes serial killings of women by strangers, killings following rape, and killings of women in prostitution.⁴⁵

2.3 CAUSES OF GENDER-BASED VIOLENCE IN NIGERIA

Grasping why gender-based violence continues in Nigeria, even with legal bans in place, necessitates an analysis of the intricate interaction between cultural, social, economic, religious, and institutional elements that facilitate, justify, or promote violence against women. This section delves into these various causes, acknowledging that the decisions of individual perpetrators are influenced by the surrounding contexts that inform those choices.

⁴⁴ Lynn Welchman and Sara Hossain (eds), *'Honour': Crimes, Paradigms, and Violence Against Women* (Zed Books 2005) 1-21.

⁴⁵ Jane Caputi and Diana E.H. Russell, "Femicide: Sexist Terrorism Against Women" in Radford and Russell (n 15) 13-24.

a. Patriarchal Social Structures and Gender Inequality

At the most fundamental level, gender-based violence in Nigeria is rooted in patriarchal social organization that positions men as dominant and women as subordinate. This is not a reductionist claim that "patriarchy causes everything," but rather recognition that systems of male power and control create conditions where violence against women becomes both possible and, in some contexts, normalized.⁴⁶

Nigerian societies (recognizing the country's ethnic diversity) are characterized by patrilineal descent, patrilocal residence patterns, and male control of family resources and decision-making.⁴⁷ From childhood, socialization processes teach girls deference, obedience, and acceptance of male authority, while boys are socialized into expectations of dominance, emotional restraint, and control over women.⁴⁸ These gendered expectations create what Johnson calls "patriarchal terrorism"—systematic use of violence by men to maintain control over female partners.⁴⁹

In Nigerian contexts, this patriarchal control is often reinforced by extended family members, who may pressure women to endure abuse rather than "break up the family" or "bring shame" through complaints.

⁴⁶ Sylvia Walby, *Theorizing Patriarchy* (Basil Blackwell 1990) 20-26.

⁴⁷ Kamene Okonjo, "The Dual-Sex Political System in Operation: Igbo Women and Community Politics in Midwestern Nigeria" in Nancy J. Hafkin and Edna G. Bay (eds), *Women in Africa: Studies in Social and Economic Change* (Stanford University Press 1976) 45-58.

⁴⁸ Obioma Nnaemeka, "Nego-Feminism: Theorizing, Practicing, and Pruning Africa's Way" (2004) 29 *Signs: Journal of Women in Culture and Society* 357, 360-365.

⁴⁹ Michael P. Johnson, "Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence Against Women" (1995) 57 *Journal of Marriage and Family* 283, 283-294.

b. Cultural and Traditional Norms

Specific cultural beliefs and traditional practices contribute significantly to Gender-based Violence in Nigeria. Several scholars have identified problematic norms that enable violence:

- a) **Acceptance of wife-beating:** Research reveals that substantial proportions of both men and women believe that wife-beating is justified under certain circumstances —if a woman burns food, argues with her husband, goes out without permission, neglects children, or refuses sex.⁵⁰ The NDHS 2018 found that 31% of women and 22% of men believe wife-beating is justified for at least one specified reason.⁵¹ These attitudes reflect deeply internalized beliefs about male authority and female obligation to comply. When violence is seen as legitimate discipline rather than abuse, both perpetrators and survivors may not recognize it as problematic, and communities are less likely to intervene.⁵²
- b) **Bride price and commodification of women:** The practice of bride price—payment by the groom's family to the bride's family—while having complex social meanings, can contribute to perceptions of women as purchased property over whom husbands have rights.⁵³ As Ezeji for and colleagues note, some men invoke having paid bride price as justification for controlling their wives, including through violence. This is not to argue bride price inherently causes violence, but rather that when combined with other

⁵⁰ NPC and ICF (n 7) 498-501.

⁵¹ Ibid 500.

⁵² UN Women, "Attitudes Towards Wife-Beating" in *Progress of the World's Women 2019-2020* (UN Women 2019) 85-88.

⁵³ Obioma Nnaemeka, "From Orality to Writing: African Women Writers and the (Re)Inscription of Womanhood" (1997) 25 *Research in African Literatures* 137, 142-145.

patriarchal beliefs, it can reinforce notions of ownership and entitlement that facilitate abuse.

- c) **Son preference and devaluation of female life:** Preference for male children, reflected in practices like continued childbearing until sons are produced, differential investment in boys versus girls' education, and in extreme cases, female infanticide or neglect, signals that female lives are valued less than male lives.
- d) **Harmful widowhood practices:** Customary practices that subject widows to degrading rituals, dispossess them of property, or force them to marry male relatives of deceased husbands constitute both direct violence and structural subordination. While such practices vary across ethnic groups and are declining in urban areas, they persist in many communities, particularly affecting older, rural, and less educated women.
- e) **Female genital mutilation:** Despite legal prohibitions, FGM remains prevalent in many Nigerian states, with overall national prevalence around 20% but much higher in certain regions.⁵⁴ Justified by appeals to tradition, religion, marriageability, or controlling female sexuality, FGM represents a clear intersection of harmful cultural practice and violence against women and girls.⁵⁵

c. Religious Factors and Interpretations

⁵⁴ NPC and ICF (n 7) 533-538.

⁵⁵ Nahid Toubia, "Female Genital Mutilation" in Julie Peters and Andrea Wolper (eds), *Women's Rights, Human Rights: International Feminist Perspectives* (Routledge 1995) 224-237.

Religion—primarily Christianity and Islam—plays an equivocal role in causing gender-based violence in Nigeria. While religious traditions contain teachings that affirm human dignity and prohibit violence, certain interpretations and practices contribute to violence against women.

In Christian contexts, particular interpretations of biblical passages about wives' submission to husbands (e.g., Ephesians 5:22-24) are sometimes invoked to justify male authority and female obedience, creating environments where abuse is tolerated.⁵⁶ Some churches counsel women experiencing domestic violence to pray more, submit better, or remain in abusive marriages to avoid the "sin" of divorce, effectively trapping women in dangerous situations.⁵⁷

In Islamic contexts, misinterpretations of Quranic verses and hadith are sometimes used to justify violence, particularly the controversial verse 4:34 which some interpret as permitting husbands to "beat" disobedient wives.⁵⁸ Many Islamic scholars argue this verse has been grossly misinterpreted and that Islam properly understood prohibits spousal abuse, but problematic interpretations persist in some communities.⁵⁹ Additionally, religious marriages not registered legally can leave women without legal protections, while religious divorce proceedings may disadvantage women, especially in terms of discrimination against them because of their status as a divorced woman.

d. Legal and Institutional Factors

⁵⁶ Catherine Clark Kroeger and James R. Beck (eds), *Women, Abuse, and the Bible: How Scripture Can Be Used to Hurt or Heal* (Baker Books 1996) 15-30.

⁵⁷ Nancy Nason-Clark, *The Battered Wife: How Christians Confront Family Violence* (Westminster John Knox Press 1997) 45-68.

⁵⁸ Barbara Freyer Stowasser, *Women in the Qur'an, Traditions, and Interpretation* (Oxford University Press 1994) 127-129.

⁵⁹ Asma Barlas, *"Believing Women" in Islam: Unreading Patriarchal Interpretations of the Qur'an* (University of Texas Press 2002) 184-199.

Weaknesses in the very legal system and institutions put in place to curb gender-based violence constitute causes of the violence's persistence. When laws fail to provide adequate protection, when police dismiss complaints, when courts delay cases indefinitely, and when perpetrators face minimal consequences, a climate of impunity is created that effectively permits violence.⁶⁰

Police unwillingness to treat domestic violence as criminal matter—reflected in the common refrain that it's a "family matter"—means that even when laws technically prohibit violence, practical enforcement is absent. Women who report violence often encounter police who are dismissive, who suggest reconciliation rather than arrest, or who demand bribes to take action.

Judicial delays and dysfunction compound the problem. Cases languish for years without resolution, witnesses become unavailable, evidence disappears, and survivors lose faith in the process. Even when convictions are obtained, sentencing is often lenient, particularly for "first-time" offenders or where courts accept mitigation arguments about "provocation" by victims.

This was the case in *IHRDA & WARDC v. Federal Republic of Nigeria*, where the Nigerian justice system's delay in addressing domestic violence was highlighted. After years of the Nigerian authorities failing to effectively investigate and prosecute the perpetrator, the case was taken to the ECOWAS Community Court of Justice where justice was served.⁶¹

e. Socialization

⁶⁰ Sally Engle Merry, "Rights, Religion, and Community: Approaches to Violence Against Women in the Context of Globalization" (2001) 35 Law & Society Review 39, 39-88.

⁶¹ (2018) ECW/CCJ/APP/26/15 (ECOWAS Court of Justice)

Violence is learned. Children who witness domestic violence or experience abuse themselves are more likely to become either perpetrators or victims in adulthood—a pattern termed the "cycle of violence" or intergenerational transmission of violence.⁶² Boys who watch their fathers abuse their mothers learn that violence is an acceptable tool for controlling women, while girls who witness abuse may internalize expectations that violence is a normal part of relationships.⁶³

Socialization into rigid gender roles—teaching boys that "real men" are tough, dominant, and in control, while teaching girls to be passive, nurturing, and self-sacrificing—creates personality and behavioral patterns that feed into abusive dynamics.⁶⁴ Men socialized to suppress emotions except anger may struggle with intimacy and resort to violence when feeling vulnerable, while women socialized to prioritize others' needs may accept abuse as their duty to endure.⁶⁵

2.4 National, Regional and International Standards

Nigeria's responsibilities to tackle gender-based violence stem from several sources: its constitution and domestic laws, regional agreements from the African Union, and international human rights treaties that it has ratified. Grasping these different legal frameworks is crucial for assessing whether Nigeria's present actions fulfill its obligations and for pinpointing inconsistencies between commitments and their execution.

2.4.1 International Legal Framework

⁶² Cathy Spatz Widom, "The Cycle of Violence" (1989) 244 *Science* 160, 160-166.

⁶³ K. Daniel O'Leary et al, "Multivariate Models of Men's and Women's Partner Aggression" (2007) 75 *Journal of Consulting and Clinical Psychology* 752.

⁶⁴ R.W. Connell, *Masculinities* (2nd edn, Polity Press 2005) 77-81.

⁶⁵ Dana Jack, *Silencing the Self: Women and Depression* (Harvard University Press 1991) 47-54.

i. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

CEDAW, adopted by the United Nations in 1979 and ratified by Nigeria in 1985, constitutes the primary international instrument addressing women's rights.

General Recommendation No. 19 (1992), the landmark interpretation on violence against women, states that "gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men."⁶⁶ The Recommendation clarifies that CEDAW's definition of discrimination includes gender-based violence, meaning "violence that is directed against a woman because she is a woman or that affects women disproportionately."⁶⁷ This encompasses acts inflicting physical, mental, or sexual harm, threats of such acts, coercion, and deprivations of liberty. Also, this recommendation establishes that states parties can be held responsible for private acts of violence if they fail to act with due diligence to prevent, investigate, and punish such acts.⁶⁸

General Recommendation No. 35 (2017) updated and expanded upon Recommendation No. 19, reaffirming that gender-based violence constitutes discrimination and may amount to torture or cruel, inhuman, or degrading treatment.⁶⁹

ii. The Universal Declaration of Human Rights

⁶⁶ Convention on the Elimination of All Forms of Discrimination against Women Committee (CEDAW), General Recommendation No. 19 para 1.

⁶⁷ *Ibid* para 6.

⁶⁸ *Ibid* para 9.

⁶⁹ CEDAW Committee, General Recommendation No. 35

While not a treaty, the Universal Declaration of Human Rights (1948) articulates fundamental rights including equality, non-discrimination, life, liberty, security of person, and freedom from torture or degrading treatment—all relevant to GBV.⁷⁰

iii. The Declaration on the Elimination of Violence Against Women

Adopted by the UN General Assembly in 1993, this Declaration provides the comprehensive definition of violence against women cited earlier and elaborates states' obligations to condemn violence against women, pursue policies to eliminate it, exercise due diligence to prevent and investigate violence, and develop preventive approaches addressing cultural patterns that perpetuate violence.⁷¹ While not a binding treaty, the Declaration has significant normative weight and has influenced subsequent binding instruments and interpretations.

2.4.2 Regional Legal Framework

i. The African Charter on Human and Peoples' Rights

Nigeria ratified the African Charter in 1983, accepting obligations to recognize rights and freedoms enshrined therein and to adopt legislative or other measures to give effect to them.⁷² The Charter guarantees rights to life and integrity of person (Article 4), dignity (Article 5), equality and non-discrimination (Articles 2-3), and judicial protection (Article 7).⁷³

⁷⁰ Universal Declaration of Human Rights (UDHR), adopted 10 December 1948, UN General Assembly Resolution 217 A, Articles 1-5.

⁷¹ UN General Assembly Articles 2-4.

⁷² African Charter on Human and Peoples' Rights (African Charter), adopted 27 June 1981, entered into force 21 October 1986, OAU Doc CAB/LEG/67/3 rev 5, Article 1.

⁷³ *Ibid* Articles 2-7.

The African Commission on Human and Peoples' Rights, the body monitoring Charter implementation, has interpreted these provisions as requiring states to protect women from violence. In landmark cases like *Purohit and Moore v. The Gambia*,⁷⁴ the Commission held that discrimination against women violates the Charter, and in *Egyptian Initiative for Personal Rights v. Egypt*,⁷⁵ it emphasized states' obligations to combat violence against women.

⁷⁴ Communication No. 241/2001 (2003)

⁷⁵ Communication No. 323/2006 (2011).

ii. The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

The Maputo Protocol, adopted in 2003 and ratified by Nigeria in 2004, presents the most comprehensive and progressive regional instrument on women's rights globally. Unlike CEDAW, which requires interpretation to encompass violence, the Maputo Protocol explicitly addresses violence against women, making its provisions directly applicable and unambiguous.

Article 1 defines violence against women to include physical, sexual, psychological, and economic harm, as noted earlier⁷⁶. Article 2 requires states to "combat all forms of discrimination against women" through constitutional and legislative measures, while Article 3 guarantees women's right to dignity and protection from violence, including sexual assault, rape, and other forms of violence whether in private or public.⁷⁷

Article 4 specifically addresses rights to life, integrity, and security, mandating that states prohibit and condemn all forms of harmful traditional practices that negatively affect women's rights, and take positive action to eradicate them.⁷⁸ This encompasses FGM, forced marriage, and other practices prevalent in Nigeria. Article 5 prohibits harmful traditional practices that perpetuate violence or discrimination, explicitly including FGM, scarification, medicalization, and para-medicalization of FGM.⁷⁹

⁷⁶ *Ibid* Article 1(j).

⁷⁷ *Ibid* Articles 2-3.

⁷⁸ *Ibid* Article 4.

⁷⁹ *Ibid* Article 5(b).

Ratification of the Maputo Protocol creates binding legal obligations for Nigeria. The fact that Nigeria domesticated the Protocol through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act means these obligations have direct effect in Nigerian law.⁸⁰

2.4.3 National, Constitutional and Legislative Framework

i. The Constitution of the Federal Republic of Nigeria 1999 (as amended)

Nigeria's 1999 constitution (as amended) contains provisions relevant in addressing gender-based violence, though it does not explicitly mention violence against women. Chapter IV of the constitution guarantees fundamental human rights including: right to life,⁸¹ right to dignity,⁸² right to personal liberty,⁸³ right to freedom from discrimination⁸⁴- this prohibits discrimination on grounds including gender. Despite the constitution providing these important rights relevant to gender-based violence and violence of any kind, it does not offer robust, explicit protections specifically addressing violence against women.

ii. The Violence Against Persons (Prohibition) Act 2015

The VAPP Act 2015 is Nigeria's most comprehensive domestic legislation addressing GBV. Enacted at the federal level in 2015, it applies directly only to the Federal Capital Territory but has been adopted (with variations) by 35 out of the 36 states as of recent counts, though implementation varies dramatically.

⁸⁰ African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004.

⁸¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 33(1).

⁸² *Ibid* Section 34(1)

⁸³ *Ibid* Section 35(1)

⁸⁴ *Ibid* Section 42(3)

It prohibits and criminalizes numerous forms of violence including: rape (including spousal rape), indecent sexual assault, sexual harassment, stalking, abandonment of dependents, battery, harmful traditional practices, forced marriage, female genital mutilation, forcible confinement, emotional and psychological abuse, economic abuse, and substance attacks (acid attacks). Key provisions include:

- **Section 1:** Defines and criminalizes rape, including spousal rape, with penalties of life imprisonment for rape and minimum 12 years for attempted rape.⁸⁵ The inclusion of spousal rape was groundbreaking, overturning the common law marital rape exemption that had persisted in Nigeria.
- **Section 9-14:** These address the various forms of domestic violence against women including forceful ejection from home, deprivation of personal liberty, financial dependence and so on.⁸⁶
- **Sections 14:** Criminalize emotional, verbal, psychological, and economic abuse—important recognition that violence is not only physical.⁸⁷
- **Sections 20:** Address harmful traditional practices⁸⁸ which includes FGM, forced marriage, and widowhood practices, with significant penalties including imprisonment up to four years for FGM.⁸⁹

⁸⁵ Violence Against Persons (Prohibition) Act 2015 (VAPP Act) Section 1.

⁸⁶ *Ibid* Sections 2-9

⁸⁷ *Ibid* Sections 14

⁸⁸ *Ibid* section 20

⁸⁹ *Ibid* Sections 6

- **Sections 28-31:** Establish protection mechanisms including protection orders, treatment orders, and compensation orders that courts can issue to protect survivors and prevent further abuse.⁹⁰

However, the VAPP Act has significant limitations. First, as federal legislation in a federal system where criminal law is largely a state matter, its direct application is limited to the FCT. While many states have adopted it, implementation gaps are substantial. Second, the Act contains no specific provision defining or addressing femicide as a distinct category of gender-motivated killing, instead relying on general homicide provisions in the Criminal Code or Penal Code. Third, while the Act provides for protection orders and other remedies, it does not establish dedicated infrastructure for implementation—specialized courts, trained personnel, victim support services—making enforcement dependent on existing inadequate structures.

Fourth, certain penalties are arguably insufficient. The three-year maximum for domestic violence seems light given its serious impacts, and many provisions allow fines as alternatives to imprisonment, which wealthy perpetrators can pay while continuing abuse. Fifth, evidentiary requirements, particularly for rape, remain challenging. While Section 60 addresses corroboration (stating that conviction for sexual offences can be based solely on survivor testimony), in practice, securing convictions remains extremely difficult.

iii. The Criminal and Penal Codes

⁹⁰ *Ibid* Sections 28-31

Nigeria's two primary criminal codes—the Criminal Code applicable in southern states and the Penal Code in northern states—contain provisions on offences against the person including assault, rape, and homicide. However, these codes predate modern understanding of GBV and contain problematic provisions.

The Criminal Code defines rape narrowly as unlawful carnal knowledge of a woman or girl without consent,⁹¹ but common law interpretation historically excluded spousal rape.

The Penal Code contains even more problematic provisions. Section 55(1)(d) has been controversially interpreted as permitting husbands to use "reasonable" chastisement on wives, effectively legalizing domestic violence in some contexts.⁹² Opinions are divided on whether this provision actually legalizes wife-beating or merely reflects general principles of reasonable force, its presence in law is deeply troubling and sends harmful messages about acceptability of violence.

Both codes' homicide provisions (Sections 316-321 of Criminal Code; Sections 220-236 of Penal Code) contain no specific reference to femicide or gender-motivated killing, treating all murders identically without recognizing gender dimensions.⁹³

2.5 Conclusion

This chapter has established the conceptual, legal, and theoretical foundations necessary for analyzing Nigeria's responses to gender-based violence and femicide. Gender-based violence in

⁹¹ Criminal Code Act Section 357

⁹² Penal Code Section 55(1)(d)

⁹³ Criminal Code Act Sections 316-321; Penal Code Sections 220-226.

Nigeria is not simply isolated criminal behavior but a systematic manifestation of deeply entrenched gender inequality and patriarchal power structures.

GBV exists on a spectrum—from everyday harassment through domestic violence to femicide, the intentional killing of women because they are women. The causes are multiple and interconnected: patriarchal social structures that normalize male dominance, cultural practices that accept violence as legitimate discipline, religious misinterpretations that excuse abuse, harmful socialization patterns, and critically, institutional failures that create impunity. These factors operate across individual, relationship, community, and societal levels, demanding comprehensive responses that address root causes rather than merely reacting to individual violent acts after they occur.

International and regional human rights standards—particularly CEDAW and the Maputo Protocol—establish clear, binding obligations for Nigeria to prevent, investigate, prosecute, and provide remedies for GBV with due diligence. Nigeria's domestic legal framework has evolved significantly with the VAPP Act 2015, which criminalizes various forms of violence including spousal rape and recognizes psychological and economic abuse. However, substantial gaps remain: fragmented state-level adoption creates unequal protection, implementation is weak even where laws exist, legal pluralism allows customary and religious laws to contradict statutory protections, femicide lacks specific recognition, and enforcement mechanisms remain dysfunctional.

As this study proceeds to examine specific legal provisions and institutional mechanisms in subsequent chapters, it does so with clear understanding that the critical question is not whether

Nigeria has laws addressing GBV—it does—but whether these laws actually work, why they consistently fail, and what fundamental changes are necessary to genuinely protect Nigerian women's rights to life, dignity, and security.

CHAPTER THREE

LEGAL FRAMEWORK FOR ADDRESSING GENDER-BASED VIOLENCE AGAINST WOMEN AND FEMICIDE IN NIGERIA

3.1 Introduction

The law ought to protect people. This is the fundamental reasoning for any legal system being established-to protect and safeguard citizens from harm, hold wrongdoers accountable, and provide remedies where rights are violated. This pledge frequently seems hollow to women who are victims of violence in Nigeria. Despite a complex legal system that appears to have been created to address gender-based violence, women are nevertheless raped, beaten, and killed at a startling rate, and those who commit these crimes frequently face little punishment.

Although this has been discussed briefly in Chapter 2, this Chapter goes in depth in examining Nigeria's legal framework for addressing gender-based violence and femicide, moving from constitutional foundations through federal and state legislation to identify what protections exist on paper and where critical gaps undermine their effectiveness in practice.

3.2 Constitutional Provisions

The Constitution of the Federal Republic of Nigeria 1999 (as amended) serves as the supreme law with section 1(1) providing that: "This Constitution is supreme and its provisions shall have binding force on all authorities and persons throughout the Federal Republic of Nigeria."⁹⁴ This

⁹⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 1(1)

constitutional supremacy means that all laws including laws that address gender-based violence against women, must conform to constitutional provisions.

3.2.1 Fundamental Rights Provisions

Chapter IV of the Constitution provides for fundamental rights that are directly relevant to protecting women from violence, though notably, the Constitution nowhere explicitly mentions violence against women or gender-based violence as distinct issues requiring specific protection. Some relevant provisions include:

a) Right to Life

Section 33(1) provides that “Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria”.⁹⁵ Every person has the right to live including women. Therefore, issues like femicide- the killing of women because they are women- should not exist.

International human rights laws have evolved toward recognizing that the right to life encompasses positive obligations—states must take reasonable steps to protect life from foreseeable threats, including domestic violence that may escalate to femicide. Nigerian courts have not embraced this expansive interpretation. In the context of GBV, this means the Constitution's right to life provision, while theoretically applicable to femicide, has not been

⁹⁵ *Ibid* Section 33(1)

developed as a tool for holding the state accountable for failures to prevent women's killings or for inadequate investigation and prosecution of femicides.

b) Right to Dignity of Human Person

Section 34(1) states that, “Every individual is entitled to respect for the dignity of his person, and accordingly – (a) no person shall be subject to torture or to inhuman or degrading treatment”.⁹⁶

This provision is significant in addressing gender-based violence in Nigeria. Violence against women—particularly severe domestic violence, sexual assault, and practices like female genital mutilation—clearly constitutes inhuman or degrading treatment violating human dignity.

For this provision to be fully effective, courts would need to recognize that systematic intimate partner violence, marital rape, forced marriage, and other forms of GBV constitute inhuman and degrading treatment regardless of whether perpetrated by state or private actors, and that state failure to prevent and address such violence violates constitutional dignity rights.

c) Right to Freedom from Discrimination

Section 42(1) provides that, “A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person - (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the Government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinions are not made subject”.⁹⁷

This provision clearly includes “sex” as a prohibited ground for discrimination therefore protecting women from laws and government actions that treat them differently or subject them

⁹⁶ *Ibid* Section 34(1)

⁹⁷ *Ibid* Section 42(1)

to disabilities based on their gender. This should mean that laws providing lesser protection to women experiencing violence, or administrative practices that dismiss GBV as unimportant, violate Section 42.

However, courts have been reluctant to strike down customary laws that discriminate against women—regarding inheritance, marriage, property, and other matters directly relevant to women's vulnerability to violence. It has however been successfully applied in some cases like *Mojekwu v Mojekwu*, where the Court of Appeal struck down an Igbo customary law practice (oli-ekpe) that prevented women from inheriting their father's property, finding it inconsistent with Section 42 as well as repugnant to equity, natural justice and good conscience.⁹⁸

d) Right to Privacy

Section 37 provides that “The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected”.⁹⁹

This provision has a complicated relationship with GBV. On one hand, privacy rights protect women's bodily autonomy, sexual freedom, and personal choices—values fundamentally violated by sexual violence and controlling intimate partner behavior. On the other hand, privacy has historically been invoked to shield domestic violence from state intervention, with the notion that the home is a private sphere where law should not intrude used to justify police and judicial reluctance to address reports of intimate partner violence seriously.

⁹⁸ (1997) 7 NWLR (Pt 512) 283

⁹⁹ *Ibid* Section 37

3.2.2 Constitutional Recognition of Legal Pluralism

The Constitution explicitly recognizes multiple legal systems operating in Nigeria, creating foundations for the legal pluralism that complicates GBV responses.

- Customary Law Recognition

Section 315 preserves existing laws, defining "existing law" to include customary law.¹⁰⁰ While customary law is theoretically subject to constitutional supremacy and should be void if inconsistent with the Constitution, in practice many discriminatory customary laws that increase women's vulnerability to violence persist. The "repugnancy" test—that customary law is invalid if "repugnant to natural justice, equity and good conscience" or incompatible with written law—has been inconsistently applied, with courts often deferring to customary practices even when discriminatory.

- Islamic Law Recognition

Section 277(1) establishes that states may, in addition to Customary Courts of Appeal, establish Sharia Courts of Appeal with jurisdiction over Islamic personal law for persons who voluntarily submit to such jurisdiction.¹⁰¹

The constitutional recognition of Islamic law creates tensions with women's rights protections. Islamic personal law as applied in some Nigerian contexts contains provisions regarding marriage, divorce, inheritance, and custody that discriminate against women, while Sharia

¹⁰⁰ *Ibid* Section 315(4)(b)

¹⁰¹ *Ibid* Section 277

criminal codes in some states include provisions that disproportionately impact women or provide inadequate protection from violence.

3.2.3 Constitutional Gaps and Inadequacies

Several significant gaps undermine the Constitution's ability to provide robust protection against GBV:

First, violence against women is not specifically acknowledged in the Constitution as an issue that has to be addressed. Nigeria's Constitution only addresses violence implicitly through general rights clauses that are not especially adapted to the unique dynamics of gender-based violence, in contrast to certain contemporary constitutions that expressly forbid gender-based violence or guarantee women's rights to be free from violence.

Secondly, the Constitution actually protects discriminatory practices through provisions preserving customary and religious law in personal matters and creating exceptions to anti-discrimination guarantees. This constitutional sanction of legal pluralism enables discrimination that increases women's vulnerability to violence.

Thirdly, the Constitution provides no specific guidance on how conflicts between rights should be resolved when cultural or religious practices clash with women's rights—leaving this to courts, which have often resolved such conflicts unfavorably to women.

3.3 Federal Legislation

Several federal laws attempt to address GBV, with varying degrees of effectiveness, applying directly in the Federal Capital Territory and serving as models for state adoption elsewhere. This section examines key federal statutes, focusing primarily on the Violence Against Persons (Prohibition) Act 2015 as the most comprehensive federal response to GBV, while also analyzing relevant provisions in the Criminal Code, Evidence Act, and other federal laws.

3.3.1 Violence Against Persons (Prohibition) Act 2015

This is Nigeria's most progressive legislation on GBV. Enacted in May 2015 and applying directly in the FCT, it was designed to provide comprehensive criminalization of violence in private and public life, eliminate legal gaps in protecting persons (particularly women and children) from violence, provide maximum protection and effective remedies for victims and punishment for offenders.¹⁰²

Section 1 defines and criminalizes rape comprehensively. Section 1(1) provides: "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 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 by means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or 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."¹⁰³

¹⁰² Violence Against Persons (Prohibition) Act 2015, Preamble

¹⁰³ *Ibid* Section 1(1)

This definition is significant in several respects. First, it is gender-neutral in terms of perpetrators and victims—recognizing that while the vast majority of rape involves male perpetrators and female victims, the law should protect all persons. Second, it defines penetration broadly beyond penile-vaginal intercourse to include oral and anal penetration and penetration with objects—addressing gaps in traditional definitions. Third, it includes detailed provisions on what negates consent, recognizing that consent obtained through coercion, fraud, or when the victim lacks capacity is not genuine consent.

Most importantly for addressing GBV, Section 1(2) explicitly criminalizes spousal rape: "For the purpose of subsection (1) of this section, a person does not consent to an act if the act is done in an abusive domestic relationship or the act is done by a person in a position of authority and the consent is obtained by the abuse of power or authority."¹⁰⁴ While not using the term "marital rape" explicitly, this provision eliminates the common law marital rape exemption that had persisted in Nigeria, recognizing that marriage does not constitute blanket consent to sex.

Another important aspect is Section 2(1) which addresses physical violence. It provides: "A person who willfully causes or inflicts physical injury on another person by means of any weapon, substance or object, commits an offence and is liable on conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding N100,000.00 or both."¹⁰⁵ As well as Section 19 which focuses on spousal battery. It provides: "A person who batters his or her

¹⁰⁴ *Ibid* Section 1(2)

¹⁰⁵ *Ibid* Section 2(1)

spouse commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N200,000.00 or both.”¹⁰⁶

Section 14 addresses emotional, verbal and psychological abuse. It provides: “A person who causes emotional, verbal and psychological abuse on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 1 year or to a fine not exceeding N200,000.00 or both.”¹⁰⁷

Sections 20 address harmful traditional practices¹⁰⁸ which includes FGM, forced marriage, and widowhood practices, with significant penalties including imprisonment up to four years for female genital mutilation.¹⁰⁹

Sections 28-31 establishes protection mechanisms including protection orders, treatment orders, and compensation orders that courts can issue to protect survivors and prevent further abuse.¹¹⁰

The VAPP Act represents substantial progress in several respects. It provides comprehensive coverage of violence forms, criminalizes spousal rape explicitly, recognizes non-physical violence including psychological and economic abuse, addresses harmful cultural practices, eliminates the corroboration requirement, and establishes protection order mechanisms. These are significant achievements that address many historical gaps in Nigerian law.

¹⁰⁶ *Ibid* Section 19(1)

¹⁰⁷ *Ibid* Section 14(1)

¹⁰⁸ *Ibid* section 20

¹⁰⁹ *Ibid* Section 6

¹¹⁰ *Ibid* Sections 28-31

However, the Act has significant limitations. First and most fundamentally, it applies directly only in the Federal Capital Territory due to constitutional constraints on federal criminal law authority. Its impact beyond the capital territory (Abuja) depends entirely on state adoption, which has been slow and uneven, with states reluctant to adopt as well as implement the laws.

the Act contains no specific provision defining or addressing femicide as a distinct category of gender-motivated killing. Women's murders are addressed, if at all, under general homicide provisions in the Criminal Code or Penal Code, which don't recognize gender dimensions of killings or impose enhanced penalties for gender-motivated murders. This is a critical gap—femicide as the ultimate manifestation of GBV deserves specific legal recognition and response.

Third, penalties for some offences are arguably insufficient. The three-year maximum for spousal battery seems light given its serious impacts, particularly compared to life imprisonment for rape. The one-year maximum for emotional, verbal and psychological abuse similarly may not adequately reflect the severity of sustained emotional and psychological torment. Moreover, allowing fines as alternatives to imprisonment for serious offences means wealthy perpetrators can essentially pay to continue abusing their victims with little or no consequences.

Fourth, while the Act establishes protection orders and other remedies, it provides no dedicated implementation infrastructure. There are no specialized domestic violence courts, no requirement for trained personnel, no mandated victim support services, and no dedicated budget. Implementation depends on existing dysfunctional criminal justice institutions that often lack capacity, training, and will to implement the Act effectively. Despite these limitations, the VAPP Act represents the most comprehensive federal legislative response to GBV and has served as a

model for state-level adoption, making it foundational to Nigeria's legal framework even with its acknowledged shortcomings.

3.3.2 The Criminal Code Act

The Criminal Code Act applies in the southern part of Nigeria as its primary criminal legislation.¹¹¹ It contains various provisions relevant to GBV, though drafted in an era that didn't recognize violence against women as requiring specific address.

Section 316 defines murder as: "a person who unlawfully kills another person with intent to cause the death of or grievous bodily harm to any person is guilty of murder," punishable by death under Section 319.¹¹²

These legislative measures pertain to femicide; however, they fail to acknowledge that homicides motivated by gender necessitate distinct considerations. An individual who perpetrates the act of killing his spouse subsequent to enduring domestic violence is prosecuted for standard murder, akin to any other act of homicide, devoid of any framework for evaluating gender-related factors, historical patterns of abuse, or the pervasive nature of violence directed at women. The legal system categorizes femicide merely as another instance of homicide.

Section 317 addresses manslaughter, it provides that: "a person who unlawfully kills another in such circumstances as not to constitute murder is guilty of manslaughter."¹¹³ This charge is sometimes used in domestic violence homicides where prosecutors can't prove intent to kill, even when the killing represents the culmination of systematic abuse.

¹¹¹ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004.

¹¹² Criminal Code Act Sections 316, 319.

¹¹³ Criminal Code Act Section 318

Chapter 29 addresses assaults and Section 351 provides punishment for assault generally while subsequent sections provide for special offences with varying penalties. Section 355 provides that, “any person who unlawfully assaults another and thereby does him harm is guilty of a felony and is liable to imprisonment for three years.”¹¹⁴

These provisions theoretically apply to domestic violence and other GBV. A man who beats his wife commits assault under these sections. However, several factors have limited their effectiveness in addressing GBV. First, police and prosecutors often don't treat domestic violence as serious crime warranting prosecution under these provisions. Second, the provisions contain no specific recognition of domestic violence contexts or enhanced penalties for intimate partner violence. Third, practical barriers—victims' fear of reporting, economic dependence on perpetrators, family and social pressure to withdraw complaints—mean cases often don't proceed even when initially reported.

While the Code provides basic prohibitions on violence applicable to GBV, it's fundamentally inadequate as a comprehensive GBV response, which is precisely why the VAPP Act was necessary.

3.3.3 The Penal Code

The Penal Code applies in the northern part of Nigeria as its primary criminal legislation, derived from different legal traditions than the Criminal Code and reflecting both British colonial law and Islamic legal influences widely derived from the Quran.

¹¹⁴ Criminal Code Act Sections 351, 355

Section 220 defines culpable homicide: "Whoever causes death by doing an act with the intention of causing death or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide."¹¹⁵ Like the Criminal Code, the Penal Code contains no specific recognition of femicide or gender-motivated killing, treating all homicides identically regardless of gender dimensions.

Section 282 defines rape: "A man is said to commit rape who... has sexual intercourse with a woman in any of the following circumstances:—(a) against her will; (b) without her consent; (c) with her consent, when her consent has been obtained by putting her in fear of death or of hurt; (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married; (e) with or without her consent when she is under fourteen years of age or of unsound mind."¹¹⁶

Like the Criminal Code, this definition is limited to penile-vaginal penetration and is gendered (only female victims). The definition applies only to "sexual intercourse," traditionally interpreted as vaginal penetration by a penis, excluding other forms of sexual assault. Punishment under Section 283 is imprisonment up to 14 years plus fine, or life imprisonment for gang rape—notably less severe than the Criminal Code's life imprisonment for rape, though some Sharia Penal Codes in northern states prescribe harsher punishments.¹¹⁷

¹¹⁵ Penal Code Section 220

¹¹⁶ *Ibid* Section 282

¹¹⁷ *Ibid* Section 283

Section 55(1) addresses when hurt doesn't constitute an offence: "Nothing is an offence which does not amount to the infliction of grievous hurt upon any person and which is done... (d) by a husband for the purpose of correcting his wife, such husband and wife being subject to any native law or custom in which such correction is recognised as lawful."¹¹⁸ This provision has been intensely controversial, with many interpreting it as legalizing wife-beating—allowing husbands to use "reasonable" physical correction on wives.

Like the Criminal Code, the Penal Code predates modern understanding of GBV and contains significant gaps. Section 55(1)(d)'s apparent sanctioning of domestic violence is particularly problematic. The narrow rape definition excluding marital rape and non-penetrative sexual assault, the absence of femicide recognition, and lack of comprehensive GBV provisions all limit the Code's adequacy.

3.4 State Legislation

While the VAPP Act is a federal law, its enforcement depends on adoption by individual states. Following the federal VAPP Act's enactment in 2015, civil society organizations and women's rights advocates have campaigned for states to adopt their own versions.

As of mid-2025, 35 states have adopted the VAPP Act, a significant achievement reflecting sustained advocacy. However, adoption alone doesn't ensure protection—implementation varies dramatically, including public awareness and survivor support and some states that nominally "adopted" VAPP have versions significantly weaker than the federal Act.

¹¹⁸ *Ibid* Section 55(1)(d)

Several states adopted VAPP relatively quickly after federal enactment. Anambra State was the first state to pass and assent to the equivalent of the VAPP Act into law in 2017. Other states like Ekiti, Lagos, Ogun, Ebonyi followed.

However, many northern states resisted adoption for years, citing concerns about conflicts with Islamic law, particularly regarding spousal rape criminalization and other provisions seen as inconsistent with Sharia. Jigawa adopted it in 2021, Kwara in 2020 and some states' adoption came only after intense advocacy pressure.

While states ostensibly "adopt" VAPP, many modify it, creating variations across jurisdictions. Some states strengthened certain provisions—Lagos State's Protection Against Domestic Violence Law, predating federal VAPP, provides for expedited protection order processes and established specialized domestic violence magistrate courts (though functioning of these courts has been limited).¹¹⁹ Ekiti State's version- Gender-Based Violence (Prohibition) Amendment Law includes specific provisions addressing female genital mutilation with enhanced penalties.¹²⁰ In 2019, Edo state signed the Violence against Persons (Prohibitions) Law.

3.5 Critical Analysis of Legal Gaps

Having examined Nigeria's legal framework from constitutional foundations through federal and state legislation, we can now identify critical gaps that prevent this framework from providing effective protection against gender-based violence against women and femicide.

3.5.1 No Specific Femicide Provisions

¹¹⁹ Lagos State Protection Against Domestic Violence Law 2017.

¹²⁰ Ekiti State Gender-Based Violence (Prohibition) Amendment Law 2019

Nigeria's criminal law contains no specific recognition of femicide- the killing of women because of their gender- as a distinct offence requiring specialized response and punishment for offenders. Women's murders are addressed, if at all, under general homicide provisions in the Criminal Code (southern states) or Penal Code (northern states) that treat all killings identically regardless of gender dimensions.¹²¹

First, it obscures patterns. When femicides are recorded as ordinary murders with no indication of gender motivation, patterns become invisible and difficult to track intimate partner killings separately from stranger homicides, cannot identify escalation from domestic violence to lethal violence, and cannot develop targeted prevention strategies based on femicide risk factors.

Second, it prevents appropriate investigation. Femicide investigations should examine history of domestic violence, prior police reports, protection order violations, and other contextual factors indicating gender-motivated killing. Standard homicide investigations don't routinely examine these factors, potentially missing evidence and failing to establish patterns of systematic abuse culminating in death.

For instance, , the Inter-American Court has noted that adequate procedures must be in place to ensure the launching of an effective investigation within the first hours that a disappearance is reported. Therefore, in cases where there is a real and imminent risk to the life and integrity of a woman, there is “an obligation of strict due diligence”.¹²²

¹²¹ Criminal Code Act Sections 316-319, Penal Code Section 220

¹²² Inter-American Court of Human Rights, Case of González et al. ("Cotton Field") v. Mexico, Judgment of 16 November 2009 (Preliminary Objection, Merits, Reparations, and Costs), Series C No. 205, para 283.

Third, it prevents enhanced accountability. Several jurisdictions have established gender-motivated killing as an aggravating factor warranting enhanced sentences. Guatemala's femicide law, for instance, provides 25–50 years sentences for femicide compared to lower ranges for ordinary homicide.¹²³ Nigeria's failure to recognize femicide means gender motivation cannot enhance punishment, potentially resulting in lighter sentences for killings of women precisely because they're women.

3.5.2 Evidentiary and Procedural Barriers

Despite reforms eliminating corroboration requirements, significant evidentiary and procedural barriers continue hindering GBV prosecutions, particularly for sexual violence.

First, even with or without corroboration requirements, prosecutors must prove lack of consent beyond reasonable doubt. Defense attorneys exploit this by suggesting victim's clothing, presence in certain locations, or prior relationship with accused indicate consent; arguing that delayed reporting shows fabrication; characterizing victims' emotional responses as inconsistent with "real" rape. These tactics effectively put victims on trial, deterring reporting and making convictions difficult.

Secondly, rape prosecutions often depend heavily on medical evidence—injuries, DNA, etc. However, medical evidence may be absent (not all rapes cause visible injuries; victims may delay seeking medical attention until evidence degrades) or improperly collected (healthcare facilities lack rape kits; medical personnel aren't trained in forensic evidence collection). The

¹²³ Guatemala, *Ley Contra el Femicidio y Otras Formas de Violencia Contra la Mujer* [Law Against Femicide and Other Forms of Violence Against Women], Decree No. 22-2008 (2008), Article 6.

absence of medical evidence, while not legally required, makes juries and judges skeptical of allegations.

Third, the protection of victims during proceedings significantly hinders prosecution for offenders. Despite the VAPP Act providing protections for victims like granting of protection orders to restrain offenders from further acts of abuse,¹²⁴ prohibiting the publication of certain information pertaining to proceedings¹²⁵ these protections are inconsistently implemented. Victims often face direct cross-examination by defense attorneys who use aggressive, traumatizing tactics; their names are published in media reports; court proceedings drag on for years, forcing victims to repeatedly relive trauma. The process itself becomes a form of secondary victimization that deters reporting and participation.

¹²⁴ Violence Against Persons (Prohibition) Act 2015 Section 30

¹²⁵ *Ibid* Section 39

3.5.3 Deficits in Implementation

Perhaps the most critical gap is not in provisions of law but in deficits when it comes to implementation. The VAPP Act and other legislation establish rights and remedies but provide no dedicated mechanisms for implementation.

First, there are no specialized courts created and dedicated to addressing GBV specifically. Unlike Brazil's Special Courts for Domestic and Family Violence Against Women and specialized courts created in the USA designed to handle domestic violence cases with a more integrated and holistic approach, Nigeria has no dedicated GBV courts. Cases are heard in regular criminal courts alongside all other matters, by judges with no specialized training, using standard procedures ill-suited to GBV's particular dynamics. The result is insensitive handling, excessive delays, and poor outcomes.

Secondly, there is an absence of adequate services to protect victims of GBV. The VAPP Act hints at victim assistance but doesn't establish or fund support services. There are no government-funded shelters for women fleeing violence (civil society organizations run a handful with chronic underfunding), no rape crisis centers, no counseling services, no legal aid specifically for GBV survivors, no witness protection programs. Women experiencing violence have nowhere to turn for immediate safety or support.

Third, there are no proper coordination mechanisms. Effective GBV responses require coordination across police, prosecution, courts, health services, social services, and civil society. Nigeria lacks formal coordination mechanisms—no inter-agency protocols, no case management

systems, no information sharing between agencies. Each agency operates in isolation, leading to fragmented, ineffective responses where victims fall through gaps.

3.5.4 Divisions across Jurisdictions

Nigeria's federal structure creates fragmentation where women's protection depends on their state of residence—a problem incompatible with the principle that fundamental rights should be universal.

As documented earlier, state VAPP adoption has been uneven. Even with 36 states now having some form of legislation, variations in provisions, penalties, and implementation mean protection quality differs dramatically. A woman experiencing domestic violence in Lagos (early adopter with relatively strong implementation) has vastly better chances of protection than one in a state that recently adopted the Act as it experiences weak legislation with minimal implementation.

3.6 Conclusion

This chapter has examined Nigeria's legal framework for addressing gender-based violence and femicide across multiple dimensions. While the legal framework in Nigeria to address GBV and femicide has made commendable progress in terms of legislative development, it remains deeply flawed in actual practice.

The constitutional framework establishes fundamental rights such as life, dignity, and freedom from discrimination, but then fails to explicitly recognize violence against women as a constitutional issue that warrants particular state action. Inequality is furthered by the

coexistence of customary, religious, and statutory laws in that their interpretations allow for discriminatory practices that perpetuate women's vulnerability to violence. In this regard, even though the Constitution should, in theory, be an instrument for protection, it contains too many interpretive and enforcement gaps in practice.

The VAPP Act 2015 is a critical milestone at a statutory level, providing Nigeria's most comprehensive framework against GBV. It criminalizes spousal rape, harmful traditional practices, and various forms of physical, emotional, and psychological abuse, providing mechanisms like protection and compensation orders. However, the limited territorial application, weak penalties, inadequate enforcement structures, and lack of recognition for femicide as a distinct offence greatly undermine its impact. The Criminal and Penal Codes remain anachronistic creations of past colonial systems that are patently unsuited to respond to contemporary manifestations of GBV, not least because of their deafening silence on marital rape and an implicit tolerance of wife "correction".

The implementation challenges are the biggest barrier to effective protection. While there have been advances at the legislative level, lack of specialized courts, poor coordination between agencies, limited support services available for victims, and deep-rooted societal attitudes remain obstacles to justice. State adoption of the VAPP Act has been patchy, and where adopted, poor enforcement means protection varies across the federation. The presence of evidentiary barriers and secondary victimization in the process of justice itself further discourages survivors from seeking redress.

While the legal framework in Nigeria has evolved to recognize and criminalize different forms of gender-based violence, in practice it has remained weak in delivering justice and protection for women. To make these laws a reality, Nigeria must go beyond symbolic legislation to structural reform: consolidating enforcement mechanisms, harmonizing state and federal laws, explicitly criminalizing femicide, and ensuring survivor-centered implementation. Only then can comprehensive legal and institutional reform ensure the protection of women's rights and lives in Nigeria.

CHAPTER FOUR

INSTITUTIONAL MECHANISMS AND ENFORCEMENT

4.1 Introduction

The existence of laws, no matter how well-crafted, means little without effective institutions to enforce them. This is particularly true in the context of gender-based violence against women and femicide in Nigeria, where the gap between what the law says and what actually happens on the ground remains disturbingly wide. While previous chapters examined the legal frameworks meant to protect women, this chapter shifts focus to the institutions tasked with bringing those frameworks to life—and the formidable challenges they face in doing so.

Nigeria's institutional response to gender-based violence operates across multiple layers. At the frontline sits the criminal justice system: police officers who receive reports, prosecutors who file charges, and judges who deliver verdicts. Beyond this, human rights institutions—both federal bodies like the National Human Rights Commission and state-level agencies—are meant to monitor, advocate, and hold the system accountable. Then there are the civil society organizations, the women's groups, and the NGOs working tirelessly, often with limited resources, to fill the gaps left by government institutions.

This chapter critically examines these institutional mechanisms, assessing not just their formal structures but their actual effectiveness in responding to gender-based violence and femicide. The goal is straightforward: to understand why, despite having institutions in place, as earlier discussed in previous chapters, Nigerian women still struggle to access justice and protection from violence.

4.2 Criminal Justice System Response

4.2.1 The Police

The path towards justice for victims of gender-based violence typically starts from a report to the police. As the primary point of contact between victims and the formal justice system, police officers have enormous power to either facilitate or obstruct access to justice. Although the police have had some success in responding to these issues, unfortunately, the Nigerian Police Force's response to GBV complaints has been characterized more by failure than success.

The problems start at the reporting stage. According to research conducted across Nigerian communities, culture, attitudes of police, and absence of social support contribute significantly to women's unwillingness to report cases of domestic violence to authorities.¹ When reports are made, police or relevant authorities often maintain a "non-interference" approach in order not to be seen as responsible for marriage break-up or causing family problems.² This treatment of violence against women as "family matters" reflects deeply ingrained patriarchal norms within the police force itself.

Even when officers agree to register complaints, survivors face additional hurdles. A study examining young women in Nigeria found that only 3.3% of sexual violence cases were reported to law enforcement agencies, with survivors citing fear, shame, distrust of police, and lack of

¹ Loremeta U. Folami, "Survey of Unreported Cases of Domestic Violence in Two Heterogeneous Communities in Nigeria" (2013) *International Review of Law*, available at <https://journals.qu.edu.qa/index.php/IRL/article/download/1258/699/882>.

² National Human Rights Commission of Nigeria, "Sexual and Gender Based Violence Assessment Report" (2020) at 15, available at <https://nhrc.nigeriarights.gov.ng/files/publications/SEXUAL%20AND%20GENDER%20BASED%20VIOLENCE.pdf>.

confidence in their ability to bring perpetrators to justice.³ The widespread practice of demanding unofficial payments before investigating cases has been extensively documented, effectively pricing poor women out of the criminal justice system entirely.

The Nigeria Police Force has established Family Support Units (FSUs) in some stations specifically to handle GBV cases. In Lagos State, for instance, these specialized units with trained officers are responsible for investigating all and prosecuting some Sexual and Gender Based Violence cases, and can charge suspects to court directly upon conclusion of investigation. However, research examining police domestic violence units in both Ghana and Nigeria reveals that masculinized culture within police forces—characterized by traits such as force, aggression, and dominance—impedes effective handling of GBV cases.⁴ The study found that domestic violence units were under-resourced compared to anti-robbery and counter-terrorism units, and police officers were often unwelcoming and irritated by victims' presence and display of vulnerability.⁵

4.2.2 Prosecutorial Response

Once cases make it past the police—which many don't—they encounter the prosecution stage, where new challenges emerge. State Ministries of Justice handle most criminal prosecutions including GBV cases at the state level, but face chronic resource constraints. Prosecutors are overworked, underpaid, and often managing impossibly large caseloads. These pressures create

³ Anthony Idowu Ajayi et al., "Sexual Violence among Young Women in Nigeria: A Cross-Sectional Study of Prevalence, Reporting and Care-Seeking Behaviors" (2023) 23 African Health Sciences 188, available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC10398436/>

⁴ Abena Asefuaba Yalley, "How Ghana and Nigeria Police Handle Domestic Violence Cases" The Conversation (February 21, 2023), available at <https://theconversation.com/how-ghana-and-nigeria-police-handle-domestic-violence-cases-150756>.

⁵ *Ibid*

perverse incentives: prosecutors may prioritize cases that seem "easier" to win or that generate public attention, while routine domestic violence cases end up falling through the cracks and end up not getting attention.

The quality of prosecutions also suffers from inadequate training and outdated evidentiary requirements. Although the Violence Against Persons Prohibition Act of 2015 reformed rape laws by expanding the definition beyond traditional concepts and establishing minimum sentences, implementation remains inconsistent. The VAPP Act provides that persons convicted of rape face a minimum of 12 years imprisonment, with life imprisonment for certain aggravated circumstances.⁶ However, the Act only applies directly in the Federal Capital Territory, Abuja, and requires state-level domestication to be enforceable elsewhere.

Even where VAPP has been adopted, conviction rates remain substantially low. One fact-check investigation found that Nigeria recorded only 18 convictions in rape cases over a specific period,⁷ demonstrating the vast gulf between reported incidents and successful prosecutions.

4.2.3 Judicial Response

The judiciary represents the final stage of the criminal justice process, and here too, the response to GBV has been deeply problematic. Nigerian courts have delivered both encouraging and deeply troubling judgments in gender-based violence cases, revealing inconsistency in judicial attitudes and application of the law.

⁶ Violence Against Persons (Prohibition) Act 2015 Section 1(2)

⁷ International Centre for Investigative Reporting (ICIR), "Fact-Check: No, It Isn't True Nigeria Has Recorded Only 18 Convictions in Rape Cases," available at <https://www.icirnigeria.org/fact-check-no-it-isnt-true-nigeria-has-recorded-only-18-convictions-in-rape-cases/>.

On the positive side, some courts have shown willingness to impose serious sentences for GBV offenses. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) has secured life imprisonment sentences for rape convictions under the VAPP Act⁸, and specialized Sexual Offences Courts established in some states have demonstrated capacity to deliver more survivor-centered justice.

The problem of judicial delay cannot be overemphasized. Cases often take long months and in some cases years to reach a conclusion. An Amnesty International investigation found that despite the Nigerian authorities' declaration of a "state of emergency" on sexual and gender-based violence in June 2020, rape persists at crisis levels with most survivors denied justice, rapists avoiding prosecution, and hundreds of cases going unreported due to pervasive corruption, stigma and victim blaming.⁹ The report documented how survivors faced torturous ordeals to get justice, with toxic attitudes from police officers, humiliating lines of questioning, and decrepit police stations lacking privacy for making statements.¹⁰

4.2.4 Support Services and Referral Centers

Beyond prosecution and conviction, the criminal justice system's effectiveness depends on support services for survivors. Some states have established Sexual Assault Referral Centers (SARCs) that provide integrated services such as medical care, evidence collection, counseling,

⁸ National Agency for the Prohibition of Trafficking in Persons, "1200 Trafficking Victims Reunited with Families in One Year" The Punch (December 23, 2024), available at <https://punchng.com/1200-trafficking-victims-reunited-with-families-in-one-year-report/>.

⁹ Amnesty International, "Nigeria: Failure to Tackle Rape Crisis Emboldens Perpetrators and Silences Survivors" (August 15, 2024), available at <https://www.amnesty.org/en/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors/>.

¹⁰ Ibid

and legal support all in one location.¹¹ Lagos State has been particularly progressive, establishing multiple SARCs, Domestic and Sexual Violence Response Teams, specialized Family Courts, and a Domestic and Sexual Violence Agency to coordinate responses.¹²

However, such specialized mechanisms remain exceptional rather than typical. Most Nigerian states lack such infrastructure entirely, and even where they exist, funding constraints, insufficient staffing, and limited geographic coverage restrict their reach. The dependence on political will means these systems can evaporate with changes in administration, leaving survivors without consistent access to support services.

4.3 Human Rights Institutions

4.3.1 The National Human Rights Commission (NHRC)

The National Human Rights Commission of Nigeria was established by the National Human Rights Commission Rights 1995 (as amended) in line with Resolution 48/134 of the United Nations General Assembly which enjoins all member states to establish independent National Institutions for the promotion, protection and enforcement of human rights.

The Commission serves as an extra-judicial mechanism for the respect and enjoyment of human rights. It also provides avenues for public enlightenment, research, and dialogue in order to raise awareness on Human Rights issues. The Commission's mandate includes receiving and

¹¹ International IDEA, "Protection and Justice for Survivors of Sexual and Gender-based Violence – Approaches & Lessons from Nigeria," available at <https://www.idea.int/events/protection-and-justice-survivors-sexual-and-gender-based-violence-approaches-lessons-nigeria>.

¹² Lagos State Domestic and Sexual Violence Agency, "About DSVA," available at <https://lagosdsva.org/> (accessed January 2025).

investigating complaints of human rights violations, monitoring government compliance with international human rights treaties, conducting public inquiries, and promoting human rights education.

The NHRC has produced important reports documenting gender-based violence in Nigeria. Its 2020 assessment report on Sexual and Gender Based Violence provided comprehensive data on GBV patterns, available facilities, laws and policies, and systemic challenges. For instance, in October 2024, the NHRC received a staggering 427,606 complaints of human rights violations from offices across Nigeria, with over 60% involving women and girls.¹³

The Commission has also conducted public awareness campaigns and collaborative initiatives. The NHRC has worked along with various ministries, the Nigeria Police Force, civil society organizations, and media to raise awareness and strengthen criminal justice responses.

Yet the NHRC faces significant limitations. Most critically, the Commission lacks enforcement powers—its recommendations are not legally binding, and government agencies can simply ignore them. The unavailability of resources further limits the Commission's reach, with inadequate funding and staff preventing effective monitoring across Nigeria. In fact, many women, particularly in rural areas, have never even heard of the Commission and would not know how to access it.

4.3.2 Federal Ministry of Women Affairs

¹³ JURIST, "Nigeria Human Rights Commission Reports Increase in Domestic Human Rights Violations" (February 16, 2024), available at <https://www.jurist.org/news/2024/02/nigeria-human-rights-commission-reports-increase-in-domestic-human-rights-violations/>.

The Federal Ministry of Women Affairs and Social Development was created in response to the United Nations agreement to establish Institutional Mechanisms for the advancement of women. The Ministry serves as the focal point for coordinating policies, programs, and activities aimed at promoting gender equality and empowering women across Nigeria.

A significant achievement of the Ministry has been establishing the National GBV Data Situation Room and Dashboard, launched in November 2020 in collaboration with UNDP and the EU-UN Spotlight Initiative.¹⁴ The Dashboard systematically collects data on gender-based violence from various sources, including police reports, healthcare facilities, and civil society organizations, using a bottom-up approach from community to national levels.

However, the Ministry's effectiveness remains limited by weak institutional positioning and inadequate resources. Budget allocations are typically modest, restricting the scale and sustainability of programs. Moreover, frequent changes in ministerial leadership create continuity problems, with new ministers often launching new initiatives rather than sustaining existing ones.

4.4 State-Level Institutions.

4.4.1 State Ministries of Women Affairs and Social Development.

Every Nigerian state has a Ministry or Department of Women Affairs charged with coordinating

¹⁴ United Nations Development Programme Nigeria, "Harnessing the Power of Data for Gender-Based Violence Prevention and Response in Nigeria," available at <https://www.undp.org/nigeria/news/harnessing-power-data-gender-based-violence-prevention-and-response-nigeria>.

state-level responses to women's issues, including gender-based violence. These ministries are meant to work with other state agencies, develop state-specific GBV policies and programs, operate shelters and support services for survivors, and ensure implementation of laws like the VAPP Act in states that have adopted it.

In states that have enacted the VAPP Act and shown political commitment to addressing GBV, these ministries have played valuable roles. They have established response teams, coordinated with police and healthcare providers, operated helplines for reporting violence, and run shelters providing temporary refuge for women fleeing violence. Lagos state is a good example as it established a dedicated Domestic and Sexual Violence Agency (DSVA), an organization under Lagos state Government committed to ensuring total eradication of Sexual and Gender Based Violence in the State. In Edo state, The Vivian Center, a Sexual Assault Referral Center (SARC) was launched to provide survivors of sexual assault with services such as medical treatment, counselling and follow-up support, as well as support to engage with the justice system at no cost to the survivor.

However, State Ministries of Women Affairs face significant challenges. They are often the weakest ministries in state governments, dealing with limited budgets and little political support. Their programs typically depend on outside funding rather than steady government resources, making it hard to maintain them. Staff may not get enough training, and their efforts rarely make a strong impact in rural areas, where most Nigerians live.

4.4.2 State Human Rights Commissions and Specialized Mechanisms.

Some states in Nigeria have established their own human rights commissions or other similar bodies charged with the sole responsibility to monitor and respond to human rights violations including sexual assault and GBV at the state level.

However, state human rights commissions suffer from even more severe resource constraints than their federal counterpart. Many operate while understaffed and with minimal budgets, limiting their effectiveness. Political interference is also a significant concern—state governors may view these commissions as nuisances when they criticize government failures, leading to underfunding. Like the NHRC, state commissions typically lack enforcement powers, making them advisory rather than authoritative bodies.

Beyond general human rights institutions, some states have established specialized mechanisms for responding to GBV, including dedicated GBV response teams, Sexual Assault Referral Centers, specialized courts, and domestic violence liaison units within police formations. International IDEA's Rule of Law and Anti-corruption (RoLAC) Programme in Nigeria improved access to justice for vulnerable women, children, juveniles, persons with disabilities and victims of sexual and gender-based violence by strengthening inclusive policy, institutional and operational frameworks for access to justice and improving availability of referral and legal aid services for vulnerable persons.¹⁵ However, these specialized mechanisms remain exceptional rather than typical, with most Nigerian states lacking such infrastructure entirely.

4.5 Civil Society and Non-Governmental Organizations.

¹⁵ <https://www.idea.int/project/rule-law-and-anti-corruption-rolac-programme-phase-ii-nigeria>

Civil society organizations (CSOs) and non-governmental organizations (NGOs) are vital players in the response to gender-based violence and femicide in Nigeria. They operate in complementary roles to state institutions, often stepping in where those institutions are slow or under-resourced.

The landscape of civil society engagement on GBV is remarkably diverse. It includes large, internationally connected organizations like:

- International Federation of Women Lawyers (FIDA Nigeria)
- Women's Rights Advancement and Protection Alternative (WRAPA),
- Project Alert on Violence Against Women, and
- Women Advocates Research and Documentation Center (WARDC).

There are specialized Sexual Assault Referral Centers like:

- Mirabel Centre (SARC) in Lagos state.
- Women at Risk International Foundation (WARIF)
- CeCe Yara Child Advocacy Centre
- Tamar Sexual Assault Referral Centre operated by Women Aid Collective (WACOL) in Enugu.
- The Vivian Centre (SARC) in Edo state.

Civil Society Organizations provide advocacy and awareness-raising. They bring public attention to the issue of violence against women, challenge entrenched norms of male dominance and victim-blaming, and press for legal and policy reforms. NGOs also act as

watchdogs and advocates. They push for stronger laws, monitor state compliance, and mobilize public opinion. WARDC, for instance, was instrumental in the advocacy that led to the passage of the Violence Against Persons (Prohibition) Act 2015 (VAPP Act) and continues to track its domestication across states.¹⁶ Likewise, the Women Aware of Rights Initiative (WAR Initiative), based in northern Nigeria, engages policymakers and traditional leaders to reform discriminatory practices and improve access to justice for survivors.¹⁷

Civil Societies and NGOs provide crucial on-the-ground help for survivors of GBV and femicide attempts (or threats). This includes legal aid, psychosocial counselling, safe shelter, referral to medical/forensic services, and economic empowerment. Because the formal justice system is often slow or inaccessible (especially for women in remote/rural areas), NGOs step in and act quickly. For example, Women Safe House Sustenance Initiative is a feminist, women-led non-profit organization dedicated to protecting and rehabilitating women and girls from all forms of gender-based violence (GBV) in Nigeria. They offer a 24-hour hotline, safe housing, counselling and legal representation for women and girls fleeing violence. By providing these services, NGOs help reduce impunity (by helping cases reach justice) and support survivors in rebuilding life.

While the contributions of civil societies and NGOs are invaluable, it is important to recognize their limitations. First, they often face funding challenges. Most depend on international donor funding, which comes with conditions, shifts based on donor priorities,

¹⁶ Women Advocates Research and Documentation Centre (WARDC), Programmes and Activities, available at: <https://wardcnigeria.org> (accessed 10 Nov 2025).

¹⁷ Women Aware of Rights Initiative (WAR Initiative), Our Work, available at: <https://www.womenawareofrights.com.ng> (accessed 10 Nov 2025).

and can be suddenly withdrawn. This funding model makes long-term planning and organizational sustainability difficult.

Secondly, civil societies and NGOs cannot perform governmental functions. NGOs can provide legal aid, but they cannot prosecute criminals—that requires functional state prosecutors. They can document police failures, but they cannot discipline officers or compel investigations. They can operate shelters, but they cannot provide the scale of support that government resources could deliver. The effectiveness of civil societies and NGOs, therefore, ultimately depends on the government doing its job.

4.6 Challenges to Effective Enforcement.

Despite the existence of laws, both federal and state, institutions, civil societies and non-governmental organizations working on combatting Gender-Based Violence and Femicide in Nigeria, effective enforcements still remain difficult to achieve. This section examines the principal challenges that limit the effective enforcement of criminal laws and institutional responses to GBV and femicide in Nigeria.

4.6.1 Inadequate Resources and Institutional Capacity

Perhaps the most prominent challenge is the shortage of resources across virtually all institutions involved in responding to GBV in Nigeria.

The criminal justice system in Nigeria operates with insufficient personnel, inadequate infrastructure, and technology that has not caught up to the 21st century. Police stations lack basic resources for investigating cases like vehicles for transportation, equipment for forensic evidence collection, even forms for documenting complaints. Courts function with too few judges, cramped facilities, and poor record-keeping systems that contribute to case backlogs.

Human rights institutions and the women's affairs ministries (Federal and states) encounter even more resource constraints. Their budgets are typically nominal relative to their mandates, forcing them to prioritize urban areas and leaving rural communities largely unserved. Many state-level institutions barely function due to funding limitations. For instance, in Nigeria's 2025 executive budget, the Federal Ministry of Women Affairs received 82,360,294,835 naira while the FCT whose issues are nominal compared to the affairs of women and children in Nigeria received a whopping 486,072,865,375 naira.¹⁸

These resource constraints directly undermine enforcement. Without adequate funding, police cannot investigate cases properly, prosecutors cannot build strong cases, courts cannot hear and give judgements on cases promptly, and support services for survivors remain unavailable. This results in systemic dysfunction where good intentions collide with resource realities, and women seeking justice face institutional incapacity.

4.6.2 Socio-Cultural Norms and Patriarchal Superiority.

¹⁸ budgetoffice.gov.ng

Equally important are the patriarchal attitudes and socio-cultural norms that are present in institutions and shape their responses to gender-based violence. Many law enforcement officials, prosecutors, judges, and even human rights workers bring personal biases that devalue women's rights and normalize violence against women.

The study on police domestic violence units in Ghana and Nigeria found that police officers were often unwelcoming and unfriendly to victims. With some of them getting irritated by the victims' presence and display of vulnerability. They often blamed, insulted or mocked victims, and sometimes ordered them out of their offices. The findings of the study revealed that about 40% of victims abandoned their cases after the initial reports. In follow-up interviews, the victims indicated this was as a result of police hostility towards them. Victims said they found the police station a hostile environment, filled with tension. They also revealed they felt more traumatized after their encounter with police, which made them less willing to seek police assistance again.¹⁹

Patriarchal Superiority compounds these challenges. The expectation that women should be submissive to male authority, that family honor depends on women's behavior, and that domestic matters should remain private all create environments where violence against women is normalized and women who speak out are stigmatized and tagged as problematic women.

Family members as well as religious and traditional leaders sometimes actively discourage women from seeking formal justice, instead pressuring them to accept informal reconciliation that most times leaves perpetrators unpunished.

¹⁹ Abena Asefuaba Yalley, "How Ghana and Nigeria Police Handle Domestic Violence Cases" The Conversation (February 21, 2023), available at <https://theconversation.com/how-ghana-and-nigeria-police-handle-domestic-violence-cases-150756>.

4.6.3 Victim Withdrawal and Social Pressure.

Even when women successfully report GBV cases to authorities, many cases collapse because victims withdraw their complaints or refuse to testify. Women withdraw their cases for multiple reasons: family pressure to protect the family name, economic dependence on the perpetrator, threats or intimidation, exhaustion with the elongated legal process, or reconciliation with the perpetrator.

A study reveals that about 40% of victims abandoned their cases after the initial reports. In follow-up interviews, the victims indicated this was as a result of police hostility towards them.²⁰ Research examining sexual violence among young women in Nigeria found that only 3.3% of cases were reported to law enforcement agencies, with survivors citing fear, shame, distrust of police, and lack of confidence in their ability to bring perpetrators to justice.²¹

In domestic violence cases especially, the economic dynamics are critical. Many women depend entirely on their husbands for financial support. Prosecuting a husband risk losing that support, creating genuine survival concerns particularly for women with children. In a country like Nigeria with weak social safety nets and limited economic opportunities for women, choosing between justice and economic security is not really a choice at all.

Family and community pressure compounds economic vulnerability. Women who pursue criminal cases against family members face stigma, ostracism, and the risk of being tagged the

²⁰ Ibid

²¹ National Human Rights Commission of Nigeria, "Sexual and Gender Based Violence Assessment Report" (2020) at 15, available at <https://nhrc.nigeriarights.gov.ng/files/publications/SEXUAL%20AND%20GENDER%20BASED%20VIOLENCE.pdf>.

destroyer of the family. Extended family members often pressure women to withdraw cases, emphasizing family harmony over individual rights.

4.6.4 Data Monitoring Challenges

Effective enforcement requires accurate data—how many cases are reported, how many are investigated, how many reach prosecution, how many result in convictions. Without such data, assessing system performance and identifying problems becomes guesswork. Unfortunately, comprehensive, reliable data on gender-based violence and institutional responses has historically been scarce in Nigeria.

The Federal Ministry of Women Affairs acknowledged that fractional GBV data reporting, poor coordination, and absence of harmonized platforms for reporting, analyzing, and disseminating data to inform policy development had been significant challenges.²² Many police stations keep poor records or no records at all of GBV complaints received and investigations conducted. Prosecutors often lack knowledge of gathering crucial data on case outcomes. Courts rarely publish separate statistics on GBV prosecutions and convictions.

4.6.5 Lack of Survivor Support and Witness Protection.

Women who testify against offenders run the risk of being intimidated, harassed, or retaliated against, especially in situations involving strong or dangerous individuals. In the absence of adequate witness protection, many women opt to remain silent rather than face the risk of

²² Africa Renewal, "How Better Data Is Helping to Prevent Gender-Based Violence in Nigeria" (April 28, 2023), available at <https://www.un.org/africarenewal/magazine/april-2023/how-better-data-helping-prevent-gender-based-violence-nigeria-0>

speaking up, which lets offenders avoid punishment. Nigeria's system for protecting witnesses in high-risk cases is still widely inadequate.

The Amnesty International investigation documented how survivors faced ongoing threats and intimidation even after reporting to the police by the offenders and even the police themselves. Some survivors said they were discouraged from seeking justice because of the toxic attitude of police officers towards gender-based violence, which manifested in humiliating lines of questioning and victim-blaming. In addition, decrepit police stations often lack the space for privacy that survivors need to make their statements.²³

Beyond physical protection, survivors require support services such as proper medical care, psychological counselling, legal aid and economic assistance. While some states have established Sexual Assault Referral Centers providing support services, these facilities remain minimal and more established in urban areas. Most survivors must navigate a fragmented system, moving between hospitals for medical care, police stations for reporting, courts for prosecution, and NGOs for psychological support—a process that is retraumatizing and difficult to sustain.

4.7 Conclusion

This chapter has examined Nigeria's institutional mechanisms for responding to gender-based violence and femicide, revealing a troubling reality: despite having laws, institutions, and active civil society organizations, the enforcement gap remains vast. Even with the criminal justice system (the police, prosecutors, and courts), SARC's, human rights institutions, state level

²³ Amnesty International, "Nigeria: Failure to Tackle Rape Crisis Emboldens Perpetrators and Silences Survivors" (August 15, 2024), available at <https://www.amnesty.org/en/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors/>.

institutions, civil societies and non-governmental organizations, effective enforcement of all these mechanisms poses challenging.

The challenges are multiple and interconnected: resource constraints leaving institutions unable to perform basic functions; patriarchal attitudes among criminal justice actors that normalize violence and blame victims; social pressure and economic dependence forcing women to withdraw cases; inadequate data monitoring systems; and insufficient witness protection and survivor support for victims of GBV.

The fundamental question is not whether effective institutional response mechanisms are available—evidence confirms they are—but whether Nigeria will make the political, social and resource commitments necessary to transform isolated successes into systematic change. This requires investment in criminal justice capacity, proper training to address patriarchal attitudes, serious anti-corruption efforts, coordinated federal-state action, a wide witness protection and survivor support systems that benefits all including those in rural areas, and genuine political will.

CHAPTER FIVE

FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 Summary of Findings

This research has undertaken a critical analysis of the legal and institutional responses to gender-based violence against women and femicide in Nigeria, evaluating the effectiveness of criminal law and human rights enforcement mechanisms. The findings of this research reveals a troubling reality: Nigeria has put in place a legal system to combat gender-based violence, yet women remain profoundly vulnerable and justice remains elusive.

First, Nigeria's legal framework is progressive on paper but regressive in practice. It has evolved significantly with the Violence Against Persons (Prohibition) Act 2015, which expanded rape definitions, criminalized harmful traditional practices including female genital mutilation, recognized domestic violence as criminal offense, and established protection mechanisms for survivors particularly through granting o protection orders. However, as of 2024, only 35 of 36 states have domesticated the Act, with Kano and Katsina yet to do so. And even at that some states have not fully implemented the Act. This geographic inconsistency means a woman's access to legal protection depends on which state she lives in, which makes no moral sense.

Beyond the VAPP Act, existing criminal law provisions from the Criminal Code and Penal Code contain significant gaps and patriarchal assumptions, including narrow rape definitions and provisions allowing men to "correct" their wives with physical force.¹ The Constitution of the

¹ Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004, s 357 (defining rape); s 55 (authorizing husbands to "correct" wives with reasonable force)

Federal Republic of Nigeria, while guaranteeing fundamental rights, has proven insufficient for addressing GBV.

Secondly, international legal obligations have been ratified into Nigerian law but are rarely realized. Nigeria has ratified major international instruments including CEDAW and the Maputo Protocol, imposing binding obligations to eliminate discrimination and violence against women.² However, courts rarely invoke international human rights standards in GBV cases, and many judicial officers lack the knowledge required to tackle international human rights law.

Third, institutional responses to gender-based violence against women and femicide are available however they rarely work because they are underfunded, overwhelmed and often indifferent. Between 2020 and 2023, Nigeria recorded 27,698 cases of sexual and gender-based violence resulting in 1,145 fatalities, yet only 393 convictions or perpetrators were secured—a conviction rate of approximately 1.4%.³

Police responses remain deeply problematic. Only 3.3% of sexual violence cases are reported to law enforcement, with survivors citing fear, shame, and distrust of police.⁴ Police often maintain "non-interference" approaches in domestic violence cases, and masculinized police culture

² Nigeria ratified CEDAW on June 13, 1985; ratified the Maputo Protocol on December 16, 2004

³ Tony Ojukwu (Executive Secretary, National Human Rights Commission), Press Briefing on 16 Days of Activism against Gender-Based Violence (November 22, 2024), available at <https://thesun.ng/nigeria-records-27698-sgbv-cases-human-rights-commission/>.

⁴ Abena Asefuaba Yalley, "How Ghana and Nigeria Police Handle Domestic Violence Cases" The Conversation (February 21, 2023), available at <https://theconversation.com/how-ghana-and-nigeria-police-handle-domestic-violence-cases-150756>

impedes effective case handling.⁵Amnesty International documented toxic police attitudes, with survivors facing humiliating questioning and demands for bribes before investigations begin.⁶

Prosecutorial responses are equally inadequate, with overworked prosecutors managing overwhelming caseloads and conviction rates remaining extremely low even where VAPP has been adopted. Judicial delays compound these problems, with cases taking years to reach conclusion therefore justice is denied for survivors facing ongoing trauma.

The research also identified interconnected systemic challenges to effective enforcement: resource constraints, patriarchal attitudes permeating institutions, victim withdrawal under social pressure and economic dependence, data gaps hampering accountability; and inadequate witness protection and survivor support.

5.2 Recommendations.

Having spent some time researching this topic, reviewing case files and analyzing institutional responses, I am convinced that the following recommendations represent not just academic exercises but urgent, practical necessities. The following recommendations are directed at multiple stakeholders—government at all levels, judicial institutions, law enforcement agencies, civil society, and international partners—with the understanding that addressing gender-based violence requires coordinated action across all sectors of society.

⁵ *ibid*

⁶ Amnesty International, "Nigeria: Failure to Tackle Rape Crisis Emboldens Perpetrators and Silences Survivors" (August 15, 2024), available at <https://www.amnesty.org/en/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors/>.

1. Enhance legislative frameworks most especially protecting and strengthening the VAPP Act and achieving domestication in all states in Nigeria so that all Nigerian women, regardless of geographic location, have access to its protections.
2. Increase awareness on the dangers of gender-based violence in schools, communities, hospitals and so on. This will enlighten women about their rights and protections.
3. It is my recommendation that the Nigeria Police Force must undergo comprehensive reform in its response to gender-based violence. This requires: mandatory specialized training, expansion of the family Support Units in every police station nationwide, and most importantly eliminate corruption.
4. I recommend that Support Services and infrastructure be strengthened particularly the expansion of Sexual Assault Referral Centers Nationwide in every state and ensure that every center has a survivor-friendly environment.
5. Establish shelters and safe houses in every state to accommodate women and their children for extended periods, not just emergency overnight stays that provide not just accommodation but also counseling, legal assistance, vocational training, and economic empowerment programs to help survivors rebuild independent lives.
6. It is my recommendation that we explore alternative dispute resolution methods in order to lessen the load of the courts when it comes to giving out judgements to perpetrators of gender-based violence.
7. I recommend that we improve data collection and monitoring in order to strengthen the National GBV Dashboard.

5.3 Conclusion

This research began by asking an important question: How effective are Nigeria's legal and institutional responses to gender-based violence against women and femicide? After examining constitutional provisions, statutory frameworks, international commitments, institutional mechanisms, and enforcement challenges across four comprehensive chapters, the answer is sobering but clearly obvious: Nigeria's responses are profoundly inadequate.

As a woman studying law in Nigeria, it is sad to discover that despite having increasingly sophisticated laws on paper, despite ratifying international human rights treaties, despite establishing institutions tasked with protection and accountability, Nigerian women remain vulnerable to horrific violence, justice remains elusive for most survivors, and impunity remains the norm for perpetrators. This research has made me more aware of my own vulnerability and the privilege of education that allows me to understand my rights - rights that most Nigerian women cannot even articulate.

The gap between law and the reality of protection for women, between commitments and implementation, between institutional mandates and actual performance is not merely disappointing—it is a moral failure demanding urgent redress. Nigeria has the legislative tools. The VAPP Act provides comprehensive protections when properly implemented. The Constitution guarantees fundamental rights. International treaties impose binding obligations. Yet these instruments remain largely words on paper, disconnected from women's lived experiences of navigating systems characterized by police indifference or corruption, prosecutorial weakness, judicial delays and lack of survivor support.

Writing this research paper has been both intellectually rigorous and emotionally challenging. I have read stories that shocked me, analyzed statistics that represent real women suffering real

violence, and confronted the uncomfortable truth that the legal system I am training to join is failing spectacularly at protecting half of Nigeria's population. But I finish this work with determination rather than despair, Nigerian women all deserve a legal system that works to protect their basic human rights.

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