

**GENDER BASED VIOLENCE AND THE NECESSITY FOR ENHANCED
REGULATORY INTERVENTION**

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**FACULTY OF LAW
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BENIN CITY**

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

I, **Oshiobugie Oghogho OGBAKE**, with matriculation number **LAW1805888**, hereby certify that apart from references to other person's work which have been duly acknowledged, the entire work is a product of my research, and this project has neither in whole or in part been presented for another degree elsewhere.

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APPROVAL

We certify that this project was written and completed by **Oshiobugie Oghogho OGBAKE**, with matriculation number **LAW1805888** in partial fulfillment of the requirement for the award of Bachelor of Laws (LL.B) degree.

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ACKNOWLEDGEMENT

DEDICATION

This work is dedicated to my mother, who never gave up on me.

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Mary Sunday v Federal Republic of Nigeria (ECW/CCJ/APP/26/15; ECW/CCJ/JUD/11/18), ECOWAS Community Court of Justice, May 17 2018.

TABLE OF ABBREVIATIONS

CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
DSVA	Domestic and Sexual Violence Agency (Lagos State)
FGM	Female Genital Mutilation
NALT	Nigerian Association of Law Teachers
NAPTIP	National Agency For the Prohibition of Trafficking in Persons
SGBV	Sexual and Gender-Based Violence
UNODC	United Nations Office on Drugs and Crime
VAPP Act	Violence Against Persons (Prohibition) Act

ABSTRACT

Sexual violence is an extensive and deeply distressing crime that poses significant challenges to the criminal justice systems globally, particularly in Nigeria, and this is often committed in private, without witnesses, and under conditions where victims face social stigmatization and psychological trauma which could range from post traumatic stress disorder (PTSD) and other traumatic related issues, such crimes are infamously difficult to investigate and prosecute, It remains a pervasive and deeply rooted issue in Nigeria, cutting across social, economic and cultural boundaries, This study explores the prevalence , causes and consequences of sexual violence crimes in the country, examining both the systemic failures and cultural attitudes that enables it's persistence, it examines the application of forensic evidence as an essential tool in detecting and prosecuting sexual violence crimes, focusing on how scientific methods can improve the effectiveness and credibility of investigations and legal proceedings worldwide, with particular focus on Nigeria, with the primary aim to explore how forensic techniques such as DNA analysis, toxicology, fingerprint, forensic pathology, crime scene reconstruction, and expert testimony and other forensic techniques can assist law enforcement agencies and the judiciary in obtaining objective and more accurate evidence in sexual offence cases. Furthermore, this study seeks to identify the forensic methods most relevant to such crimes, assess the challenges inhibiting their effective application in Nigeria, and propose legal and institutional reforms to enhance their uses.

CHAPTER ONE

1.1 Introduction

In Nigeria, Gender based violence has become an emerging issue. Gender based violence is violence directed against a person because of that person's gender. In other words, this violence is committed based on the person's sex or gender, this violence has been found to affect more percentage of the female gender than the gender in Nigeria and this project will focus on the gender violence towards women. Gender based violence includes rape, domestic violence, child marriage, female genital mutilation and sexual harassment has manifested to both physical and physiological abuse. These actions on gender based violence often have indelible marks on the victim, permanent psychological, emotional and physical scars. Gender based violence in Nigeria has necessitated the enactment of these existing laws like VAPP Act, 2015, Criminal code, penal code, Child rights Act 2003 and other related laws.

The violence Against persons prohibition (VAPP) Act of 2015 has laid down rules that protect all forms of violence against persons both in private and in public life.¹ The VAPP is a federal law and for full enforcement and implementation it requires domestication on state and local government levels.

1.2. Background of Study

Gender violence still persists today and women and girls still experience various forms of gender based violence notwithstanding that the constitution of the federal republic of Nigeria

¹ Tony Ojukwu, 'Sexual and Gender Based Violence Against Women And Girls Across Nigeria' (www.nhrc.gov.ng, 25th November to 5th December, 2020, 2021)
<<https://nhrc.nigeriarights.gov.ng/files/publications/SEXUAL%20AND%20GENDER%20BASED%20VIOLENCE.pdf>> accessed 24 July 2025.

1999 as amended, has been provided to protect rights against discrimination based on origin, sex or religion under section 42 of the 1999 constitution.

In Nigeria, The corona virus (COVID 19) which resulted to lockdowns, more reports on violence against women and girls were recorded. Between March and June the commission received and retreated 232 cases from across the country and even up till date, incidents of gender based violence still persists.

The legal and domestic framework on gender based violence necessary for the protection individuals against discrimination and perpetrators is provided for in the Constitution of the federal republic of Nigeria 1999 (as amended), The VAPP Act 2015, The penal code, the Criminal code, The child rights act of 2003 and other related laws. Even with these Legal frameworks, more incidents of gender based violence still happens because of gaps in the implementation and enforcement process. Everyday, Innocent women and girls dies in the hands of evil perpetrators who are not put behind bars at the end of the day. If this still happens daily, can we really say we have an enforceable gender based violence laws in Nigeria? The main aim of this project is to examine gender violence in Nigeria and the necessity for enhanced regulatory interventions in Nigeria and the need to cover up the gaps of limitations of intervention in the Legal framework regarding gender violence in Nigeria.

1.3 Statement of Research Problems

1. Gaps in Implementation and enforcement process.
2. Gaps in the Limitation of Intervention relating to gender violence.
3. Restricted knowledge on the various forms gender violence in Nigeria.
4. Inadequate knowledge on the various causes of gender violence.

5. Societal and Cultural Norms of harmful cultural practices.
6. Comparative analysis of Nigeria Legal Framework with South Africa, Uganda and Spain.

1.4 Aims and Objectives

This aim of this research is to critically examine gender based Violence in Nigeria and the necessity for enhanced regulatory framework. Distilled from the aim of research, the specific objectives would be achieved by:

1. Examining gender based violence in Nigeria and the necessity for Enhanced regulatory intervention in Nigeria.
2. Good implementation of the Legal Frameworks relating to Gender Based Violence in Nigeria.
3. Eradication from all forms of gender based violence.
4. Encouraging gender equality to protect women and girls from gender based violence.
5. Identification of all forms and kind of gender based violence
6. Recommend solutions to the limitations of interventions towards gender based violence in Nigeria.

1.5 Research Questions

1. What are the various forms of gender based violence ?
2. What are the different causes of gender based violence?
3. What are the limitations of intervention that the Nigeria gender based violence laws are facing?

4. What are the various regulatory frameworks for gender based violence laws in Nigeria ?
5. Ways women can access protection from this already laid down laws?
6. What are the countries that have good and enforceable protection laws against gender based violence laws and those laws compared to the gender based violence laws in Nigeria?

1.6 Methodology of study

For this study, the methodology adopted is that of doctrinal research which involves legal materials to examine gender violence and the necessity for enhanced regulatory intervention in Nigeria.

1.7 Scope and limitation of study

The scope of the study will be constricted geographically and topically. The geographical boundary of this research is the federal Republic of Nigeria. Where the review of the applicable international and municipal legal frameworks combating gender violence in Nigeria. Truly, there are gender violence laws in the neighboring jurisdictions which include Domestic Violence Act of 1988(south Africa), South Africa's Sexual offences Act 2007, Uganda's female genital mutilation Act, 2010, Spain's Organic Law 1/2004 on integrated Protection Measures against Gender violence (LOMVG). These laws have been implemented to curb Gender based violence in these countries. However they are outside the scope of this work and will be saved for the sake of comparative analysis.

Touching on limitations, the researcher's major limitation was insufficient time and Legal research materials, particularly on cases which would have made the research more detailed.

furthermore. Only Few cases is incorporated into this work because of the rate of low reported cases.

1.8 Significance of study

This study is significant as it contributes to enhancing the prosecution of offenders through adequate funding of agencies and institutions responsible for monitoring Vapp infraction, Improving Legal frameworks by implementing more stringent legal measures aligned with international gender based violence framework standards and Ensuring strict focus on consistent and effective enforcement of the VAPP Act and other relevant laws.

1.9 Synopsis of chapters

This chapter will be structured into five(5) Chapters.

Chapter one: General introduction

This introductory chapter will give a brief introduction to the work by providing a backdrop to understand the research report and ponder on the background of Study containing a brief description of the ideas of the study.its also outlines the statement of problem, research Questions, aims and objectives, research methodology, scope and limitations, Significance of study and research structure.

Chapter two: Conceptual, Theoretical, Framework and Literal Review this chapter will focus on the conceptual

Framework by defining and explaining the term gender violence, it's forms and the causes of gender violence and delving into the theoretical

Framework by giving jurisprudential theories relating to gender based violence. Lastly, it's conducts a through literature review by identifying gaps and inconsistencies in previous studies and give unique contributions of the current research.

Chapter three: Incidents of Gender based violence in Nigeria

This chapter will focus on the incidents of gender based violence in Nigeria. Thereafter giving full details on different incidents of victims of gender based violence in Nigeria.

Chapter four: Legal framework of Gender based violence in Nigeria

This chapter will take interest in providing the various Legal frameworks of gender based violence in Nigeria and thereafter discuss some international Frameworks of gender based violence. The limitations of Legal Framework in addressing gender based violence in Nigeria will be examine with a strict Comparative analysis of Nigeria's gender based violence Legal framework with that of South Africa, Uganda and Spain.

Chapter five: Chapters Summary, findings, recommendations and conclusion.

In the final chapter, the Summary, and findings of the research with be harmoniously synthesized offering a parabolic view of the entire study. Thereafter, recommendations emerge from the synthesis of this research work. This chapter furthermore sets contributions to this study.

CHAPTER TWO

CONCEPTUAL, THEORETICAL FRAMEWORK AND LITERATURE REVIEW

2.1 Introduction

Gender violence has become an emerging issue that has and is still breaking down women who has become victims and survivors to this tragic incidents emotionally, sexually, physically and most definitely financially. Gender violence remains one of the major obstacles to women's increased agency and is a key domain of gender inequality.² This issue in today's Nigeria world can be analyzed in different ways, firstly by examining the literature review on this issue, according to World Health Organization(WHO) research on worldwide and regional estimates of GBV, 30% of women have globally experienced Intimate Partner Violence (IPV) in their entire lifetime as a woman, while in Africa alone 37% of women have been statistically revealed.³

When analyzing gender violence, there are two key words to look out for here, firstly, the word "gender" and secondly the word "violence", until these two words have been analyzed separately we cannot come to a conclusion to analyze the term "gender violence". Dictionaries, statutes and Philosophers have given their own meaning to this term which I will definitely be adding my own definition based on my own critical understanding. It is important to note that some theoretical jurisprudential theories will be used to explain the context of gender violence.

² World Bank Group, 'violence'(2025) <<https://genderdata.worldbank.org/en/topics/violence>>accessed 31 August 2025

³ Ojemeiri Karl A, Aondover Eric M, Aruaye Afeye O, 'A critical review on gender Based violence in Nigeria':Media Dimension. J Gynecol women's Health (2022) (24)(2) (556135) <https://www.researchgate.net/publication/366964473_A_Critical_Review_on_Gender_Based_Violence_in_Nigeria_Media_Dimension>accessed 31 August 2025 .

This chapter in conclusion will conceptually clarify the term gender violence, its forms and its causes, thereafter give jurisprudential theories to explain gender violence and lastly give a critique literal review on this study.

2.2 Conceptual Clarification

It is important to recognize current debates about gender to understand the phenomenon of Gender violence. A conceptual clarification of the term gender violence, its causes and its forms will be examined in this study.

2.2.1 Examining the Term Gender Violence

As it was stated above, before analyzing the term “gender violence” it is necessary to understand the joined term separately.

The term gender has been defined or described by the Penal code Act of Nigeria, World Health Organization, Dictionaries and also Philosophers.

According to WHO, “gender refers to the characteristics of women, men, girls and boys that are socially constructed”⁴.gender is also defined under section 2 of the Penal code Act of Nigeria which say “the pronoun “he” and its derivatives are used for any person whether male or female. According to Collins dictionary gender is the state of being male or female in relation to the social and cultural roles that are considered appropriate for men and women and lastly according to Judith butler who is an American Philosopher and a gender studies scholar,

⁴ World Health Organization, ‘world and health’(2025) < <https://www.who.int/health-topics/gender>>Accessed 28 August 2025.

she describes gender in her book *Gender trouble: feminism and the subversion of identity* as always a doing, through not a doing by a subject who might be said to pre exist the deed.⁵

In a layman context gender is either a man or woman, when a child is born it's gender is determined immediately it comes out from it's mother's womb.

Violence is a word that is not thought about without thinking of pain and hurt. The World Health Organization(WHO) defines violence in the WRVH as “the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment or deprivation”.⁶ The WRVH divides violence in four categories according to the nature of the violence, which include physical, sexual, psychological or involving deprivation or neglect.

Violence is also defined by the VAPP act 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 private or public life, in peace time and in conflict situations.⁷ Although the criminal code does not expressly define violence, a portray of physical violence was defined in the criminal code by the definition of rape under section 357 of the act. Violence is an act of physical force that causes or is intended to cause harm.⁸ they are various forms of violence, this brings us to the definition of gender violence.

⁵ Judith Butler, '*Gender trouble: feminism and subversion of identity*' (Routledge, 1999).

⁶ Wikipedia, 'violence' (2025) < <https://en.wikipedia.org/wiki/Violence> > accessed 2 September 2025.

⁷ VAPP Act, 2015.

⁸ Kristine.M.Jacquin, 'violence' (2025) < <https://www.britannica.com/topic/violence> > accessed 31 august 2025.

Gender violence is a public health and human right concern that affects millions of individuals, families and communities across the globe. According to the NNHCR(UN refugee agency) gender violence is a violence committed against a person because of his or her sex or gender.

In other words we can also say that gender violence is a global concern for health and human rights. It is also defined as any harmful act targeted at an individual or group based on their gender⁹. 1 in 3 women has been said to have been victims or survivors of gender violence in Nigeria. Despite gender violence global impact in Nigeria, it is still not acknowledged as a public health issue, which is concerning and disturbing, though several legal frameworks, organizations, movements has been created to combat gender violence in Nigeria but still yet as at today gender violence is still an emerging issue in Nigeria with less justice rate.

2.3 Forms of Gender Violence

Gender violence is a complex issue that is deeply rooted in gender inequality. Violence against a gender can take many forms. A violent act can result in different types of violence , they are basically four forms of gender violence which include physical violence, sexual violence, economic violence and lastly psychological/ emotional violence.

2.3.1 Physical violence

Physical violence is an act attempting or resulting in pain or physical injury on an individual. In the case of gender violence, physical violence against women may likely to result in coercion or arbitrary deprivation of liberty whether happening in private or public life. Physical violence can include slaps, shoves, punches, kicking, twisting of arms, choking or being burnt

⁹ Wiley online Library, 'An insight on gender based violence (2024) < <https://onlinelibrary.wiley.com/doi/10.1002/hsr2.1815>> accessed 7 September 2025.

or stabbed.¹⁰ physical violence also includes denying a partner medical care or forcing drugs or alcohol on them¹¹. They are so many instances of physical gender violence incidents that has occurred in Nigeria, but I will only be stating two incidents as the chapter three of this study will be critically analyzing the various incidents of gender violence in Nigeria. In the case of the State v Okwumo Nwabuo & 3 ORS¹², it was judicially stated that in this case one Cynthia Osokogulo was lured to Lagos by the Defendants whom she met on social media networking site, which is 'Facebook.com'. She was declared missing and later found dead at Cosmilla Hotel, Festac Town. The Defendant are being charged for Murder, stealing and Reckless Negligent Acts, the verdict of the court was that the accused was found guilty and sentenced to death by hanging. Also in the case of State V Akolade Arowolo¹³, In this tragic case a young unemployed graduate was alleged to have killed his banker wife, Titilayo. This case has been concluded and judgement has been given in favour of the state, The Defendant was sentenced to death by hanging. Some physical abuse might result to death while some might not, the important thing is that this research work helps in combating physical violence in Nigeria.

Sexual violence occurs around the world. sexual violence is defined by the World Health Organization as “any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person’s sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not

¹⁰ Department of social service, ‘National plan to Reduce Violence against women and their children’: What is Violence against women(2010) <<https://plan4womenssafety.dss.gov.au/resources/what-is-violence-against-women/>> accessed 2 September 2025

¹¹ Community against violence, ‘Different types of violence’ (2025) <<https://taoscav.org/different-types-of-violence>> accessed 2 September 2025.

¹² State v Okwumo Nwabuo (Federal high court of Lagos, March 23 2017).

¹³ State v Akolade Arowolo (ID/29/2013), federal high court of Lagos Ikeja, Division, February 21 2014).

limited to home and work”.¹⁴ Sexual violence includes rape and rape is defined by the Vapp act, 2015 as intentionally penetrating the vagina, Anus or mouth of another person with any other part of his or her body or anything else¹⁵. The criminal code Act and the penal code Act also defines rape, Section 357 of the criminal code¹⁶ defines rape as “unlawful carnal knowledge of a woman or girl without her consent”. Also Section 282 of the penal code Act¹⁷ defines rape as a man having sexual intercourse with a woman under a variety of circumstances, including “against” her “will” and “without her consent”. sexual violent acts can take place in different circumstances and settings, they can include, for example

- a. rape within marriage or dating relationships;
- b. rape by strangers;
- c. sexual abuse of children;
- d. unwanted sexual advances or sexual harassment;
- e. sexual abuse of mentally or physically disabled persons;
- f. systematic rape during armed conflict;
- g. forced prostitution for the purpose of sexual exploitation;
- h. violent acts against the sexual integrity of women, including female genital mutilation.¹⁸

¹⁴ World health organization, ‘World report on violence and health’(2002) <https://iris.who.int/bitstream/handle/10665/42495/9241545615_eng.pdf?sequence=1>accessed 2 September 2025

¹⁵ Section 1(1) of the Vapp Act, 2015.

¹⁶ Section 357 of the Criminal Code Act, 2004.

¹⁷ Section 282 of the penal code, 2004.

¹⁸ World health organization, ‘World report on violence and health’(2002) <https://iris.who.int/bitstream/handle/10665/42495/9241545615_eng.pdf?sequence=1>accessed 2 September 2025.

Female genital mutilation is also a form of sexual violence, the Vapp act 2015 criminalized female genital mutilation, Section 6(1) of the Violence against persons act¹⁹ states that “The circumcision or genital mutilation of the girl child or women is hereby prohibited”. FGM has no health benefits and can lead to serious, long term complications and even death, World Health Organization defines female genital mutilation as procedures involving partial or total removal of female external genitalia or other injury to female genital organs for non-medical reasons.²⁰ Section 25 of the rivers state Child rights Act²¹ (2009) makes it an offense to subject a female of female genital mutilation. FGM is a violation of girl’s and women’s fundamental human rights, security and dignity. Sexual violence is a serious and disturbing gender violence that women and girls have to go through everyday and this is needed to taken more seriously as to curb this emerging and harmful act.

2.3.2 Economic violence

Economic violence towards women occurs when a male abuser maintains control of the finances deciding with regard to women how the money is to be spend and cut off or limiting her dependence to the finances. Economic violence is when the Abuser has complete control over the victim’s money and other economic resources.²² Economic violence can occur in partner, work, family, or economic relationships.²³ Women between the age of 15 and 49 who have been in a relationship have experienced economic violence from their partners at least

¹⁹ Section 6(1) of the Vapp Act, 2015.

²⁰ The united Nigeria Children’s Fund, ‘What is female genital mutilation’(2025) <<https://www.unicef.org/protection/female-genital-mutilation>>accessed 2 September 2025.

²¹ Child rights Act, 2009.

²² Oluwamilayo I. Fawole, ‘Trauma Violence & Abuse’(2008).

²³ Women’s world Banking, ‘What is Economic Violence and why does it matter’(2023)<<https://www.womensworldbanking.org/insights/what-is-economic-violence-against-women-and-why-does-it-matter/>>accessed 4 September 2025.

once or twice²⁴. Section 12 of the Violence against persons act,2015²⁵ provides that “A person who causes forced financial dependence or economic abuse of another, commits an offence and is liable on conviction to a term not exceeding two years or a fine not exceeding 500,000 or both”. In marriages today, some man often use the fact that they have money to dominate their wife’s, they make this women who is their “supposed” partners beg and suffer before they get money for necessities, some often used the word “I’m the man of the house so I can decide when and when not go give you money”. Economic violence is tearing the world apart and it’s a shame that people pay less attention to it. A very good example of economic violence is early marriage of a girl child Just because of money or a means to pay debt. Nigeria has the highest rate of early child marriage although it has been prohibited by the Child Rights Act of 2003. A very good incident of this, is the story of Nafisatu L. In Kano state Who was forced into early marriage at the age of 12 years old to a 27 years old man because her family had no money to provide her basic needs and education when her father died²⁶. Economic violence makes a women or a girl if less of herself and not worthwhile, this reduces her self worth and makes her thinks she’s a nobody and has no right over her life. Economic violence is a very major form of gender violence and should be treated importantly.

2.3.3 Psychological/emotional violence

When a women is violated based on her gender, it can be really traumatizing. Psychological trauma in cases of gender violence against women leads to consequences like post-traumatic

²⁴ National Library of Medicine, ‘Gender-based economic violence and the exploitation of women: A deep dive’(2025) <<https://pmc.ncbi.nlm.nih.gov/articles/PMC11886345/>>accessed 4 September 2025.

²⁵ Vapp Act,2015.

²⁶ Human Rights Watch, ‘Nigeria: Child Marriage Violates Girl’s Rights’ (2022) <<https://www.hrw.org/news/2022/01/17/nigeria-child-marriage-violates-girls-rights>>accessed 4 September 2025.

stress disorder and self harm. Everyday around the world either a woman is raped, beaten up, economically abused and even Killed, this tons of events cause psychological trauma for both the victim or her family, the victim is left with a stigma in her heart, In case of her being raped she feels unclean and used, she finds it difficult to tell anyone else and this makes her psychologically and emotionally unstable, she thinks about the incident over and over again and this incident may even make her hate the other gender. So many little children has low as two years of age has been raped, some may have to grow with the reoccurrence of event and can't eve tell anyone around her, Sometimes when a girl child is raped, the society ask "what was she wearing" but the true is, it is not always the case of the girl was wearing because a 2 years old child who is been brutally raped cannot be raped because of what she was wearing, she was raped because of gender. In Nigeria today the incident of rape has been an emerging one causing psychological traumas on these innocent females, they are so many laws that prohibits rape but it still happens everyday. This then begs the question, Are this laws truly implemented?, in my own opinion and with the research done, I will say No. They are so many instances of psychological trauma from gender violence done to women by the other gender "males", a good example is the story of yonusimi who was 19 years old,younumisi was raped by her well respected uncle in the community,this incident occurred a lot of times that she lost counts of the time he went in on her, this incident affected yonusimi psychologically and emotionally,she said in her own words "I began to redraw myself away from people, I was timid, sad and experienced low self esteem and my grades even dropped that my teacher had to invite my father to school",²⁷ as seen in yonusimi story this was a very traumatizing experience

²⁷ Women at Risk International Foundation, 'Survivors Stories'(2024) <<https://warifng.org/my-name-is-yonusimi-i-am-a-19-year-old-lady-and-this-is-my-story/>> accessed 4 September 2025.

for her which she doesn't wish to happen to any other female. Psychologically violence is real and gender violence against women and girls has to stop so as not to trigger traumatizing experiences for women and girls.

2.4 Causes of Gender Violence in Nigeria

- i. **Patriarchal Social and cultural norms:** Nigeria society is largely patriarchal which has beliefs that the male gender is more superior to the female gender. Sand Brook and Halfari defined women empowerment as a multi-dimensional process involving the transformation of the economical, political, social, psychological and legal circumstances of the powerless with the aim of dismantling the cultural, traditional and social norms, which disvalue, disempower women.⁽²⁷⁾ In many parts of Nigeria, there has been a general belief that violence against women especially in marriages are normal, Section 55(1)(d) of the Nigerian penal code states that a husband can legally "correct" his wife by using physical discipline, this section allows for a man to beat his wife which is totally wrong.²⁸ This normalization of this act makes it less likely for victims to report cases of Gender violence so that perpetrators can be held accountable, practices such as female genital mutilation and early child marriages are cultural and traditional norms that contribute to various forms of gender violence in Nigeria²⁹. European Scientific Journal,

²⁸ Section 55(1)(d) penal code Act.

²⁹ 'Patriarchy and gender inequality in Nigeria: The way forward'(2013) <https://core.ac.uk/outputs/236407158/?utm_source=pdf&utm_medium=banner&utm_campaign=pdf-decoration-v1>accessed 6 September 2025.

- ii. **Economic inequality and Poverty:** Poverty is an economic deficiency. Poverty is a major factor of gender violence in Nigeria. Economic disempowerment and exclusion from political leadership often leave women disenfranchised and vulnerable to various forms of gender violence and multiple forms of discrimination.³⁰ Typical forms of socio-economic violence include taking away earnings of the victim, not allowing them to have a separate income (making them stay at home moms) or making the victims unfit for work due to physical violence.³¹ High rates of Unemployment and financial distress make women demand of their violent partners. Survivors of violence often face stigma and discrimination making it difficult for them to secure stable employment or access financial resources which makes them to therefore rely on their abusive partners or enter into exploitation situations to meet their basic needs.³²
- iii. **Weak Legal and Political Frameworks:** this is an emerging cause of gender violence in Nigeria. Despite the fact that the Nigerian government has provided different laws for the criminalization of gender violence in Nigeria like the Violence against persons act, 2015, The Nigerian penal code, The criminal code act 2004, The child right act (2003), e.t.c, unfortunately with all these laws gender violence still happens everyday or may be happening right now as at the time I'm writing this research work, the enforcement of these laws is weak and needs enhanced regulatory interventions. Despite the domestication of

³⁰ EDVAW Platform, 'Awareness and Action: Poverty, inequality and gender based violence against women' (2024).

³¹ Council of Europe, 'Gender matters: Socio-economic violence' (2025) <<https://www.coe.int/en/web/gender-matters/socio-economic-violence>> accessed 6 September 2025.

³² SMALL WOOD TRUST, 'How violence Against women and Girls fuels Gendered Poverty' (2025) <<https://www.smallwoodtrust.org.uk/how-violence-against-women-and-girls-fuels-gendered-poverty/>> accessed 6 September 2025.

some laws like the VAPP act in various state, the implementation and enforcement remain low and still a challenge, the justice system is low and this may discourage victims from seeking justice due to high burden of proof and stigma, this then leads to lack of awareness that citizens have about the existing laws and rights about gender violence in Nigeria. This lack of knowledge hinders the prevention of gender violence in Nigeria and the ability of survivors to access supports.

- iv. **Conflicts and crisis:** crisis in Nigeria has also become a source problem for gender violence in Nigeria. The Covid 19 was a very good example for this, During the time of Covid 19 pandemic gender violence increased in three most effective areas (Lagos state, FCT and Ogun state) on March 2020, the Lagos state Domestic and sexual violence Response team reported a three time fold increase in the number of telephone calls through their hotlines in one month³³. In the strong era of Covid-19 I.e, 2020-2021, above 243 million women and girls between the ages of 15 to 49 were victims of sexual and physical violence in the world. The crisis of Boko Haram in Nigeria had girls and women abducted forcing them into marriages and using them as sexual slaves, the mass kidnapping of the Chibok school girls is a well known crisis where innocent schoolgirls were abducted increasing and raising numbers of gender violence in Nigeria.
- v. **Stigmatization:** stigmatizing of women that are victims of gender violence in Nigeria is another major cause of gender violence in Nigeria. A vast majority of gender violence cases in Nigeria goes unreported, victims are scared to report their experiences of gender violence because of the stigma it might cause them, no woman wants to be stigmatized so

³³ UNITED NATIONS NIGERIA, 'Gender violence in Nigeria During the Covid-19 crisis: The shadow Pandemic'(2020).

them decide to suck in their traumas and don't tell it to another person, and sometimes victims fear that if they report to the necessary authorities, this will lead to further violence, they are scared because sometimes especially with sexual violence, the perpetrator goes on to tell them that if they say anything to anyone, he is going to kill them and their family. Lastly many victims have distrust in the legal system because they believe that the justice system is corrupt and even if they report the case, the perpetrator can buy his way out in the case and the case will be dismissed and nothing will be done about it, leaving them with the same trauma without justice.

2.5 Theoretical Framework of Gender Violence in Nigeria

Theoretical framework of this study is going to cover the jurisprudential theories as it relates to gender violence in Nigeria.

2.5.1. Legal positivism: legal positivism can be simply understood as The law as it is, this theory was propounded by John Austin and H.L.A who are philosophers.

John Austin was known for his best work which is the *The Province of jurisprudence Determined*, which was published in 1832, John Austin in this work made a clear distinction between law and morality. According to John Austin he defined law as a species of command, he elaborated that command are expressions of desire that another shall do or forbear from some act and are accompanied by a threat of punishment which is the sanction for disobedience.³⁴ John Austin is concerned only with positive law and he is concerned with what law is and not what ought to be. John Austin carefully defines the words and phrases used by

³⁴ Britannica, 'John Austin'(2025) <<https://www.britannica.com/biography/John-Austin>>accessed 7 September 2025.

him, he defines the word positive as law that “flows from human sources”, while positive law is set by a sovereign in an independent political society.³⁵ H.L.A. Hart is best known for this contribution to legal positivism, through his jurisprudential work he insisted that law should be separated from morality. In H.L.A. Hart's text which is known as “The Concept of Law”, Hart introduced the distinction between primary rules, which impose duties and secondary rules, which provide the framework for creating, modifying and enforcing laws, he argues that secondary rules are needed in all society to address uncertainties and improve functionality.³⁶ The Nigeria Violence against person act (Vapp), 2015 provides laws that protect women against gender violence in Nigeria, these jurisprudential theories above can be used to analyze gender violence in Nigeria, with the use of John Austin's theory which states that laws are commands and disobedience to these commands can warrant punishment. They are different sections of the Vapp act that provides sanctions to law that are not been abided to in the Vapp act, for example in Section 2 of the Vapp act³⁷, a punishment is given for rape which states that where the offender is less than 14 years of age, the offender is liable to a maximum of 14 years imprisonment or in all other cases, to a minimum of 12 years imprisonment without an option of fine. Also in Section 6(2) of the Vapp act³⁸ provides that a person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or genital mutilation commits an offence and is liable to conviction to a term of imprisonment not exceeding 4 years or a fine not exceeding 200,000.00 or both. It is important to note that they

³⁵ Adaramola, JURISPRUDENCE (LexisNexis).

³⁶ EBSCO, ‘The concept of law by H.L.A. Hart’ (2025). <<https://www.ebsco.com/research-starters/literature-and-writing/concept-law-h-l-hart>> accessed 7 September 2025.

³⁷ Section 2 of the Vapp Act, 2015.

³⁸ 6(2) of the Vapp Act, 2015.

are other laws in the Vapp act that protect women against gender violence in Nigeria. Furthermore using H.L.A Hart theory of legal positivism, his “ rule of recognition” as it relates to Nigeria society today, they are different courts, law enforcement agencies and government Bodies and institutions that have applied the Vapp act as a valid law for gender violence against women in Nigeria today, For courts, High courts in the Federal capital territory (FCT) and other states that the Vapp act has been domesticated at and even also the magistrate courts wher the Act has been adopted have jurisdictions to handle Vapp act related cases. Law enforcement agencies like the Nigeria police force(NPF), The National Agency for the prohibition of Trafficking in persons(NAPTIP) has enforced the Vapp act like a valid law and lastly government bodies and institutions like The Federal Ministry of Justice, State Governments and Houses of Assembly and The National sex offenders Register has also treated and enforced the Vapp act has a valid law in Nigeria when combating gender violence against women in Nigeria. In conclusion, From the positivist perspective, to what extent do existing laws on gender violence provide a clear and enforceable framework ?.

2.5.2 Natural law Theory

Natural law mean a normative system of law which is superior to human or positive law and supposed or deemed to lay down general principles of behavior for the guidance of the human race.(38). This theory was propounded by St. Thomas Aquinas and Lon fuller, St. Thomas aquinas says that Human law must be the particular application of natural law. Aquinas says that natural law is a portion of the eternal law which is revealed to man through the exercise of his reasoning by which he participates in the eternal law, and he describes eternal law as law of

God which controls all creation.³⁹ Aquinas says that the whole hierarchy of law, including the positive law (law created by man) is an inspiration from God. Lon Fuller revisited the natural law theory, Fuller argues that the law is not merely a set of rules but must come from a higher moral order, Fuller states that “an unjust law is no law”. In Fuller’s “inner morality of law” he suggests that law must meet certain procedural requirements. This requirement includes that firstly the principle was expounded in a manner so that it can be generally applied.⁴⁰ He goes therefore to say that the laws have to be clear, consistent and public to be considered legitimate. With the natural theory as it relates to gender violence in Nigeria, this theory will be used to criticize some legal regulatory framework from a moral and ethical perspective, for example the Nigeria penal code provides that in Section 55(1)(d)⁴¹ in the act that a man can correct his wife by beating her as far as he does not cause grievous harm on her, from a moral view this is totally wrong, it doesn’t matter if the act says as far as it does not cause grievous harm, the line of Christian here is that the act says that it is okay to correct your wife by her husband laying his hands on her. The Vapp act does not necessarily have any unethical laws but the fact that even with the domestication of the Vapp act in various states, gender violence against women is still happening everyday, this renders the Vapp act “unjust” according to Lon Fuller’s theory because the Vapp act’s implementation is not fair, consistent and understandable to the general public as there is not enough awareness on this subject. Now I’m concluding, To what extent does the implantation of gender violence laws in Nigeria align with the principles of Natural justice?.

³⁹ Adaramola, JURISPRUDENCE (LexisNexis).

⁴⁰ Edwin W. Tucker, The Morality of Law, by Lon L. Fuller (Winter 1965).

⁴¹ Section 55(1)(d) of the Vapp Act, 2015.

2.5.3 Critical Legal Theory

The critical legal theory is an intellectual movement that argues that laws are not neutral but shaped by dominant ideologies and dominant structures to benefit different groups. This theory was propounded by Micheal Foucault (the French postmodernist), he believed that power is everywhere. Foucault is one of the few writers on power who recognise that power is not just a negative, coercive or repressive thing that forces us to do things against our wishes, but can be necessary and positive for the society.⁴² He believes that power can be advocate for social change, he believes that power is not just in the hand of the government but of other people too, he says that power and knowledge are interrelated, for example a doctor uses his knowledge to give treatment to sick people, this is a form of power.

This critical Legal theory is a powerful Len for a critical analysis of failure of government and in our laws today on gender violence in Nigeria and the need for social change and the necessity of enhanced regulatory interventions, some of the gaps in totals law protecting gender violence includes:

- a. Inadequate and inconsistent definitions of gender violence offences: the absence of comprehensive definitions of gender violence laws has contributed to more gender violence acts by perpetrators in Nigeria today, for example Section 282 of the penal code Act⁴³ and section 357 of the criminal code Act⁴⁴ defines applicable in the northern and southern states respectively has defined rape as non- consensual vagina intercourse with a woman or a girl but has failed to define male rape or marital rape giving room for this other forms of rape.

⁴² Johnathan Gaventa, power after lukes: An overview of the theories of power since Lukes and their application to development (first draft 2003).

⁴³ Section 282 of the Penal code Act.

⁴⁴ Section 357 of the criminal code.

b. Gaps in implementation and enforcement: Despite the laws in existence for gender violence, there is a large gap in the implementation process that this could be because of lack of resources, law of training among law enforcement officers and judicial personnel and Inadequate infrastructure, this problems have caused the rise in gender violence in Nigeria and less punishment for perpetrators.

It is important to note that these are not the only gaps in Nigeria legal framework toward gender violence in Nigeria. Making use of Foucault theory, the legal discourse which is the lawyers and judges in today's court focus on the perpetrator's "provocation instead of the victim's action shapes reality and perpetuates certain power dynamics.

2.6 Literature Review

Gender violence is a pervasive issue that predominantly affects women in Nigeria by influencing their physical, mental and financial well-being. The Nigeria Demographic Health Survey (NDHS) 2013 and (NPC and ICF international 2014) indicates that 28 percent of women in Nigeria aged 15-49 have experienced some form of physical or sexual violence.⁴⁵ According to WHO, over 736-852 million(roughly 1 in 3) women have experienced one form of GBV or another worldwide. According to Muluneh et al, the pooled prevalence of IPV among women was 44%, the past year pooled prevalence of IPV was 35.5% and non IPV pooled was 14%, the highest prevalence rates of IPV that were reported included emotional (29.40%), physical (25.87%) and sexual (18.75%) violence.⁴⁶ Data gathered by Nigeria's

⁴⁵ World Bank Group, Gender violence: An analysis of the implications for the Nigeria For Women Project (2019 international Bank for Reconstruction and Development/ The World Bank).

⁴⁶ Muluneh MD,Stulz V,Francis L,Agbho K, 'Gender violence against Women in Sub-Saharan Africa: A systematic Review and meta-analysis of Cross-sectional studies(2020)<<https://pubmed.ncbi.nlm.nih.gov/32024080/>>accessed 7 September 2025.

Federal and State Ministries for Women Affairs provides that during the initial two weeks of April 2020, there was a report of 781 instances of sexual gender violence spread across 23 states.⁴⁷ According to the UN, 14 percent of women in Nigeria have experienced physical violence.⁴⁸

According to Davies Ugowe, there are various forms of gender violence which include physical violence, economic violence, psychological/emotional violence or sexual violence.⁴⁹ Physical violence against a woman is said to include bearing her up, threatening or actually using a gun on her, choking and intentionally burning her e.t.c, physical or sexual violence may include rape, incest sexual assault. Harmful traditional practice is also another form of gender violence as these are cultural norms that advocate for female genital mutilation in Nigeria, FGM prevalence was as high as 20% in the 2018 NDHS, while 43% of Nigerian girls are married by age 18⁵⁰, psychological and economic violence is also other forms of gender violence.

They are various causes of gender violence in Nigeria which includes patriarchal and gender inequality, cultural and religious beliefs like female genital mutilation and a man correcting his wife by beating, weak implementation and enforcement system is also another major cause and lastly poverty and lack of awareness. Gender violence also has impact which includes health

⁴⁷ UNODC, 'UNODC Handover Resource Tools to Ministry of Justice SGBV prosecution Hub to fight and prosecute Rape and other sexual Violence Related offences' (UNODC 2021) <<https://www.unodc.org/conig/en/stories/unodc-handover-resource-tools-to-ministry-of-justice-sgbv-prosecution-hub-to-fight-and-prosecute-rape-and-other-sexual-violence-related-offences.html>> accessed 7 September 2025 .

(42) ⁴⁸ Ernest Nzor and Owede Agbajike, '14% Nigerian Women Experience Physical Violence' The Guardian Nigeria News (Lagos, 30 November 2023)

⁴⁹ Davies Ugowe, 'Gender based Violence: its prevalence, Forms, causes and consequences' (2022).

⁵⁰ Onah CK, Ossai EN, Nwachuwu OM, Nwankwo GE, Mbam HO, Azuogu BN, factors associated with the practice of and intention to perform female genital mutilation on a female child among married women in abakaliki Nigeria (BMC Women's Health 2023).

consequences as victim can tend to suffer from physical and psychological health problems and also compromises their dignity and self esteem.

Various legal framework has been developed for the protection of women from gender violence like the, VAPP Act, 2015, criminal code Act, Penal code Act, The Nigeria police force (NPF), The National Agency for the prohibition of Trafficking in persons (NAPTIP) and other laws and agencies which will be mentioned currently in chapter four of this study. But still yet despite all these laws, they are still gaps in that needs to be covered up as there is a need for necessary regulatory interventions in Nigeria gender violence laws.

Lex initiative critically analyzed the Legal gaps in addressing gender violence in Nigeria. They provides five legal gaps which includes limited Geographic Coverage of the Vapp Act, exclusion of marginalized Groups in policy Frameworks, insufficient Legal Provisions for intersectional Discrimination, weak Enforcement Mechanisms and Criminalization of Consensual Same-Sex Relationships. Also another major problem is that there are low reported case of gender violence in Nigeria, According to Femicide Observatory, run by the Lagos-based Non profit Document Our History (DOHS)cares foundation, there was 17 cases reported in January with an additional five by February.⁵¹ These reports are too low as it confirmed by the UN that every 10 minutes a woman is killed.

2.7 Conclusion

In conclusion, this chapter has provided a detailed explanation conceptual, theoretical and literature framework surrounding the efficacy of gender violence laws in Nigeria.

⁵¹ Eromo Egbajule, 'Activist call for state of emergency in Nigeria over gender-based violence' The guardian Nigeria News (25 February,2025) <<https://www.theguardian.com/world/2025/feb/25/activists-call-state-emergency-gender-based-violence-nigeria>> accessed 7 September 2025.

Beginning with conceptual clarification with delved Into different definitions of ‘Gender Violence’, the understanding of this term encompasses legal, legal definitions and historical dimensions. Moving onto the Theoretical Framework, we examine the lens of Legal positivism, Natural law theory and Critical Legal Theory which provides foundation for analyzing the legal and institutional framework of gender violence in Nigeria.

The literature Framework of this study statistics of gender violence by different learned scholars, and identifying gaps and limitations in current research efforts.

In essence, this chapter sets the stage for subsequent chapters which will delve into incidents of gender violence in Nigeria and legal and institutional frameworks prohibiting gender violence in Nigeria, this study aims to contribute to this study by identifying the gaps in gender violence laws in Nigeria and the need for enhanced regulatory interventions.

CHAPTER THREE

INCIDENTS OF GENDER VIOLENCE IN NIGERIA

3.1 Introduction

Gender- based violence is a major problem in Nigeria with 27,698 cases of SGBV reported between 2020 and 2023.⁵² According to UN Refugee Agency, gender based violence is violence committed against a person because of his or her sex or gender.⁵³ Globally 1 in 3 women experience physical or sexual violence in their lifetime.⁵⁴ The prevalence of gender

⁵² United Nations Development Programme, ‘Strengthening Legal Capacity in Gender-Based Violence and Garnishee Proceedings: A step towards Gender- Responsive Police Accountability in Nigeria’ (2025)<<https://www.undp.org/nigeria/blog/strengthening-legal-capacity-gender-based-violence-and-garnishee-proceedings-step-towards-gender-responsive-police-accountability>>accessed 21 September 2025.

⁵³ The UN Refugee Agency, ‘WHAT IS GENDER-BASED VIOLENCE’ (2025)<<https://help.unhcr.org/turkiye/information-and-resources-on-protection-from-violence/what-is-gender-based-violence/>>accessed 21 September 2025.

⁵⁴ World Health Organization, ‘Violence against Women’ (2025)<<https://www.who.int/health-topics/violence->

violence in Nigeria is alarming as it increases everyday. The 2018 Demographic and Health Survey (DHS) report documented the prevalence of violence against women in Nigeria, it indicated that 31% of Nigerian women between ages 15 and 49 have experienced physical violence while 9% have experienced sexual violence and while spousal violence was 36% for ever married women in the country.⁵⁵ According to Femicide Observatory, which was run by the Lagos-based non profit Document Our History (DOHS) there were 17 cases reported in January 2025, a 240% increase from the same period last year, with an additional five by February 2025, which shows that gender violence is not just historical but current and escalating.⁵⁶ Forms of gender violence which are physical, Sexual, economical and psychological are prevalent in Nigeria. Nigeria has been said to have one of the highest absolute numbers of FGM survivors, with approximately 20 million survivors. Nigeria accounts for 10% of the global 200 million survivors has the third highest prevalence of FGM worldwide. Although Nigeria has made legislative strides such as the passing of the VAPP Act, high prevalence of gender violence still persists and there is a necessity to address Nigeria's gender based violence framework with the prosecution of offenders through adequate funding of agencies and institutions responsible for monitoring VAPP infraction. This chapter will focus specifically on the Incidents and case study of gender violence in Nigeria.

3.2. The Law and Sexual Offences in Nigeria

against-women>accessed 21 September 2025.

⁵⁵ Commonwealth Foundation, 'Fighting sexual gender- based violence: collaboration, advocacy, awareness and protection'(2021)<<https://commonwealthfoundation.com/project/fighting-sexual-and-gender-based-violence-collaboration-advocacy-awareness-and-protection/>>accessed 21 September 2025.

⁵⁶ The Guardian, 'Activist call for state of emergency in Nigeria over gender violence'(2025)<<https://www.theguardian.com/world/2025/feb/25/activists-call-state-emergency-gender-based-violence-nigeria>>accessed 21 September 2025.

Gender-based Violence Sexual offences in Nigeria includes rape, defilement (sexual abuse associated with a child), sexual assault and other gender- based indecent assault and harassment

3.2.1 Incidents of Rape in Nigeria

Rape is defined in section 1 of the sexual offences Act 2003⁵⁷ which provides that a person commits an offence if

- a. he intentionally penetrates the vagina, anus or mouth of another person(B) with his penis;
- b. B does not consent that the penetration and
- c. A does not reasonably believe that B consents.

Section 1 of Violence against person Act defines Rape as the intentionally penetrating the vagina, Anus or mouth of another person with any other part of his or her boy or anything else and this act is done without consent or consent is obtained by force or intimidation of any kind or by fear of harm.

The prevalence of rape incidents in Nigeria is awfully increasing and many of these incidents goes unreported and the perpetrators roam around freely without been brought to justice. Victims lacks faith in the Nigeria Justice prosecution system relating to rape crimes. This part of this study will provide some tragic incidents of rape that has occurred in Nigeria.

In the Nigeria case of *Ogunbayo v. the state*⁵⁸. In this case, Oludotun ogunbayo was charged with the offence of rape under section 357 of the criminal code,cap 29,Volume 11, Laws of ogun state, 1978, following assertions that he unlawfully had carnal knowledge of a woman named kemi Adekunle without her consent. The incident was reported to have occurred on

⁵⁷ Section 1 of VAPP Act, 2015

⁵⁸ *Ogunbayo v the state* (2003)

December 23,1987 where the victim was allegedly dragged to ogunbayo's house and assaulted despite Kemi's pleas of help, the accused appealed but Ultimately, the court of Appeal dismissed the appeal by ogunbayo, affirming the conviction and sentencing him to seven years imprisonment for the offence of rape finding that the evidence against him was compelling.

A rape incident and a survival story of Becky Mahmud, Becky grew up in Shira L.G.A in bauchi state with eight siblings and a poor father. Becky's father earned 8,000 monthly working as a security guard and she got through school with the help of one of her sisters, Janet. When Janet later lost her job which made things hard for Becky and her family, the idea of going to her pastor for help hit her. Becky was raped by her pastor, a man who she trusted. The pastor agreed to pay for Becky's final exams at the university and take care of her, she says that she didn't think anything of his offer. A year after moving in with the pastor, Becky passed her WAEC exams and the conversation about the university to attend marked the beginning of a harrowing period for her. Becky says "He invited me to stay on the bed. I was uncomfortable with idea, so i declined, He then grabbed me and when i started to struggle, he locked the door behind me and there was nobody at home to help me then he raped me".⁵⁹ Financial independence is one of major cause of rape in Nigeria today.

Rape Survivors has different experiences. How it happened to B isn't same way it must have happened to C. Tanya was 19 when she got raped by a guy named Kule. At the beginning of Tanya's year 3 in school, she has gone to meet her tailor and on her way she couldn't use a cab because she couldn't afford it and didn't have any money then suddenly as she began to walk

⁵⁹ Aisha salaudeen, 'Becky Mahmud: A Nigeria story of rape and survival'(2018)<<https://www.stears.co/article/becky-mahmud-a-nigerian-story-of-rape-and-survival/>>accessed October 1 2025.

over to the school area she saw Kele who told her that he had friends that has cars and could drop her off that she should see him to his room which she agreed. when she got to the room, kele locked the door and threw the key somewhere out of her reach and slammed her into the bed which made them began to struggle.⁶⁰ He put his finger inside her vagina which made her sore all over i.e he had penetrated her sexually in accordance to the Vapp act. Kele was never brought to Justice and Tanya had to learn to forgive Kele to be able to move pass the tragic incident.

Also in the case of *Okoyomon v the State*⁶¹, the victim testified that she went to the bush to fetch firewood and as they were there, the accused met them and told her to follow him so he could show her a spot that she could get lots of firewood. When they got to the spot he threw her down and had carnal knowledge of her. They were still in that position when PW1 saw them. The victims's medical examination was conducted. It was discovered that are hymen was broken and she had offensive vaginal discharge. The accused personally denied this allegation. The trial judge disbelieved the evidence of the accused and found him guilty of rape and sentenced him to four years imprisonment with hard labour. The court of appeal affirmed the decision of the trial court. On further appeal to the Supreme Court, the decision of the trial court was reversed on the ground that the prosecution had not established that it was the accused that violated her, even though there was evidence of penetration. This is to show that the Nigeria court has failed survivors and this may lead to low reporting cases of rate in Nigeria.

⁶⁰ A stand to End Rape initiative, 'Nigeria: A survivor shares her Sexual Assault Experience'(2025)<<https://standtoendrape.org/nigeria-a-survivor-shares-her-sexual-assault-experience/>>accessed October 1 2025.

⁶¹ Simon Okoyomon v the state (1973) JELR 42115 (SC)

In *Okpanafe v The State*⁶², A twelve years old stated in her evidence, that the accused had on two different occasions called her into his room and had sex with her without her consent. However she did not report the first incident to anyone but on the second incident as a result of the pain, she could not work properly and was when questioned by her mother (PW2), she told her that the accused had sexual intercourse with her. At trial, the accused gave a defense of Alibi and his counsel submitted that there was no corroboration of the complaint's evidence but the trial judge overruled the submission the accused. His appeal to the Supreme Court was allowed on the ground that the trial judge was manifestly in error in convicting the accused where there was no evidence to corroborate the case of the complaint. According to the court, the medical report corroborated her story that it was the accused that has done so.

Elizabeth Ochanya Ogbanje, a 13-year-old pupil of Federal Government college, Gboko, Benue state died a horrible death in 2018. Ochanya, the last of 11 children, in search of a quality education was compelled to leave the comfort of her parent's home in Ogene-Amejo village in Omopokwu local government area of Benue state to Gboko to stay with her aunt and her family. In 2012, when Ochanya was just seven, she started living with Mr & Mrs Andrew and Fecilia Ogbuaja and their five children, few months after she began living with the Ogbuanyas, Victor the couple's eldest child began to rape and sodomise her. After Victor's father, Andrew Ogbuaja, a 54-year-old lecturer at the Benue state polytechnic caught Victor raping Ochanya, this event was supposed to stop Victor from raping Ochanya, but sadly it doubled up because now both Victor and Mr Andrew began raping Ochanya. It wasn't long before the gross violation of her young body took its toll, as the poor defenseless girl came down with

⁶² Francis Okpakunefe V The state (1969) LJJR-SC

Vesicovaginal fistula(VVF).⁶³ On October 17,2018 Ochanya gave up the ghost because she no longer take the pain she bore for five years. Ochanya left the world with many dreams and inspiration she couldn't fulfill.

3.2.2 Incidents of Defilement in Nigeria

Defilement is one of the sexual offences under criminal Nigerian Criminal Law. The offence of defilement is statutorily provided under Section 218 of the criminal code⁶⁴ which provides that Any person who has unlawful knowledge of a girl under the age of 13 years is guilty of a felony and is liable to imprisonment for life. The criminal code does not have a national coverage as each state in the federation has the right to make its own criminal law. Victims age for the offence of defilement varies according to each code for instance, in Lagos state defilement is a crime committed against a girl under the age of 18 years while Delta state is 11 years of age.

The rationale for the act of defilement include

- a. that the accused had sex with the child who was under the age of 11
- b. that there was penetration into the vagina;
- c. that the evidence of the child must be corroborated.(site)

In the case of *Onwuta v State of Lagos*⁶⁵, the court held that The evidence of Defilement is the same as in Rape except that for Defilement, it is immaterial whether the act was done with or without the consent of the child.

⁶³ Chinyere Fred Adebulugbe, 'Ochanya ogbanje: we shall Not Forget!' (2019) <<https://theinterview.ng/2019/10/25/ochanya-elizabeth-ogbanje-we-shall-not-forget/>> accessed 25 October 2025.

⁶⁴ Section 218 of the criminal code,2004.

⁶⁵ *Onwuta v the state* (2022) 18 NWLR [pt. 1863]701

A notable case of defilement is the case of Adonike v the State⁶⁶, On the 16th day of 2010, the appellant invited and requested a child of child of five years of age to buy him a sachet water. Upon her return the appellant lured into his room, pulled her pant and had an unlawful carnal knowledge of her. The appellant was arrested punishable under Section 218 of the criminal Code Cap.48 Volume 11, Laws of the defunct Bendel state 1976 as applicable in Delta state. He was sentenced to six years imprisonment. This conviction was affirmed both by the Court of Appeal and the Supreme Court of Nigeria.

In the current year 2025, Ahmed Ayinla, was sentenced to 14 years imprisonment by an ikeja Sexual offences and Domestic violence Court for attempting to sexually assault his nine- year old stepdaughter whose name was withheld due to personal reasons. The court said that “This was not an isolated incident, but a sustained campaign of sexual exploitation against a vulnerable child who looked up to you as “daddy and the relationship of trust that existed between you and her cannot be understated”.⁶⁷

Another Incident of Defilement is that of Sunday Fatoba, a 41 years old man who had Defiled four young children ranging from age 11 and 14 years and among them are siblings of the same parent. The Lagos state Office of the public Defender (OPD) acting on a tip off has recently rescued four girl victims of defilement in Ikorodu area of the State, he has been arrested by officers of the Nigeria police in Igbogbo for investigation.⁶⁸

3.2.3 Other Gender Based Indecent Assault and Harassment in Nigeria

⁶⁶ Adonike v the state(2015)NWLR [pt. 1458]237

⁶⁷ Onozure Dania, ‘Man jailed 14 years for attempting to defile stepdaughter’(2025)<<https://punchng.com/man-jailed-14-years-for-attempting-to-defile-stepdaughter/>>accessed 1 October 2025.

⁶⁸ Lagos state Ministry of Justice, ‘OPD VICTIMS OF DEFILEMENT, HANDS SUSPECT TO POLICE’(2025)<<https://lagosstatemoj.org/2023/08/16/opd-rescues-victims-of-defilement-hands-suspect-to-police/>> accessed 1 October 2025.

These can include Sexual harassment, exploitation and forced prostitution. The criminal code is applicable in the southern part of Nigeria and contains provisions criminalizing sexual harassment which can be found in section 351 to 361 of the Act. Section 351⁶⁹ provides that Any person who unlawfully assaults another is guilty of a misdemeanor and is liable, if no greater punishment is provided, to imprisonment for one year. Section 352⁷⁰ provides that Any person who assaults another with intent to have carnal knowledge of him or her against the order of nature is guilty of a felony and is liable to imprisonment for fourteen years. Also Section 360⁷¹ provides that Any person who unlawfully and indecently assaults a women or girl is guilty of a misdemeanor and is liable to imprisonment for two years.

The penal code also criminalizes sexual harassment. Section 281⁷² provides that whoever, in order to gratify the passions of another person, procures, entices, or leads way, even with her consent, a women or girl for immoral purposes shall be punished with imprisonment which may extend to seven years and shall be liable to fine.

A notable case of sexual harassment in the workplace is the case of Ejike v Microsoft Nigeria Ltd.⁷³ Mrs Maduka brought an action against her former employer after he wrongfully terminated her employment because she refused his Sexual advances. The National industrial Court found the allegations to be true and judgment was ruled in favor of Mrs Maduka who was awarded 13.2 Million Naira.

A touching story of Human trafficking or forced prostitution is that of Promise's Story. Promise

⁶⁹ Section 351 of the criminal code,2004.

⁷⁰ Section 352 of the criminal code,2004.

⁷¹ Section 360 of the criminal code,2004.

⁷² Section 281 of the criminal code,2004.

⁷³ Ejike v Microsoft Nig.Ltd(NICN/LA/492/2012),National industrial Court of Nigeria, December 19 2013

was a 17 years old girl who wanted to go to Italy because she was told she would work in a salon when she arrived, but this turned to be a lie when promise was made to stand in the streets 12 hours in a day looking for men to have sex with, as that was the only way she could pay off the debt of the journey. Forced prostitution has become a regular and prevalent crime in Nigeria especially in Edo state to be precise. Everyday young girls are been sold dreams of better life abroad but once they get there, they are turned into sex slaves.

3.3 The Law and Physical Violence in Nigeria

Physical violence is a form of gender violence. Physical violence in Nigeria encompasses a range of acts which includes domestic violence, intimate partner violence and femicide. This type of violence can include beating, killing, slapping and even punches.

3.3.1 Incidents of Domestic Violence and Intimate Partner Violence in Nigeria.

Domestic violence is referred to abusive or violence acts committed by one or group of family members against another.⁷⁴ Domestic and family violence is difficult and many cases go unreported to health professionals and legal practitioners. Domestic violence against women is an historical issues as women in marriages have been physically abuse by their spouses in the olden days and even in the present day today. While Intimate partner violence on the other hand commonly known as IPV is a violence by a current or former spouse or partner in an intimate relationship against the other spouse or partner. Intimate partner violence is a prevalent form of Gender violence in Nigeria. Though they are seems alike but there is a difference between them both, Domestic violence refers to violence among people in domestic

⁷⁴ Yusuff Jelili Amuda, Maitha Alghanmi, 'Increase in Domestic in Nigeria: The Implication of Mismanagement of the public sector, and the weaknesses of the Judiciary'(2024)<<https://migrationletters.com/index.php/ml/article/view/6769>>accessed 2 October 2025.

situations which include siblings, parents, aunts e.tc but IPV is more specific and is a violence perpetrated by a partner in a romantic relationship.

The rising number of Domestic violence against women in Nigeria is no joke and the legal framework of domestic violence laws needs an enhanced regulatory intervention to reduce the numbers of this cases in Nigeria. These are some few incidents of domestic violence and intimate partner violence in Nigeria.

A Domestic violence story that was specifically a cry for help is that of Jumoke Balogun who has been trapped in a toxic relationship with her husband Jamiu. This abuse began just few months into their relationship in 2011, but after the first incident Jamiu begged for forgiveness promising Jumoke that he never lay his hands on her her ever again and promise to be a better man. Jumoke says in her words “His pleas for forgiveness were convincing”.⁷⁵ Jamiu didn’t eventually change because Jamiu hit Jumoke for the second time and Jomoke resolved to leave the relationship then she found out she was pregnant, Jumoke told her parents about the pregnancy and they told her to keep it and try and patch things up with her husband. Jamiu didn’t really change because even when Jomoke had third child for Jamiu, the abuse was still thesame. But you know what they say, there is also a last straw for everything, Jomoke’s last straw was when her husband laid his hands on her 17 years on daughter sometime in December 2022 because Jamiu felt the 17 years old daughter has gone out to meet her boyfriend, Jamiu hit both Jomoke and her daughter that day until the neighbors had to save Jomoke from her husband and was taken to the hospital for proper treatment and Jamiu fled the community in

⁷⁵ Adejumo kabir, ‘A cry for Help: one’s Woman’s Journey to Break Free from Domestic Abuse’(2025)<<https://humanglemedia.com/a-cry-for-help-one-womans-journey-to-break-free-from-domestic-abuse/>>accessed 2 October 2025.

western Nigeria the following day after been threatened with police arrest.

Another heartbreaking incident is that of Arike who is a survivor from domestic violence. Arike got married to Olamilekan Idowu who began to exhibit certain vile behaviors towards his wife. Arike tried to excuse his behavior thinking this behavior was caused by stress from work. Olamilekan become so demanding and controlling and would beating her and even so get angry for little things. For 13 years, Arike lives in fear of her husband and walked on eggshells around him to avoid being kicked and punched. Overtime Arike who is now a mother of three have now learned to normalize the abuse she got from her husband and covered her bruises with makeup and continue to pretend to be happy in the face of her family and friends. Sadly this also turned into an emotional abuse, Arike says “He would call me names and tell me that I am worthless”.⁷⁶ Despite that Arike husband has been arrested for assaulting her, this abuse still persisted. Arike also pointed out that she had caught her husband cheating on her but she dared not say a word to avoid been beaten up. This abuse was so serious and terrible that it made Arike son, Joshua attempted suicide, she says that on two occasions Joshua has attempted to Un-alive himself due to the suffering his mother was facing, on Joshua 12th year birthday Arike has seen a letter which her son wrote about him wanting to un-alive himself because he was tired for the frequent fights and from that day on, Arike knew her children deserve better and she promised herself to give them just that.

In 2025, Peter Nwachukwu who is the husband of osinachi Nwachukwu who was a gospel singer who sang famous gospel music in Nigeria. Osinachi was a Twin, a mother of four

⁷⁶ Sodiq Ojuroungbe, ‘How we narrowly escaped death from violent husband survivors’(2023)<<https://punchng.com/how-we-narrowly-escaped-death-from-violent-husbands-survivors/>>accessed 2 October 2025.

children and a devoted Christian, osinachi gave the public the image of a perfect example of a God fearing woman with no issues at all but behind closed doors osinachi was living through a nightmare. On the 8th of April, 2022 at age 42 she passed away, the cause of death was said to be cancer but it didn't take long until the family and friends of osinachi pointed out that osinachi was a victim of an horrific domestic abuse and fingers were pointed straight at her husband. It turned out that Peter was not only physically abusive but also controlled every aspect of osinachi's life, the abuse was so bad that Peter isolated osinachi from her family and also hit her children too. It was later found out that osinachi did not die from cancer but from a blood clot in her chest caused by Peter during one of their episodes. After her death, Peter was arrested and charged with twenty-three counts including culpable homicide and spousal battery. After three years of judicial battle, in April 2025, Peter was found guilty of killing osinachi and he was sentenced to death by hanging.

Another case of domestic violence is judicially provided for in the case of *Mary Sunday v Nigeria*⁷⁷, the case was filed before the ECOWAS court in August 2015 by "the Institute for Human Rights and Development in Africa" (IHRDA) and Nigeria partner "women Advocate, Research and Documentation Centre" (WARDC) on behalf of Mary Sunday. Mary in 2012 had a heated argument with her fiancé, Issac Gbanwuan, a police officer who brutally beat and picked up a boiling pot of stew on her, Mary suffered extreme burns and lost her ears. The deformation and incapacitation of the victim made her unable to work or walk freely on the streets, as a result of the burns on her body. The complainants alleged the state's failure to effectively investigate the incident, prosecute and punish the perpetrator, in its verdict

⁷⁷ *Mary Sunday v Federal Republic of Nigeria* (ECW/CCJ/APP/26/15; ECW/CCJ/JUD/11/18), ECOWAS community court of Justice, May 17 2018).

pronounced in Abuja, Nigeria, the Ecowas court found Nigeria in violation of Mary right to access to justice and the court ordered the state of Nigeria to pay Mary financial reparation to amounting to 15,000,000 Naira which is equivalent to 41,500. After the verdict Mary could not hide her emotions and had never known she will still be able to obtain Justice, Mary said. “I don’t know how to thank the lawyers who took it upon themselves to give me hopes and assist me in seeking Justice⁷⁸. This case of Mary shows countless times the Nigeria justice system has failed us especially in matters relating to gender violence.

A twitter user who goes by the name @YeNami_ narrated the story of her boyfriend beats and tortured her before she decided to finally leave the relationship, she says that her boyfriend her up every chance he got from accusations of infidelity to being too tipsy or drunk. She also says that her boyfriend has beaten her to the point that she sprinkled an ankle and nose began to bleed. The most shocking part of this story is that her boyfriend was an attorney so it was almost impossible for her to open a case against him because she felt he had the upper hand and the police would not do anything about the matter. She took this ill treatment for some time before she finally gathered the courage to leave him.

Caroline is just another girl that trusted a man who led her to violence and torture. Caroline worked as an house help in Nigeria under miserable conditions. She had grown up an orphan, In town Caroline met a man who became her boyfriend. He told her his sister had a supermarket in Europe and could arrange a job for her there which Caroline agreed to. Shortly after the journey, Caroline’s boyfriend passed her to a woman who would take her there. As she

⁷⁸ Brice Martial Djeugoue, ‘IHRDA, WARDC obtain favourable judgment against Nigeria in “Mary Sunday” domestic violence case’(2018)<<https://www.ihrda.org/2018/05/press-release-ihrda-wardc-obtain-favourable-judgment-against-nigeria-in-mary-sunday-domestic-violence-case/>>accessed 2 October 2025.

reached Libya, Caroline was handed over to a man there by the woman Caroline's boyfriend passed her to, this man bought Caroline from the woman. Caroline had fallen to a trap as she noticed there was not any good job for her there. She was exploited, mistreated and exposed to sexual abuse. Caroline case is different because Caroline was not abused directly by her spouse but this was an indirect abuse because her boyfriend led her into this kind of physical and sexual abuse she faced.

In 2025, Yet again another female who goes by the named excel was killed by her father of her child named Obakpororo kelvin who is twenty - seven years own and reside in Delta state, Nigeria. Kelvin and excel has been together for about six years and had two children together. Sometime in June 2025, excel went to kelvin house to pay him a visit, kelvin who was already intoxicated with 200MG of Tramadol and cigarette accused excel of been a prostitute because she had a drink called "Vegas" in her possession. With the discovery of this drink in her possession, this stirred up an heated argument which made excel picked up a knife and kelvin picked up a hammer, he eventually took the knife away from excel and used the hammer to hit her three times leading to her death. Before excel death she had claim that kelvin was always so violent with her and wanted to leave the relationship.

3.3.2 Incidents of Femicide in Nigeria

Femicide is the intentional killing of women simply because they are women, this is the most extreme form of gender based violence in Nigeria. According to the data from the DOHS Femicide Dashboard, there were 135 femicide incidents resulting in 149 deaths in 2024.⁷⁹ And

⁷⁹ Valeria Ogide, 'The rising Tide of Femicide in Nigeria: A silent War Against Women'(2025)<<https://www.cddwestafrica.org/blog/the-rising-tide-of-femicide-in-nigeria-a-silent-war-against-women/>>accessed 25 October 2025.

as at the time of this report, there have been 17 incidents and 19 deaths in 2025, but this is a major problem because the reported cases of femicide is very low, as women around the world are killed almost every day and these cases are not been recorded.

There are some few incidents of femicide that have happened over the years:

A tragic killing in the northern state of Nigeria is one to speak about. Falmata was a 17 years old female was killed in cold blood by her uncle. This story was narrated by Falmata mother whose name is Yakaka Alhaji Aisami, Yakaka and her family lived in Bama, Borno state, Nigeria. It was during this year's Muslim Ramadan fasting period, which usually ran from March to April, a time Muslims observed. After yakaka fast she took a sip of the pap made and reeled at how delicious it was. She was heavily pregnant at that time and enjoyed local cuisines a little more than usual. Yakaka offered her daughter Falmata a cup of pap and after Falmata had a state of it, she simply told her mother it was not as good as she claims, this conversation was overheard by Awana who was Falmata uncle, He stormed out of this room ranting, "stupid child. Is she not your mother? Why would you talk to her like that? Why would you be taking back to her? Wallahi, I will deal with you right now, you disrespectful brat."⁸⁰ it was known to Yakaka that awana is always abusive towards Falmata, and this time Falmata decided to stand up for herself but awana did not like this at all, Falmata says that she has had enough of Awana's maltreatment over the years and would no longer be quiet about it. Because of this, awana swore to kill Falmata, he told this to anyone he could, even after Falmata was made to apologize to awana for taking back at him, awana still wanted to kill Falmata and which at the

⁸⁰ Hauwa shaffi Nuhu, 'A tragic Femicide Case in Northeastern Nigeria smells like Honour killing'(2024)<<https://humanglemedia.com/a-tragic-femicide-case-in-northeastern-nigeria-looks-too-much-like-honour-killing/>>accessed 25 October 2025.

end he did. On one tragic night after Falmata apologized to awana, yakaka sprang awake waking up to the screams of her daughter, she recalled seeing awana standing over her daughter holding a sharpened piece of log that looked like an axe, dripping blood, awana added almost immediately “I vowed to kill her. And I did”. This is to show that men kills women nowadays without remorse,awana killed Falmata because she was a girl and had the mind set that she is a girl and he has the upper hands and can choose to treat her anyhow he sees fit. In Falmata’s case the law is not help because Falmata was not given justice till today even though it was reported the police still released awana barely two months after his arrest. This is to show her the law has failed to help matters like this that results to men killing women just because they are women.

Yetunde Hanfsoh Lawal, a 23 years old final year Student at Kwara State college of Education, went missing February 10th 2025. Days later, the police found her dismembered body in a bowl in the house of Abdullahman Bello. Bello was said to be Lawal boyfriend who claimed that she died from an asthma attack. But Bello could not give a reasonable explanation for the gruesome act of dismembering Lawal’s body.⁸¹ Lawal is one in many other reported victims of femicide in Nigeria 2025.

Onuwabua Augusta Osedion was a 21 year old student of Lead City University, Ibadan, Oyo state capital. Augusta was killed by her boyfriend Benjamin aka killaboi as he confessed to the crime. In 2023, around the month July, Augusta’s mother tried to reached both Augusta and her boyfriend but she was not able to reach them on their phones or any other platforms, so she

⁸¹ Abimbola Abatta, ‘Femicide Epidemic: Men kill 22 women, Girls in 7 Weeks’(2025)<<https://fij.ng/article/femicide-epidemic-men-kill-22-women-girls-in-7-weeks/>>accessed October 2025.

reached out to her daughter's roommate and the lady lead her to Benjamin's apartment at Oral Estate at Ikota, Ajah, Lagos state, where Augusta's Mercedes Benz C30 was recovered but they she was unable to gain access to the apartment. SP Hundeyin the DPO of Ajah police station lead the detectives to the scene, the door was broken down and the lifeless body of Augusta was discovered and the private part of Augusta was recovered missing. SP Hundeyin added that there were signs of struggling and marks of violence on her body.⁸² But this story did not end here because even after Benjamin confessed to killing her and claiming to want to face the consequences of the law, Benjamin fled at of the country under the disguise of another person. First he was in Sierra Leone using a fake name "kanu Princeton Samuel", he was arrested by the authorities in Sierra Leone in October, 2023 but during a prison break he escaped which made him a full time international fugitive. He left Sierra Leone to Doha Qatar, leaving under yet another name "Ture Abdullahi" with a forged passport. Finally in February 2025, with biometric confirmation he was arrested in Doha, the Nigeria police filed for extradition. On April 19th,2025 he was flown back to Nigeria facing charges of Murder. This is one of few cases that actually gotten Justice here in Nigeria.

Even now these days, political femicides is also becoming an emerging issue. In 2025, between the month of August to September, five Lagos states female councilors and chairman APC councilors has mysteriously died weeks or days after one another. The APC representatives has claimed that their death was caused by election stress because they died soon after their inauguration which I believe not to be true. The first woman was Oluwakemi Rufai, who was the councilor of ward C in ibeju, Lekki. she died less than two weeks after her inauguration

⁸² BBC NEWS PIDGIN, 'police Dey investigate death of 21- year-old student wey her boyfriend allegedly kill'(2023)<<https://www.bbc.com/pidgin/articles/cnlyj90q089o>>accessed 25 October 2025.

which was on August 13th 2025. Rufai was the only female counselor in local government legislative arm. She was said to have died from an illness. Five days later on August 18th, Zainab Adeshewa Shotayo, the counselor for ward C3 in the LCDA and the only female member of 6th Legislative House Died. She held the position of Chief whip for the council and died 22 after her inauguration after a brief illness.⁸³ On Saturday September 20th, 2025 Princess Oluremi Ajose died 2 months after her inauguration, she was the vice chairman of Badagry West local Council Development Area. Barely twenty four hours after the death of Ajose, Basirat Mayabikan, who died early Sunday 21st September, Just 56 days after inauguration. Lastly Adebimpe Akinola, died on Monday September 29th ,2025, she was the council manager of Coker Aguda Local Council Development Area. Ademipe Akinola made the fifth female Local Government official to die in the state within a span of two months.⁸⁴ These five women have something in common which was that there death of a result of a brief illness without an autopsy to prove it.

Jeremiah Paul, an 100 Level student of Federal University Lokoja killed his female colleague, Abigail Damilola and harvested her body parts for ritual. Jeremiah met a Native doctor online and told him he was interested in ritual money making and the Native doctor told him that he will be needed Human parts for the ritual. Jeremiah did not commit this crime on his own but also has four accomplices, One Sunday morning, Jeremiah met damilola, they had a normal conversation and exchanged phone numbers, with time damilola and Jeremiah became friends

⁸³ Akinwale Kalasi, 'Lagos LG: Another Female councilor, Zainab Shotayo, Dies After Inauguration'(2025)<<https://thesourceng.com/lagos-lg-another-female-councillor-zainab-shotayo-dies-after-inauguration/>>accessed 25 October 2025.

⁸⁴ Abiodun Sanusi, 'Lagos records death of fifth female council official in two months'(2025)<<https://gazettengr.com/lagos-records-death-of-fifth-female-council-official-in-two-months/>>accessed 25 October 2025.

and Jeremiah eventually asked damilola out which she accepted. Thereafter damilola after initially failing to hang out with him due to her examination at the time later agreed to do so. Shortly before damilola hung out with him, Jeremiah has already gotten codeine, mixed it up with a soft drink and gave it to her, he drank a little from it so she wouldn't become suspicious. He narrated that when he noticed she has started to be weaker, he told her to an incomplete building close to his place and then strangled her to death.⁸⁵ He added that he dragged her body to a bush and removed the parts the Native doctor said he needed for the ritual which were the eyes, tongue, lungs, intestines and some part of her buttocks. Before this event unfolded, the Native doctor already sent a driver to come pick up the human parts, after the driver picked it up, Jeremiah called the father of damilola and told her father that his daughter has been kidnapped and a ransom of N10 million Naira was needed to secure her release, the father then offered to pay just N400,000 which the father sent. The mobile phone of damilola was what helped with the arrest of Jeremiah because Jeremiah still held on to the phone, The phone was tracked down and Jeremiah was apprehended by the Nigeria police, which he however confessed to the crime.

Oluwabamise Ayanwola, A 22 years old fashion designer was killed by Andrew Nice Ominikoron. On the night of February 26th, 2022 bamise boarded a public bus home, along the way she started feeling uneasy, the bus was unusually empty, it was just her and the driver inside the bus and the driver Andrew Nice already started moving funny. When bamise noticed this, she started sending voice notes to her friends about how uneasy she felt and even shared

⁸⁵ Chinagorom Ugwu, 'Video: How I killed student, harvested her body parts'(2024)<<https://www.premiumtimesng.com/regional/north-central/749000-video-how-i-killed-student-harvested-her-body-parts-suspect.html>>accessed 25 October 2025.

the driver's bus number, but that was the last thing anyone ever heard from Bamise ever again. Her mother immediately stormed the Bus terminal crying and asking for her daughter but no positive response was given as at that time. Days later, bamise body was found, her body had bruises all over and her autopsy revealed that she was sexually assaulted before she died, as at that time Andrew Nice denied to killed bamise, but several people came forward that Andrew Nice also almost did the same thing to them. Fast forward to 2nd May, 2025, Lagos state High Court sentence the BRT bus driver by hanging as the court said that he has committed the crime of murder and attempted rape of bamise.⁸⁶

The most recent case of Femicide is that of Barrister Temitope Felicia Odu, who was called to the Nigerian Bar in September 2025 at the age of 56. She died on the 15th October 2025. DOHS recorded that is the 162nd victim of Femicide. She succumbed to injuries inflicted on her by her husband in thur home at adamo,ikorodu Lagos. According to current reports the mother of three was allegedly beaten to death by her husband in presence of her sons. Relatives and neighbors claimed that the violence had been ongoing for over 20 years, dating back to their courtship. The late lawyer was the breadwinner of the family, having built their home and sponsored her children's education. The husband was reportedly arrested two days ago but was later released on bail.

3.4 The Law and Female Genital Mutilation

Nigeria has the highest number of female genital mutilation (FGM) in the world. Female

⁸⁶ BBC News pidgin, 'BRT bus driver sentenced to death for killing Bamise Ayanwola'(2025)<<https://www.bbc.com/pidgin/articles/c9856j75304o>>accessed 25 October 2025.

genital mutilation (FGM) remains widespread in Nigeria, with an estimated 19.9 million Survivors, Nigeria accounts for the third highest number of women and girls who have undergone FGM worldwide.⁸⁷ It is estimated that 86 percent of females were cut before the age of 5, while 8 percent were cut between ages 5 and 14. Cut or fleshed removed is the most common type of FGM practiced and other types of FGM includes Angurya, Gishiri and the use of other corrosive substances are also practiced in some parts of Nigeria.

Although the Vapp act does not expressly define FGM, sections 6(1)⁸⁸ provides that the circumcision or genital mutilation of the girl child is hereby prohibited, Section 6(2)⁸⁹ criminalizes and punishes anyone who performs, or engage to perform, female circumcision or genital mutilation. Some few states that enacted Laws for the prohibition of female genital mutilation includes Bayelsa state- FGM(prohibition)Law (2004), Cross River state- The Girl-Child Marriages and female Circumcision(prohibition) Law (2000), Ebonyi state- Law Abolishing Harmful Traditional practices Against women and children (2001), Edo state- prohibition of Female genital Mutilation Law (1999), Enugu state - FGM(prohibition) Law (2004), Rivers state- Child Rights Act(2009). True life incidents are recorded almost every day for the practice of FGM in Nigeria, some of these incidents will be provided for in this chapter: A popular story of FGM is the story of 51- year-old of Mrs. Josephine Ezaka, from Amudo, in the Ezza South local government area of Ebonyi state who was cut at the age of six. She says that it was her grandmother that took her to where she was cut. She narrated that after the

⁸⁷ UNICEF, 'UNICEF warns FGM on the rise among young Nigerian girls'(2022)<<https://www.unicef.org/nigeria/press-releases/unicef-warns-fgm-rise-among-young-nigerian-girls>>accessed 25 October 2025.

⁸⁸ Section 6(1) of Vapp act,2015.

⁸⁹ Section 6(2) of Vapp act,2015.

cutting, hot water was used to wash the part cut which was a very painful experience. She complained that “since I got married, I realized that I don’t have the urge for sex, as other women used to tell how sweet it is.”⁹⁰ No girl or woman deserves to be cut because it simply destroys our spirit.

Valerie Lolomari was Aged 16 when she was taken by her grandmother to another village to get mutilated without warning. Valerie was born in Lagos, Nigeria, when she turned 16 and her grandmother came to visit her in her relatives house where she was staying at that time and Valerie insisted on leaving with her grandmother Because she felt her grandmother was the only one that cared about her. On their way home, her grandmother insisted they had to stop to go and see someone in this village, she says that when she got to the house they were to visit, she saw a tall, scary looking woman that let them in and locked the door immediately they entered. She narrated that she saw knives, razors and a bowl with oil laid out on the table, with two other women sitting and staring at me.⁹¹ Valerie was cut and was made to lay down on the floor for a couple of hours for her bleeding to stop and after two days she started experiencing infections and multiple health concerns because of the cutting.

Many women have experienced complications because of the practice of female genital mutilation and Toyin is one of these women. Toyin, A mother of two experienced obstructed labour during her first pregnancy due to the inability of her vulva orifice to expand and this resulted in her having to go through a cesarean delivery. She narrated that her second delivery

⁹⁰ UNICEF, ‘Ending female Genital Mutilation: The Survivor Stories from Southeastern Nigeria’(2024)<<https://www.unicef.org/nigeria/stories/ending-female-genital-mutilation-survivor-stories-southeastern-nigeria>>accessed 26 October 2025.

⁹¹ BBC News , ‘FGM survivor refuses to let mutilation define her life’(2024)<<https://www.bbc.com/news/uk-england-essex-68607169>>accessed 26 October 2025.

was much worse than the previous as she experienced lacerations in her cervix and vulva and this led to her bleeding excessively, and the doctors rushing her to surgery.⁹²

In Nigeria women are treated as unclean if they don't undergo female circumcision. An asylum seeker mother of three living in Swansea narrated how she and her little sister was circumcised and struggled to protect her two daughters from this harmful practice. She did not disclose her name because of privacy. She said for her growing up in Benin City in Nigeria, female genital mutilation was a normal thing because everyone including her sisters except the youngest one had already done it. She said she didn't understand the gravity of female genital mutilation until her youngest sister wanted to get her own done. She said that she was just 12- year- old and her sister was 7- day- old when she noticed this disturbing event. She narrated that the day the cutter came, the cutter layed down a small mat down in the back yard of their house and had pieces of broken bottles and razor blade to do the cutting, she even added that they were not clean and they had blood on them already.⁹³ Her sister was forced down and the cutting was done and due to the pain experienced by her sister she became unconscious, this incident made her know that FGM needs to end in Nigeria.

3.5 Conclusion

In conclusion, this chapter propounded a detailed knowledge of the different incidents of gender based violence experienced by women in Nigeria.

The exploration of various incidents of Gender Based Violence across Nigeria reveals a complex and deeply entrenched crisis, systemic gaps in legal enforcement and social support

⁹² Gabriel 'ArchAngel' Ehijie, 'Cut but not broken'(2023)<<https://www.unicef.org/nigeria/stories/cut-not-broken>>accessed 26 October 2025.

⁹³ BBC News, 'FGM: The mother trying to protect her daughters'(2017)<accessed 26 October 2025.

and economic vulnerability. The impact of gender based violence extends far beyond physical harm, leading to post- traumatic stress disorder(PTSD) and long term consequences for women in Nigeria. This study aims to address the need for enhanced regulatory legal framework of Gender based violence in Nigeria to combat gender inequality.

CHAPTER FOUR

LEGAL FRAMEWORKS OF GENDER BASED -VIOLENCE

4.1 Introduction

In Nigeria, there is a gross disparity in the number of reported cases against the prosecuted cases in Nigeria. In Nigeria, one third of woman has experienced one form of violence or the other and one- fifth has experienced physical violence. Former Minister for women Affairs, Pauline Tallen showed great concern that in April 21,2025 11 out of 3,000 reported SGBV cases from six state of the Federation were prosecuted.⁹⁴Gender based violence is one of the most prevalent challenges Nigeria face today. While the Large Scale of crisis encompassing all from Sexual violence like rape and to harmful cultural practices like Female genital mutilation and child marriage and other gender based violence is often discussed, the enforcement of these mechanisms and laws designed to prevent and provide penalties for this acts deserves rigorous scrutiny with strict observation. The Violence against persons prohibition(VAPP) Act is the main and not the only Legal framework provided by the legislative body to prevent and punish Gender based violence in Nigeria. They are other laws in existence that are set out to prevent the prevalence of Gender violence in Nigeria, some of these are Child's rights Act,2003, The Constitution of Federal Republic of Nigeria,1999 (as amended), the criminal code Act and the Penal code Act and so many others as I will go into details on the Legal frameworks of Gender based violence in Nigeria exclusively in this chapter. Additionally, a detailed comparative analysis will be done by the end of this chapter with African countries like South Africa and Uganda and an international country, Spain in particular.

⁹⁴ END GBV, 'Fast facts'(2025)<<https://endgbv.africa/mapping/nigeria/>>accessed 29 October 2025.

4.2 Nigeria: Domestic Legislation and Policy fFor Gender Based Violence

There are a plethora of procedure and substantive laws on gender based violence at the domestic level. However the enforceability and implementation has been a challenge that promotes equality and access to justice. These existing laws and legislation includes:

4.2.1 Violence against persons (prohibition) Act⁹⁵(VAPP Act)

In 25 May 2015, President Goodluck Jonathan as he was then known as, passed the violence Against persons prohibition(VAPP) bill into law and enacted by the National Assembly of Nigeria, this is after the Senate had on May 5,2015 passed the Vapp Act into law.⁹⁶ The Vapp act is designed to address all forms of gender violence in against persons in their private or public life and provide effective protection and remedies for victims and punishment for perpetrators and offenders.⁹⁷The violence against persons prohibition Act was passed in 2015 as an improvement on the penal and criminal code in relation to violence against persons. 25 May 2025 makes it 10 years since the VAPP act has been signed into law by the then president Goodluck Jonathan. Now it 2025, 35 at of Nigerian's 36 states have domesticated the violence Against persons(Prohibition) Act of 2015, with only Kano state not having adopted the law.⁹⁸ Even with 35 states been domesticated, only 32

⁹⁵ VAPP Act, 2015.

⁹⁶ ACDHRS, 'Nigeria: Violence Against persons Prohibition Bill Becomes Law'(2019)<<https://www.acdhrc.org/2015/06/nigeria-violence-against-persons-prohibition-bill-becomes-law/>>accessed 30 October 2025.

⁹⁷ Global Citizen, 'Everything You Need to Know About the Law That Could Reduce Gender based Violence. in Nigeria'(2021)<<https://www.globalcitizen.org/en/content/everything-you-need-to-know-vapp-nigeria/>> accessed 30 October 2025.

⁹⁸ herstoryng, 'VAPP Act Update'(2025)<Source: Instagram <https://share.google/6YrmVL9VNXjvpYFeR>> accessed 30 October 2025.

states have been signed into law and gazetted, these states that have been signed into law and gazetted namely are; sokoto, zamfara, kebbi, Niger, Oyo, Lagos, Kaduna, Edo, Delta, Ekiti, Bauchi, Adamawa, IMO, Rivers, Cross Rivers, Enugu, Osun, Kwara, Abia, Nasarawa, plateau, Akwa ibom, Abuja(FCT), Taraba, Ebonyi, Yobe, Ogun, Ondo, Bayelsa, Anambra and Gombe. States that has been signed into law but not gazetted includes; Kogi, Jigawa, Kastina, Jigawa and Borno and only Kano state has not yet been domesticated. The Violence Against persons prohibition Act recognizes Gender-based violence as a form of discrimination and recommends that states takes prevent and respond to violence against persons. This Acts protects persons from physical, Sexual, Emotional/ physiological violence and economical violence. Section 1(1) provides a clear definition of Rape, this section states that:

“A person commits rape if 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 to the penetration; or (c) the consent is obtained by force or means of threat of intimidation of any kind or by fear of harm by means of false and fraudulent representation as to the nature of the act or the use of any substance or addictive capable of taking away the will of such person in case of a married person by impersonating his or her spouse.”⁹⁹

Yasmin, a 24 - year-old girl has been penetrated using stones and sticks. For her growing up in a conservative Muslim family, she did not have the words to report what was happening to her. Eventually when her mother found out, instead of her mother to take action toward the issue, her gave her slaps and she got beaten by her mother. She added that ‘What her mother did was to beat her in public. I was beaten 50 times and slapped 15 times, she said.¹⁰⁰ Yamin was a

⁹⁹ Section 1(1) of the VAPP Act,2015.

¹⁰⁰ Esohe Iyare, ‘The Republic’ (2024)<<https://rpublic.com/october-november-2024/vapp-act-women/>>accessed 30 October 2025.

victim of rape under section 1 of the Vapp act. Section 2 Provides provides for the Physical Violence and the penalties imposed on any offender liable under this section. Section 2(1) provides that:

“A person who willfully causes or inflicts physical injury on another person by means of any weapon, substance or object, commits an offense and is liable to conviction to a term of imprisonment not exceeding 5 years or a fine not exceeding N100,000.00 or both.¹⁰¹

Section 6 of this act provides for prohibition of the act of female genital mutilation. This section states that:

- a. The circumcision or genital mutilation of the child child or woman is prohibited.
- b. A person who performs female circumcision or genital mutilation or engages another carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N500,000.00 or both.
- c. A person who attempts to commit the offence provided for this in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,000.00 or both.
- d. A person who incites,aids, abets, or counsels another person to commit the offence provided in section (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine nor exceeding N100,000.00 or both.¹⁰²

In August 2024, 24 year-old Yasmin bello had put up a protection order against her cousin,

¹⁰¹ Section 2 of the VAPP Act.

¹⁰² Section 6 of the VAPP Act.

Ahmed who had began spreading rumors of her sleeping around. Yasmin says that Ahmed had been peeping at through my toilet window and claimed to her pictures of her bathing and threaten to share them if she doesn't agree to sleep with him.¹⁰³ Ahmed actions under the Vapp act is classified under section 3 and section 14 of the act. Section 14(1) provides that:

“A person who causes emotional, verbal and psychological abuse on another commits an offence is liable on conviction to a term of imprisonment not exceeding 1 year or a fine not exceeding N200,000.00 or both”.¹⁰⁴

The famous singer, Osinachi allegedly suffered psychological abuse, spousal battery/ domestic violence and financial abuse. A friend, Ene ogbe, claimed that their youngest son told her his father is a pastor who taught him that ‘beating women is good’. ¹⁰⁵ Spousal battery is provided for under section 19 of this Act, Section 19(1) thus provides that:

“A person who intimidates 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”.¹⁰⁶

Financial abuse is provided for under Section 12 of this Act. Section 12(1) states that:

“A person who causes forced financial dependence or economic abuse of another commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine nor exceeding N200,000.00 or both”.¹⁰⁷

Some men in marriages also forcefully isolate their wives from their family and friends and

¹⁰³Esohe iyare, ‘ The Republic’(2024)<<https://rpublic.com/october-november-2024/vapp-act-women/>>accesed 30 October 2025.

¹⁰⁴ Section 14(1) of the VAPP act.

¹⁰⁵ Emmanuel Akinwotu, ‘Nigerian gospel singer’s death puts divorce beliefs in spotlight’(2022)<<https://www.theguardian.com/world/2022/may/05/nigerian-gospel-singers-death-puts-divorce-beliefs-in-spotlight-osinachi-nwachukwu>> accessed 5 November 2025.

¹⁰⁶ Section 19(1) of the VAPP Act.

¹⁰⁷ 12(1) of the VAPP Act.

this is punishable under section 13 of the Vapp act. Section 13(1) provides that “A person who forcefully isolated or separates another from family and friends commits an offence and is liable on conviction to a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both”.¹⁰⁸

The VAPP is the only GBV- focused legislation that provides for compensation of victims by offenders. Despite the progressive features of the VAPP act, there are certain gaps in levels of reports and prosecution. Most Nigerians consider domestic violence a private matter to be resolved within the family rather than as a criminal matter that involves law enforcement agencies¹⁰⁹. Even when one gathers courage to report the violence against them, they are pressured to stop the case and this further denies the necessary authorities necessary information for prosecution. Other factors such as lack of funding, loss of evidence poor handling of forensic data and even absence of Special court to try cases of GBV for survivors and victims has resulted in deficient low rate of prosecution. The VAPP act also places a significant burden on the complainant to prove their case. In the case of sexual violence is a significant problem as it may be hard for the complainant to be able to prove the offense beyond reasonable doubt. Summarily, the VAPP Act is a significant step forward in addressing violences against persons.

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

The constitution of the Federal republic of Nigeria,1999 serves a supreme legal document and

¹⁰⁸ 13(1) of the VAPP Act.

¹⁰⁹ Esohe Iyare, ‘ The republic’(2024)< <https://rpublic.com/october-november-2024/vapp-act-women/>> accessed 30 October 2025.

contains a bill of rights in Chapter IV guarantees Fundamental rights to all citizen¹¹⁰. The constitution confronts Gender based violence indirectly invulnerability of a human person.

Section 42(1) provides for right to freedom from discrimination. Section 42(1)(a) states that:

“A citizen of Nigeria of a particular community, ethnic group, place of origin, 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 force in Nigeria or any executive or administrative action of the government, to disabilities or restrictions of which citizens of Nigeria of other communities, ethnic groups, place of origins, sex, religions or political opinions are not subject”.¹¹¹ Section 41(2) prohibits discrimination against any citizens of Nigeria on the basis of sex, ethic groups, place of origins and religions. This section is relevant because gender based violence is fundamentally an act of discrimination rooted in inequality.

Gender- based Physical, psychological and sexual violence are direct violations of of guarantee dignity. Section 34 of the 1999 Constitution guarantees the right to the dignity of a human person. Section 34(1) thus 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; (b) no person shall be held in slavery or servitude; and (c) no person shall be required to perform forced f compulsory labour”.¹¹² Section 33 provides individuals from various forms of gender based violence in Nigeria. Despite these protective Sections, the Constitution of the Federal Republic of Nigeria,1999, cannot be used as a stand alone document for handling gender based violence cases. This shortcoming of the 1999 constitution

¹¹⁰ Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria.

¹¹¹ Section 42(1) of the 1999 Constitution of the Federal Republic of Nigeria.

¹¹² Section 34(1) of the 1999 Constitution of the Federal Republic of Nigeria.

necessitated the enacted for the existing law of Violence Against Persons (prohibition) Act,2015 which acts as the dedicated legal Legal Framework that directly addresses Gender based violence in Nigeria.

4.2.3 The Criminal code Act

The criminal code Act establishes a code of criminal law, covering offenses against public order, law, justice, public authority and persons¹¹³. It refers to set of laws criminal offenses, specifies penalties and outlines general provisions within a specific jurisdiction(southern Nigeria). The criminal code helps in protecting individuals from gender based violence.

Section 357 of the Criminal code Act defines rape. This section provides that:

“Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if consent is obtained by force or by means of threats or intimidation of any kind, or by harm, or by means of false and fraudulent representation as to the nature of the act, or in the case of a married woman, by personating her husband is guilty of an offence which is called rape”.¹¹⁴ This section criminalize the act of rape and the punishment for rape is provided for in Section 358 of the Criminal Code. This section provides that “Any person who commits the offence of rape is liable to imprisonment for life, with or without caning”¹¹⁵.

In the case of *ogunbayo v the state*,¹¹⁶ the Supreme Court established that sexual interference is considered to be fully established when there is evidence of the penis into the vagina. In this case, *Oludotun ogunbayo* was charged with the offence of rape under section 357 of the criminal code,cap 29,Volume 11, Laws of ogun state,1978, following assertions that he

¹¹³ The Criminal Code Act, 2004.

¹¹⁴ Section 357 of the Criminal code.

¹¹⁵ Section 358 of the criminal code.

¹¹⁶ (2007) 8 NWLR (pr 1035) 157.

unlawfully had carnal knowledge of a woman named kemi Adekunle without her consent. A very strict evidential requirements are imposed to prove the crime of rape, making convictions almost impossible.

However, in Nigeria, a husband cannot be found guilty of the offence of 'rape' with his wife. This is because Section 6 of the Criminal code provides that "unlawful carnal knowledge" means carnal connection which takes place otherwise than between husband and wife.

The criminal code also criminalizes Indecent assault. The criminal code historically distinguished between the punishment for indecent assault based on the gender of the victim. Section 353 provides the punishment applicable for indecent assault on males. This Section provides that: "Any person who unlawfully and indecently assaults any male person is guilty of a felony and is liable to imprisonment for three years".¹¹⁷

Whilst Section 353 provides for punishment applicable for indecent assault on males, Section 360 provides punishment applicable for Indecent assault on females. This section states that "Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanor, and is liable to imprisonment for two years. This disparity shows that the criminal code viewed indecent assault against women less severe than indecent assault against men. In response to the shortcoming and limitations of the criminal code toward gender based violence, the Nigerian government enacted the existing Violence Against persons(prohibition) Act (VAPP) 2015, which made recent reforms in adopting a gender- neutral definition of rape based on non- consensual penetration which overrides the exemption of marital rape provided by the Criminal code. The VAPP act also expanded the scope of gender based violence

¹¹⁷ Section 353 of the Criminal code.

provided for by the criminal code, The VAPP prohibits a wide range of harmful acts, including harmful traditional practices, Female genital mutilation(FGM), verbal, emotional, and psychological abuse.

4.2.4. Penal code Act

The penal code is enforceable in the Northern states of the federation. The penal code is a set of complied set of laws and regulations governing criminal offences and their corresponding punishments. The penal code Act LFN 2004 which regulates criminal offences in Northern Nigeria also criminalizes and punish perpetrators of different forms of Gender based violence in Nigeria.¹¹⁸ Section 283 provides that “Any person who commits rape shall be punished with imprisonment for life or for any less term and shall be liable to fine”.¹¹⁹ Rape is defined by the penal code in Section 282 as the act of male engaging in sexual intercourse with a woman under the following circumstances:

- (a) against her volition
- (b) without explicit agreement
- (c) with her agreement, gained through instilling fear of death or harm
- (d) with her consent, when the man is aware that he is not her husband and that her consent is based on the belief that he is another man to whom she is either legally married or thinks herself to be legally married.
- (e) Regardless of her agreement, if she is under age of fourteen or mentally incapacitated. ¹²⁰

The code does not expressly state that corroboration is necessary to establish the offence

¹¹⁸ The penal code Act,2004

¹¹⁹ Section 283 of the Penal code.

¹²⁰ Section 282 of the penal code.

according to the law.

Although the Nigeria penal code criminalizes rape, it doesn't cover all forms of gender based violence. The penal code has certain limitations and shortcoming, Section 282(2) similarly provides that a 'sexual intercourse with a man with his own is not rape if she has attained puberty'¹²¹. This provision by the penal code has given husbands the right to forcefully have sexual intercourse with their wife without consent and this has become detrimental to women. The penal code also contains a controversial provision for Legalized corporal punishment, Section 55(1)(d) provides that "an assault by a man on a woman is not an offence if they are married, if native Law or custom recognizes such "correction" as lawful, and if there is no grievous hurt".¹²² The Criminal code legalized assault of married couples which is inhumane , no man or woman is to be "corrected" by assaulting.

4.2.5. Child Rights Act¹²³ (CRA)

This Act seeks to protect children the rights of children in Nigeria. It's protection serves as a direct legal framework on different forms of harmful traditional practices that constitute gender based violence especially in girls. The CRA has core provisions that were set to address various forms of gender based violence. The prohibition of Child Marriage and Betrothal is provided for in Section 21 and Section 22 of this Act.

Section 21 provides for the prohibition of child marriage. This section provides that "No person under the age of 18 years is capable of contracting a valid marriage, and accordingly a marriage so contracted is null and void and no effect whatsoever".¹²⁴

¹²¹ Section 282(2) of the penal code

¹²² 55(1)(d) of the penal code.

¹²³ Child Rights Act,2003.

¹²⁴ Section 31 of the Child Rights Act.

Section 22 prohibits Child betrothal in Nigeria. This Section provides thus:

(1) No parent, guardian or any other person shall betroth a child to any person; (2) A betrothal in contravention of subsection (1) of this section is null and void.

Section 22 explicitly prohibits the marriage of any person under the age of 18 years and Punishment for child marriage and betrothal is provided for in Section 23 of this Act. Section 23 provides that A person-

- (a) who marries a child; or
- (b) to whom a child is betrothed; or
- (c) who promotes the marriage of a child; or
- (d) who betroths a child,

Commits an offence and is liable on conviction of a fine of N500,000; or imprisonment for a term of five years or to both such fine and imprisonment.¹²⁵ Child marriage whether forced or arranged is a significant form of Gender based violence. It exposes young girls to marital rape though it is not criminalized by the criminal and penal code act, it also contributes to early pregnancy and critical health risks.

Girls are disproportionately victims of defilement and sexual exploitation. Section 31 of this Act set up punishment for unlawful Sexual intercourse with a child, Subsection (1) and (2) of this section states that: (1) No person shall have a sexual intercourse with a child; (2) A person who contravenes the provision of Subsection(1) of this section commits an offence of rape and is liable on conviction to imprisonment for life.¹²⁶ This Act explicitly prohibits Sexual Abuse and exploitation of a child.

¹²⁵ Section 23 of the Child Rights Act.

¹²⁶ Section 31 of the Child Rights Act.

Every child is entitled to respect for the dignity of his person. Section 11 of this Act provides for this. This broad provision covers various forms of violence including severe domestic violence and abuse by guardians. Section 11(a) stated that “ No child shall be Subjected to physical, mental, or emotional injury, abuse, neglect or maltreatment including sexual abuse”.¹²⁷

Nigeria has not yet achieved Nationwide domestic of the Child Rights Act as at 2025. As at 2022, only 34 of the 36 states of the Federation have fully domesticated the Child Rights Act.¹²⁸ The two states which are yet to domesticate the Act is Kano and zamfara. In states where the Child Rights Act have not been domesticated like Kano and Zamfara which are Northern states, the penal code and customary laws which permits child marriage or has lesser protections against assault creates a legal vacuum that allows gender based violence against children to persist.

4.2.6 The National Agency for the prohibition of Trafficking in persons Act (NAPTIP)

NAPTIP was enacted on 14th of July 2003 by the Trafficking in persons (prohibition) Enforcement and Administration Act 2003. The Agency is the Federal Government of Nigeria response to addressing the Scourge of trafficking in persons.⁽¹²⁹ Section 11 of this Act prohibits the Exportation of any person out of Nigeria and importation of persons into Nigeria, this section provide thus:

¹²⁷ Section 11(a) of the Child Rights Act.

¹²⁸THIS DAY, ‘FG: 34 states Have Domesticated Child’s Rights Act’(2022)<<https://www.thisdaylive.com/2022/11/29/fg-34-states-have-domesticated-childs-rights-act/>> accessed 3 October 2025.

¹²⁹ women’s consortium of Nigeria, ‘National Agency For the Prohibition of Trafficking in Persons(NAPTIP)’(2025)<<https://www.womenconsortiumofnigeria.org/?q=content/national-agency-prohibition-trafficking-persons-naptip>>accessed 4 October 2025.

“Any person who (a) exports from Nigeria to any place outside Nigeria any person under the age of eighteen years with intent that such person, or knowing it to be likely that such person will be forced or seduced into prostitution in that place; or (b) imports into Nigeria from any Person under the age of eighteen years with the intent that may be, or knowing it to be likely that such person will be forced into prostitution anywhere in Nigeria.”¹³⁰ This section prohibits the exportation and importation of persons for the purpose of prostitution. In 2025, The NAPTIP storms Nnamdi Azikiwe international Airport and arrested Five suspected Traffickers and Rescues 24 suspected victims. It was said that the victims whose ages range between 15 years to 26 years were recruited from Kano, Kastina, Oyo, ondo and Rivers States and were heading to Iraq, Sudan, Egypt, Saudi Arabia, Bahrain, and Afghanistan.¹³¹ This Act also provides a penalty for the Unlawful detention with intent to defile. This is provided for in Section 17 of this act, This section provides that

“Any person who (a) conspires with another to induce any person under the age of eighteen years by means of any false pretence or other fraudulent means, permit any man to have unlawful carnal knowledge of such person commits an offence and is liable on conviction to imprisonment for five years; (b) detains any person under the age of eighteen years against such person’s will in or upon any premises for the purposes of being unlawfully carnally known by any man, whether a particular man or not, commits an offence and is liable on conviction to imprisonment for ten years.”¹³² The NAPTIP achieved another breakthrough in

¹³⁰ Section 11 of the NAPTIP Act.

¹³¹ NAPTIP, ‘NAPTIP storms Nnamdi Azikiwe international Airport, Arrests Five Suspected Traffickers, Rescues 24Victims’(2025)<<https://naptip.gov.ng/naptip-storms-nnamdi-azikwe-international-airport-arrests-five-suspected-traffickers-rescues-24-victims/>> accessed 4 October 2025.

¹³² Section 17 of the NAPTIP Act.

its fight for sexual violence. On the 29th October, 2025, Honourable Justice M Osho Adebiyi sentenced a 19-year-old teacher, Abudullahi Abbass to life imprisonment, without the option of fine for raping a 9-year-old pupil.¹³³

Additionally, Unlawful forced labour of a child is prohibited by this Act, Section 22(b)(c)(d)(e) states that:

“Any person who (b) employs a child to work in any capacity except where he is employed by a member of his family or light work of an agricultural, horticultural or domestic; or (c) employs a child in any case to lift, carry out or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral, or social development; or (d) employs a child as a domestic help outside his own home or family environment; or (e) employs a child in an industrial undertaking commits an offence and is liable on conviction to a fine not exceeding N100,000.00 or to imprisonment for a term of five years or both such fine and imprisonment.”¹³⁴

4.2.7 The Domestic and sexual Violence Response Teams (SVRT)

This are multidisciplinary units notably established in states like Lagos dedicated to address Sexual and Gender based violence in Nigeria . Domestic and sexual Violence Agency(DSVA) is an organization under the state Government committed to ensuring total eradication of sexual and gender based violence.¹³⁵ Their mission is to provide sensitive services to victims of domestic violence and play a crucial role in raising public awareness about SGBV. In DSVA they believe that preventive measures are the most effective ways of addressing Sexual and

¹³³ NAPTIP, ‘End of the Road for a Rapist as FCT High Court Sentences a School Teacher to Life Imprisonment for sodomising a 9-year-old pupil’(2025)<<https://naptip.gov.ng/end-of-the-road-for-a-rapist-as-fct-high-court-sentences-a-school-teacher-to-life-imprisonment-for-sodomising-a-9-year-old-pupil/>>accessed 4 October 2025.

¹³⁴ Section 22 of the NAPTIP Act.

¹³⁵ Domestic and Sexual Violence Agency, ‘Who We Are’(2025)<<https://lagosdsva.org/who-we-are/>> accessed 4 October 2025.

Gender based violence issues in Nigeria. These Response teams comprises of lawyers, police officers, medical professionals, social workers and counsellors. In spite of challenges faced by these research theme like limited resources and inadequate funding, DSRVTs represent a major step forward in creating a survivor-centric response to SGBV in Nigeria.

4.3 International Legislation and Policy for Gender Based Violence.

Nigeria as a state member of the United Nations (UN) and the African Union (AU) and is bound by several international treaties and policy that mandates the stop to Gender based violence in Nigeria. Existing Legal frameworks has be enacted for the fight against Gender based violence and they include;

4.3.1 Convention on the Elimination of All forms of Discrimination against women

This is the most fundamental treaty that Nigeria has ratified. It is an international human rights treaty adopted by the UN General Assembly in 1949. Article 1 defines the term ‘discrimination against women’, it states that

“the term discrimination against women shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a status of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”¹³⁶. This treaty requires Nigeria to define and prohibit discrimination against women in all its forms.

Article 2 of the Convention on the Elimination of All forms of Discrimination Against Women states necessary and appropriate means of eliminating discrimination against women and, to

¹³⁶ Article 1 of CEDAW

this end undertake:

“(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure through law and other appropriate means, the practical realization of this principle; (b) To adopt appropriate legislation and other measures, including sanctions where appropriate, prohibiting all discrimination against women; (c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination; (d) To refrain from the engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation; (e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise; (f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women; (g) To repeal all national penal provisions which constitute discrimination against women”.¹³⁷

This treaty also prohibits Stereotypes and directly targets harmful cultural practices like Female genital mutilation and widowhood rites. Section 5(a) of this treaty provide all states parties should take preventive measures by modifying the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudiced and customary and other practices which based on the inferiority and superiority either of the sexes or on stereotyped roles for men and women.¹³⁸

¹³⁷ Article 2 of CEDAW

¹³⁸ Article 5(a) of CEDAW

Lastly, Article 16 provides for discrimination against women in matters relating to marriage and family relations. It directly conflicts with customary and religious laws that permit child marriage which is provided in Article 16(1)(b) and 16(2) of this treaty. Article 16(1)(b) provides that a woman should have the same right freely to choose a spouse and to enter into marriage only with their free and full consent.¹³⁹ and Article 16(2) provides “the betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory”¹⁴⁰. Despite with the fundamental provisions made by this treaty, the convention is often not directly enforceable in Nigerian Courts even after ratifying the convention in 1985, unless it is fully domesticated.

4.3.2 Maputo protocol¹⁴¹

The Maputo protocol on the Rights of women in Africa is a regional framework and was ratified by Nigeria in 2004. It is the protocol to the African charter on Human and people’s Rights on the Right of women in Africa. It is regional treaty specifically designed to address some challenges faced by African women. This protocol is a fundamental regional framework towards Gender based violence happening in Nigeria. This regional treaty provides an explicit regional correspondent for the dignity rights enshrined in Nigerian Laws.

Article 3 of this treaty provides for the Right of dignity, Article 3(1) provides that every woman shall have the right to dignity inherent in a human being and the recognition and protection of her human and legal rights.¹⁴² This Article guarantees the right to dignity and prohibits

¹³⁹ Article 16(1)(b) of CEDAW

¹⁴⁰ Article 16(2) of CEDAW

¹⁴¹ Maputo Protocol.

¹⁴² Article 3 of the Maputo Protocol.

exploitation. Article 4 (1) of this regional treaty provides that every woman should be entitled to respect for her life and the integrity and security of her person and prohibits all forms of exploitation, cruel human or degrading punishment and treatment.¹⁴³ Article 4(2) provides appropriate and effective measures that states parties should take to prevent, punish, and eradicate all forms of violence against women. Conclusively, the Maputo protocol also prohibits early marriage and states that the minimum age of marriage for women shall be 18 years and nothing less, this is provided for in Article 6(b) of this protocol.¹⁴⁴ The protocol also provides in Article 6(f) that ‘A married woman shall have the right to retain her maiden name, to use it as she pleases, jointly or separately with her husband’s name’.¹⁴⁵

4.4 Limitations of the legal Frameworks addressing Gender-based violence in Nigeria.

4.4.1 Gaps in Legal Provisions: The gaps in the Legal Frameworks addressing Gender-based violence in Nigeria has made the process of prosecution less effective. There is a dearth of provisions and authorities on rape, and none specifically addresses marital rape in Nigeria. Most Legal frameworks like VAPP act, criminal code and penal code does not criminalize marital rape. Despite the VAPP Act’s comprehensive approach to violence against persons, it has been criticized for failing to expressly classify marital rape as a criminal offence, Section 55(1)(d)¹⁴⁶ of the penal code provides that a husband can ‘correct’ his wife by beating with any ‘grievous hurt’ without it being an offence. The conflict of Customary and Religious law has also created

¹⁴³ Article 4(1) of the Maputo Protocol.

¹⁴⁴ Article 6(b) of the Maputo Protocol.

¹⁴⁵ Article 6(f) of the Maputo Protocol

¹⁴⁶ Section 55(1)(d) of the Penal code.

a major gap in the legal provisions. Nigeria's plural system which recognizes customary and sharia laws which sometimes may contrast with modern human rights laws. Traditional practices like child marriage, Female genital mutilation or harmful widowhood practices not been expressly criminalized by laws like penal code act and sharia laws while the VAPP, and Child rights Act explicitly criminalize it.

4.4.2 Lenient and Disproportionate Sanctions and Remedies of Gender based violence offences:

The existing laws and policies on Gender based violence have different and lenient sanctions and remedies for GBV offences, which do not deter the perpetrators or provide justice and redress to the Survivors. The VAPP incentivized offenders to engage in criminal behavior. Section 3 of the VAPP provides that a person who inflicts physical injury on another, by means of any weapon, substance, or objects commits an offence and is liable to a term of imprisonment of 5 years or a fine of 100,000.00 or both.¹⁴⁷ Because of the Lenient Punishment and even alternative of both fine and imprisonment given to offenders as punishment, this incentivized offenders to take impact other forms of gender based violence. Additionally with the exception of rape, there is a lack of explicit punishment for other various forms of sexual violence such as sexual abuse, sexual assault, sexual exploitation, sexual harassment and sexual intimidation under the VAPP Act and such various forms of sexual violence are delineated in the interpretation sections.

4.4.3. Gaps in implementation and Enforcement: In Nigeria, even when progressive laws exist, the machinery of Justice often fails due to institutional constraints. Inadequate

¹⁴⁷ Section 3 of the VAPP Act.

infrastructure and limited resources is one of many reasons for gaps and

Limitation in the legal frameworks necessary for gender based violence in Nigeria. The legal frameworks often fails to deliver adequate protections and resources for survivors, there is a lack of protection for survivors and witnesses as this leads them unsafe and vulnerable to further harm from perpetrators. Another reasons for the gaps in the implementation and enforcement process is the Corruption and weak Accountability Nigeria face today. The issue of bribery and corruption within the law enforcement and agencies has hampered investigations and enforcement in matters relating to gender based violence. Additionally the lack of training among law enforcement officers and Judicial personnel also creates a significant gap in the implementation and enforcement process, so many law enforcement officers and judicial personnel are not duly educated about these gender based violence legal frameworks. Lastly, Protracted Judicial Delays is another major issues that needs to be addressed. The process in seeking Justice in court is often characterized by prolonged days, these delays can cause Survivors to lose interest and this lead to re-victimization. These gaps has resulted in delays and inefficiencies in handling GBV cases contributing to a culture of impunity for perpetrators.

4.4.4. Limited Geographical Reach of the VAPP Act: In 2025, Only 32 out of 36 states of the federation as been signed into law and gazetted, 4 states like Kogi, Katsina, Jigawa, Borno has been signed into law but not yet gazetted., While Kano state is the only state that has not been domesticated at all. In states without fully domesticated enactment of the VAPP Act still rely on the criminal and penal codes. The VAPP is considered superior over the criminal code and the penal code as it is stated in Section 45(2) that “Any provision of the VAPP Act of Nigeria

shall supersede any other provision on similar offences in the criminal code, penal code, and Criminal procedure Code”.¹⁴⁸ The Criminal Code and penal code is often considered as not comprehensive enough and insufficient to address temporary forms of GBV.

4.4.5. Socio- Cultural Limitations: Societal Norms is the most persistent limitation that actively undermine the Legal prosecution process of GBV matters. Due to pervasive patriarchal and cultural ideologies gender based violence is often treated as a normal practice in Nigeria. This Normalized Culture acts as a significant deterrent to reporting and prosecution of gender based violence incidents. The Nigeria police inaction and bias against gender based violence incidents leads to the In enforcement and implementation of the Legal Frameworks, the cultural norms around stereotyped masculinity among police officers contributes to the inaction and bias of police. A lot of rape perpetrators are always from a close family member or household breadwinner, this further leads to Survivors reluctant motives to not report or want prosecutor the perpetrators. A recent case study is that of Ochanya, Ochanya was raped by her Uncle and his son for 5 years until she died.

4.5 Comparative Analysis

This research study is going to give a comparative analysis of gender based violence with other countries. And for this study, a comparative analysis is going to be examined from South Africa, Uganda and Spain.

4.5.1 South Africa

Gender based violence (GBV) is a widespread and serious issue that affects countless

¹⁴⁸ 45(2) of the VAPP Act.

individuals in South Africa¹⁴⁹. South Africa has often been reported to be the comprehensive leader in having comprehensive and rights-based legislation driven by its progressive 1996 constitution. The Domestic violence Act(DVA),1998 is the fundamental legal framework for prohibition of domestic violence in South Africa. DVA defines and prohibits domestic violence in the form of physical, emotional, sexual and economic abuse as well as acts of abuse derived from any cultural or customary practices that discriminate against women.¹⁵⁰ Though the Vapp act in Nigeria is silent on marital rape, often leading to leading to the reliance on discriminatory Criminal code/ penal code which explicitly exempt husbands from rape charges, the Domestic violence Act in South Africa criminalize marital rape and the exemption for marital rape was abolished in 1993. The South Africa's Sexual Offences Act 2007 centers on lack of consent, regardless of one's marital status. The DVA provides protection orders, this is provided for in Section 4 of DVA, This section provides for an interim protection orders which are highly accessible for survivors and the violation of this is a criminal offence providing immediate police action. While the Nigerian's VAPP Act in Section 4 provides for a court to issue restraining order but the enforcement is often weak due to the resource gap. Lastly, the Domestic Violence Act is uniformly applied across South Africa but in Nigeria the VAPP Act has not yet be domesticated by the 36 states of the federation.

4.5.2 Uganda

Uganda has been noted for its attempts to address specific harmful practices. The Domestic

¹⁴⁹ Burger Huyser Attorneys, 'Which Laws Protect Against Gender-Based Violence in South Africa?'(2025)<<https://www.burgerhuyserattorneys.co.za/which-laws-protect-against-gender-based-violence-in-south-africa/>> accessed 29 October 2025.

¹⁵⁰ Legal Formal Institute, 'The Domestic Violence Act'(2025)<https://www.law.cornell.edu/gender-justice/resource/the_domestic_violence_act> accessed 5 October 2025.

violence Act,2010 criminalizes various forms of domestic violence, including economic abuse, emotional abuse and express provides for protection orders. Section 12 of the Domestic violence Act provide for issue of protection order, Section 12(2) provides that ‘A protection order may issued exparte if the court is satisfied that the Perpetrator has been served with notice of the Application for the order’¹⁵¹. This Act makes sure that the victim is safe from further harm or coercion. In contrast with Nigeria gender based violence legal frameworks, the Uganda has a stand alone law prohibiting Female genital mutilation in in Uganda. The female genital mutilation Act,2010 prohibits the practice of Female genital mutilation. Section 2 of this Act expressly criminalize it, this section thus states that “A person who carrier out female genital mutilation commits an offence and is a liable on conviction to imprisonment not exceeding ten years’.¹⁵² Nigeria’s term for punishment of female genital mutilation is not exceeding 4 years and Uganda’s term for female genital mutilation is not exceeding 10 years. In Uganda, some innovative appear to succeed in addressing gender based violence against women using additional legal education involving a wide range of other actors apart from legal professionals, while in Nigeria, most clinch education still follows casebook and law method, it is recommended to implement an educational model based mainly on student experience that implements holistic communication collaboration in providing knowledge and legal services related to gender based violence.

4.5.3 Spain

Spain is Widely recognized for its holistic approach to addressing gender violence The key legislation is the Organic Law 1/2004 on integrated Protection Measures against Gender

¹⁵¹ Section 12 of the Domestic Violence Act, 2010.

¹⁵² Section 2 of the Female genital mutilation Act,2010.

violence(LOMVG). This is a Spanish law that provides protection measures against gender violence essentially focusing on women who are victims of violence from a spouse or partner. This is a unique because it treats Gender based violence as fundamental issue of discrimination and inequality, rather than just a private crime, this law provides that gender violence is not a problem confined to the private sphere. Article 4 of this law provides for the value of education of gender violence. Article 4(1) states that “The Spanish government shall make the teaching of respect for the fundamental rights and liberties and the equality of men and women a part of its objective, along with the exercise of tolerance and freedom within the democratic principles of peaceful coexistence’.¹⁵³ In Nigeria there is no such laws expressly stated the value of education of gender violence. This law provides Free specialized legal assistance for all victims, this is provided for in Article 19. This Article states that the female victims of gender violence are entitled to receive care,support and refuge, and intergrated recovery series, whilst In Nigeria, there is no such provision and the lack of resources and funding makes the gender violence laws less effective. Article 20 provides women that can prove they have insufficient to legal aid with sufficient legal aid. The women in Spain who are victims of gender based violence has rights to reduced working hours, this is provided for in Article 21. Conclusively, with the ganic Law 1/2004 on integrated Protection Measures against Gender violence(LOMVG women has suffered from gender violence has rights to Economic rights which is not provided for in the Legal frameworks of Nigeria relating to gender based violence.

¹⁵³ Article 4(1) of LOMVG

CHAPTER FIVE

SUMMARY, CONCLUSION AND RECOMMENDATIONS

5.1. Summary

The critical examination of gender violence in Nigeria reveals a landscape marked by Progressive Legal frameworks of gender based violence set against the Gap in implementation and enforcement of the GBV Legal frameworks, Gaps in Legal provision and the Social-Cultural Limitations. The prevalent of gender violence has necessitated the enacted of the existing laws which includes the VAPP Act,2015, Criminal Code, Penal code, Child Rights Act,2003 and other relevant provisions. However, this study finds that implementation remains inconsistent, with gaps in the Legal frameworks and cultural norms rooted with patriarchal traditions particularly in customary practices often overriding statutory protections. Incidents of gender based violence still persists till today, As at 25 October 2025, which is a week ago from when this project was concluded, Tragedy struck as Barrister Felicia Temitope was alleged to have been killed by her husband. Women that are victims of gender based violence face systemic challenges, including inadequate enforcement mechanisms, limited access to Justice and low awareness of rights.

Furthermore, this research highlights municipal and institutional shortcomings such as inadequate funding for agencies and institutions responsible for monitoring VAPP infractions, judicial biases in prosecution process, lack of training of judicial personnel and police officers towards gender violence laws and lack of cohesive national policy to harmonize the Legal frameworks on both federal and state's levels. Despite some judicial precedents and advocacy by civil society, the gap between legal provisions and Lived realities underscores a fragmented

protection system. The domestication of the VAPP and CRA leaves room for improvement in ensuring equitable rights of both genders in Nigeria.

5.2. Conclusion

The necessity for enhanced regulatory intervention is the Nigeria's GBV framework is paramount. While Laws like the VAPP act and other relevant laws guarantees significant interest to uphold gender equality, their impact is diluted by inconsistent enforcement, patriarchal norms and system impunity, and fails to provide comprehensive support to survivors. Moving forward, the focus must shift from mere legislation to robust, uniform regulatory enforcement, Bridging the gaps not only requires not only addressing Legal Frameworks loopholes but also Cultural norms.

Municipal and institutional weaknesses, including inadequate funding of agencies and institutions and judicial biases, further hinder the implementation and enforcement of gender based violence laws in Nigeria. Gender based violence laws of other countries like South Africa, Uganda and Spain reflects a picture of protective Laws compared to Nigeria gender based violence legal frameworks. Laws can be transformed into tangible protections with essential reforms like Specialized training of judicial personnel and police officers, accessible legal aid, gender based violence awareness and adequate funding of agencies and institutions responsible for monitoring the Legal frameworks infractions.

In conclusion, Nigeria stands to crucial moment to advance rights survivors of gender based violence through a holistic approach that integrates institutional capacity building, Legal reform and Cultural norms practices like marital rape. Failure to act decisively pave way for survivors to face further harm and the persistent of gender based violence in Nigeria and the

numbers of incidents of gender based violence in Nigeria to rise to an uncontrollable level.

5.3. Contributions to Knowledge

This study makes the following contributions to the body of knowledge

1. This study provides a clear analysis of the Legal frameworks of gender based violence in Nigeria, but the gaps of implementation and enforcement makes inconsistent. By mapping these gaps, it enriched the course of gender based violence in Nigeria.
2. This study contributes that the prosecution of offenders through adequate funding of agencies and institutions responsible for monitoring VAPP infraction should be enhanced. Lack of funding of agencies and institutions responsible for monitoring VAPP infraction has lead to the unenforceability of the Legal frameworks relevant to gender based violence in Nigeria.
3. The identification of how poverty, illiteracy, and limited access Justice Exacerbates the rights of survivors of gender based violence. This contributes informs both academic and policy discussions on providing interventions that address structural issues beyond legal reforms.
4. The improvement of Legal frameworks by implementing more stringent legal measures aligned with international gender based violence framework standards will definitely be a paradigm shift of the Legal frameworks of gender based violence in Nigeria.
5. The leniency of sanctions provided by the Legal frameworks of gender based violence in Nigeria gives rise to incidents of gender violence and does not necessarily refrain perpetrators . This study therefore contributes the sanctions of these various forms of gender violence is re-checked and reformed to a more stricter sanctions, this can reduce

the numbers of incidents of gender based violence in Nigeria.

6. The development of a mandatory Survivor Restitution Mechanism is a significant step in helping survivors of gender based violence. This mechanisms will provide compensation for survivors and shift the burden of recovery costs like medical care and housing therapy from the survivors to the relevant regulatory system of gender based violence in Nigeria.

5.4. Key Findings

This search majorly identifies three core areas where the current Legal frameworks of gender based violence have developed gaps and fails to adequately protect survivors and deter offenders. This urgent need for robust regulatory intervention will be highlighted in this study

1. Failure of Remedial Justice: The Enforcement mechanisms for restraining orders is weak, in countries like Uganda and Spain, protection orders are provided for survivors to prevent further harm and abuse from perpetrators but in Nigeria, the Justice system prioritizes retribution justice and fails to provide adequate Remedial justice for survivors
2. Non- uniformity and Legal Gaps: Despite the existence of the Violence against persons Act(VAPP), it's incomplete domestication across the states creates legal vacuums which denies vast populations uniform protections, especially in the northern states. The Non Criminalization of Marital rape has also created a discriminatory clauses in pre-existing codes which thereby upholds patriarchal immunity within marriages
3. Disproportionate and lenient Sanctions: The sanctions on the various Legal frameworks relevant to gender based violence are often lenient and disproportionate to the severity

of the offence. This Disproportionate arise not only from insufficient minimum sentences but also to Judicial delays and also instances of institutional corruption that leads to reduced charges or acquittal. This therefore limits the deterrent effect of the Law in incidents of gender based violence

5.5 Recommendations

The critical examination of gender based violence in Nigeria reveals a pressing need to bridge the gaps between progressive Legal frameworks and their practical implementation. To address the systemic deficiencies and ensure that Justice is accessible and effective, the following regulatory and institutional interventions provided below are essential to ensure the effective implementation and enforcement of gender based violence Legal framework in Nigeria.

1. The Federal government through the National Assembly and relevant must enhance regulatory pressure and incentives to ensure that the VAPP Act is domesticated and gazetted in all 36 states in Nigeria.
2. Institutional Mechanisms should be strengthened. The capacity and accountability of service providers, adequate funding, health care and judicial systems should be improved to ensure effective response to gender based violence in Nigeria.
3. Judicial and investigative specialization like the establishment of specialized GBV courts and specialized police units dedicated for handling GBV cases should be provided for. The continuous training for judges, prosecutors and investigators on victim- centered approaches and the criminalization of marital rape should be provided.
4. The reform of Sanctions and the Closure of Legal Gaps is necessary for the implementation and enforcement of GBV in Nigeria. The VAPP should be amended to

explicitly criminalize marital rape and introduce mandatory minimum punishment for severe offenses like rape, emotional abuse and FGM)

5. Empowerment of Survivors is a major step forward in protection of GBV victims. This kind of empowerment can be achieved through protection service, empowerment programs and access to Justice
6. Gender Norms and stereotypes should be addressed to stop or reduce the reoccurrence of GBV in Nigeria
7. Awareness of Gender based violence is a major in Nigeria. So many people are not even aware that various forms of gender based violence are criminalized in Nigeria, but if awareness of gender based violence and the penalty is placed out there for people to have Knowledge of, the incidents of gender based violence will definitely reduce.
8. Countries like South Africa, Uganda and especially Spain has good protection and implementation system of gender based violence laws. I recommend that the Nigeria Legal frameworks relevant to gender based violence should be reformed to meet the standards of these countries.

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