POLICY BRIEF

Overcoming the Limitations to the Implementation of the Anambra State Violence Against Persons Prohibition Law



Foreign, Commonwealth & Development Office

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Law₁



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01. INTRODUCTION

Violence against women (VAW) is defined as "any act of gender-based violence that results in, or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life".1 It has been identified as the most pervasive human rights violation in the world, and it is estimated to cost countries up to 3.7% of their GDP - more than double what most governments spend on education.² An offshoot of gender inequality, violence against women is a significant cause of female morbidity and mortality, may be physical, emotional, sexual, psychological, or economic harm, and it takes place in the private or public arenas, affecting 1 in 3 women in their lifetime. Considering Nigeria's estimated female population of over 106 million³ as of January 2022, that translates into about 35 million women. Recent happenings such as the lockdown caused by the COVID-19

pandemic further exacerbated the cases of violence against women, particularly sexual violence. The UN brief of May 2020 revealed that during this time, the increase in reports of domestic violence cases in April 2020 was more profound in three states under total lockdown (Lagos state, Ogun state, and the Federal Capital Territory). The number of cases rose from 60 in March to 238 in April, an increase of 127%. Furthermore, women and girls are disproportionately affected by insecurity - Boko Haram insurgency, banditry, kidnappings, herder-farmers conflict, armed robbery, and so on - and an estimated 79% of internally displaced persons are women and children⁴, who are also "targeted for abduction by Boko Haram and are often raped, forced into labour, marriage, or religious conversion, abused, exposed to sexually transmitted infections and are often pregnant upon escaping captivity."5

The Violence Against Persons (Prohi-

¹ UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/ RES/48/104, available at: <u>https://www.refworld.org/docid/3b00f25d2c.html</u> [accessed 10 February 2021]

² World Bank. 2019. Gender-based Violence (Violence against Women and Girls) <u>https://www.worldbank.</u> org/en/topic/socialdevelopment/brief/violence-against-women-and-girls

³ https://countrymeters.info/en/Nigeria

⁴ Displacement Tracking Matrix. (2017). Displacement Tracking Matrix: Nigeria Round XV Report 2017. Retrieved from https://data2.unhcr.org/en/documents/download/56254 (assessed on 19th February 2021)

^{5 &}lt;u>https://reliefweb.int/report/nigeria/results-baseline-survey-gender-based-violence-borno-state-nigeria</u>



bition) Act (VAPPA) is the most comprehensive and progressive law for addressing the silent pandemic of violence against women and girls in Nigeria. The main thrust of the VAPPA is to "eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders; and for other related matters"1. It guarantees maximum protection to all citizens by prohibiting all forms of violence and harmful traditional practices against women or men, boys or girls occurring in private and /or public spaces.

The Act is the first criminal legislation which expanded Nigerian criminal jurisprudence by recognising various forms of related crimes hitherto unacknowledged. Accordingly, the definition of rape was expanded beyond penetration of the female genitals and mouth, to forced sexual action on a male. It addresses a broad-spectrum of violence - physical, verbal, emotional, sexual, economic, and psychological abuses, as well as discrimination against persons, particularly women and girls. These include child abandonment, rape, incest, defilement of minors, forced eviction of a spouse and children, harmful widowhood laws and practices, female genital mutilation (FGM), forced financial dependence, attacks with harmful substance, political violence, among others. It also sets appropriate punishment for convicted perpetrators. For instance, the offence of rape may attract life imprisonment, subject to the circumstance and the discretion of the judge. The offender will also be listed in the sexual offenders' register as a deterrent to others. Similarly, the Act makes provisions for effective remedies for victims of violence - rehabilitation support, and compensation, among others. According to Section 38 (1) of the Act, victims of violence are entitled to material, medical, psychological, and legal assistance from governmental and non-governmental agencies providing such services. Additionally, they are afforded opportunity to acquire skills in any vocation of their choice and access to micro credit facilities.

Since it was enacted in 2015, the Act has the force of law in the Federal Capital Territory (FCT) and in twenty-three (23) states across Nigeria where it has been adopted into law.

The Act recognizes as punishable a wide range of sexual and gender-based violence (SGBV) offences including forced financial dependence or economic abuse, harmful widowhood practices, genital mutilation, abandonment of children, harmful substance attacks, and incest. Furthermore, due to its all-encompassing nature, the Act does not just protect women and girls from violence, it can also be used to improve the participation of women in politics and other positions of power. This is because violence and discrimination are amongst the reasons why

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Violence against Persons Prohibition Act, 2015

women get excluded from politics and other aspects of public life.

Prior to the enactment of the VAPPA, there was no comprehensive legislation on violence against women at the national level. Nigeria only had disparate pieces of legislation, which did not address violence against women or gender-based violence uniformly across the country. A few states had passed legislation on domestic violence, harmful traditional practices, or gender-based violence. A few others had attempted to do so unsuccessfully. Much of the existing legislation was outdated, not sufficiently comprehensive, not specifically directed to this grave problem, and not adequately enforced. The coming together of more than fifty-five (55) different groups and individuals under the umbrella of the Legislative Advocacy Coalition on Violence Against Women, (LACVAW), eventually helped mobilise action to improve the legislative landscape for violence against women in Nigeria in 2002. The result of that activism was the signing into law of the Violence Against Persons Prohibition Act on May 25, 2015, after about thirteen (13) years in the legislative process. The National Agency for the Prohibition of Trafficking in persons (NAPTIP) is responsible for overseeing the implementation of the law at the Federal Capital Territory (FCT), Abuja.

This policy brief gives an update to the status of the uptake of the VAPPA by the 36 states and provides information on the current status of the Anambra State Violence Against Persons Prohibition Law specifically. It is aimed at guiding decision makers and relevant stakeholders in facilitating effective engagement towards successful implementation of the law in the state.

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02. OVERVIEW OF THE NATIONAL RESEARCH ON THE IMPACT OF THE VAPP ACT AND RELATED LAWS

Between January and March 2021, the Westminster Foundation for Democracy (WFD) commissioned a national research in twelve (12) states of the federation to assess the impact of the VAPP Act in Nigeria, five (5) years after it was enacted. Titled "The Impact of the Violence against Persons (Prohibition) Act and Related Laws in Nigeria"¹, the project aligned with WFD's objective of promoting inclusion by ensuring gender equality and protecting women and girls from violence. The increased number of cases of violence against women and girls in particular in the context of COVID-19 and the frequent cases of perpetrators of gender-based violence facing insubstantial punishment provided the need for research on the uptake of the VAPPA by the states as well as the implementation of the Violence Against Persons Prohibition Law (VAPPL) in states that had already domesticated the Act across the country. The research is the first national impact assessment of the Act since its enactment.

Originally designed to focus on the implementation of the Act in the Federal Capital Territory (FCT) and in eleven (11) out of the eighteen (18) states across the six geo-political zones where it had been domesticated at that time, the study assessed the adoption, successes, and challenges of the implementation of the Act, identified the factors that promote or limit the implementation of the Act, as well as the gaps that need to be addressed to ensure the Act achieves its objective of prohibiting violence against citizens, especially women, and promoting gender equality in the Nigerian society. It was also aimed at assessing the level of citizen participation and engagement in the adoption and implementation processes of the VAPPA.

The study was undertaken in Abia, Akwa Ibom, Anambra, Bauchi, Cross River, Edo, Enugu, FCT, Kaduna, Lagos, Osun, and Plateau States. It was however noted during the planning process that contrary to available data, three (3) of the selected states - Cross River, Osun, and Plateau - were only in the process of domesticating the VAPPA, while the domestication process was yet to start in Lagos State as of January 2021. Although those four states did not have a VAPPL in place yet, they had various legislations to protect women and girls

^{1 &}lt;u>https://www.wfd.org/2021/12/07/the-impact-of-the-violence-against-persons-prohibition-act-and-related-laws-in-nigeria/</u>

from violence. Therefore, for ease of analysis, the study integrated related anti-violence against women and girls' laws into the research framework by identifying major pieces of legislation for protecting women and girls from the various forms of violence in those states. It assessed the legal and policy frameworks to determine how adequately the laws protect women and girls from violence; it also elicited information on the processes being undertaken to domesticate the Act.

The national research also identified best practices in the focal states, and generated recommendations to encourage rapid progress in the implementation of the VAPP Law of the states and /or its adoption by the states yet to domesticate it, while contributing to existing body of knowledge on the impact of anti-violence against women and girls' laws in Nigeria.

2.1. Key Findings

The national research revealed that:

- The VAPPA does not offer a universal coverage to all Nigerian women and girls as the uptake by states was generally low across the country.
- The culture of silence and concealment; stigmatisation; trivialisation; threats and intimidation; and inadequate funding of necessary structures and mechanisms for implementing anti-violence against women and girls' legislations are key constraints to the achievement of the significant success in the fight violence against women and girls in Nigeria.
- More cases of violence against women and girls are reported and taken up in places es where the relevant implementation structures are put in place.
- Although the VAPPL seems to have helped in the decrease in the incidence of violence against women and girls in some states, the implementation can still be observed to be largely weak.
- □ The Sexual Offenders' Register (SOR) is an effective deterrent to perpetrators in states where such has been established, updated, and publicised.
- The VAPPA and related laws are more effectively implemented in states where the First Ladies take a keen interest in and contribute to efforts aimed at eliminating violence against women and girls.
- The intersection of disabilities, violence and gender is not often considered in the implementation of the VAPPA/VAPPL. As such, response mechanisms do not prioritise persons with disabilities who usually experience VAW differently.
- Institutions and personnel expected to be involved in the implementation include the police, the judiciary, desk-officers, relevant ministries and agencies. However, they are challenged by lack of capacity in terms of training, funding, effects of corruption, and corrupt practices.

- Though some level of awareness of some of the VAPPL and anti-violence against women and girls' laws has been created, many of the research participants do not know of their existence or the mechanisms to implement them.
- Ignorance, cultural beliefs and practices, misinterpretation of the major religions, misinformation, poor socialisation, and poverty are the major barriers to the effective implementation of the VAPPA/VAPPL and other anti-violence against women and girls' legislation.
- There is a general satisfaction with the VAPPA as an all-encompassing legal instrument. However, study participants largely faulted the implementation within the FCT and in states where it is in force for reasons of lack of political will, paucity of funds, lack of infrastructure, and low capacity among implementing officers.
- □ The simplification and popularisation of the VAPP Act and related laws help keep children, especially the girl-child, in school.
- Active collaboration between state actors and non-state actors enhances the level of effectiveness of the VAPPA/VAPPL.
- □ The VAPPA/VAPPL is rarely used to promote women's political participation.
- The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is not adequately resourced to solely lead the implementation of the Act in the FCT effectively.
- There are still gaps in the laws, specifically relating to response and coordination in some of the states, and what specific penalties are attached to specific violations. These need to be reviewed and clearly designated.
- The challenges to the implementation structures set up by the government ranged from lack of synergy, intimidation, slow judicial process, to inadequacy of interventions specific to various needs or categories of victims.
- Poverty remains one of the factors that heightens the vulnerability of women and girls to all forms of sexual and gender-based violence.

2.2. Barriers to the effective implementation of the Vio lence Against Persons Prohibition Act/Laws and related laws

The study also highlighted some of the barriers to the success of the VAPPA. These include:

- Ignorance: For 39% of the research participants across the research sites, ignorance was the major barrier to the utilisation of the laws by the citizens.
- Cultural beliefs and practices: 25% of the study participants confirmed that patriarchal traditions and cultural beliefs ascribe power and control to men and boys. Therefore, VAWG has been normalised in most communities.
- Lack of political will by governments at the national and state levels was identified by 23% of the respondents as another barrier to effective implementation of the

laws. What this means is that it is not enough to enact a law, the political will to ensure its successful implementation must be evident.

- Misinterpretation of the major religions is a limiting factor in the opinion of 9% of the respondents.
- Other factors such as misinformation, poor socialisation and poverty were highlighted for consideration when discussing the barriers to the implementation of the VAPPA and related anti-VAWG laws by the last 4% of the survey population.

2.3. Update on the uptake of the VAPPA by sub-national governments

Prior to the research, the Act had only been domesticated by twelve (12) states and by the time the report was presented, the figure had increased to fifteen (15). There has been a significant leap in the number of states that have domesticated the Act to twenty-five (25) since the national research was commissioned in January 2021.

S/N	State	January 2021	January 2022
1.	Abia	VAPPL in place	VAPPL In place
2.	Akwa Ibom	VAPPL in place	VAPPL in place
3.	Anambra	VAPPL in place	VAPPL in place
4.	Bauchi	Amendment of VAPPL in process	Amended VAPPL awaiting assent
5.	Cross River	Domestication in process	VAPPL in place
6.	Edo	Amendment of VAPPL in process	Amended VAPPL in place
7.	Enugu	VAPPL awaiting gazette	VAPPL in place
8.	FCT	VAPPA in place	VAPPA in place
9.	Kaduna	VAPPL in place	VAPPL in place
10.	Lagos	No Action towards domes- tication	Amendment of anti-VAW laws in process
11.	Osun	Domestication in process	VAPPL in place
12	Plateau	VAPP Bill awaiting assent	VAPP Bill awaiting assent

Status of the Violence Against Persons (Prohibition) Act in Focal States

At the time of preparing this Brief, six (6) states had passed their VAPP bills and are awaiting assent by the governors of their respective states. There are five (5) states yet to pass the VAPPA into law – Gombe, Katsina, Kano, Lagos, and Zamfara.

The success recorded within such a short period has been facilitated largely by the efforts of state and non-state actors, particularly the Honourable Minister of Women Affairs and

Social Development, Dame Pauline Tallen who has been a strong pillar of support to women's rights organisations and international development agencies working on domestication and adoption of the Act; putting the domestication of the Act on the front burners by civil society actors, especially women's organisations and groups; the accurate data on the uptake of the Act shown by the national research findings; the engagement of development partners, including WFD with the Nigerian Governors' Wives Forum (NGWF); and the dedication of members of the Erelu Bisi Fayemi-led NGWF to ensure universal adoption and effective implementation of the Act by the 36 states to protect women and girls from GBV in the states so that the lives of women and girls can be more meaningful.

The Violence Against Persons (Prohibition) Act PAGE Scorecard



2.4. Findings from the national research on Anambra State

The prevalent forms of violence against women and girls in Anambra State as reported are sexual offences - rape and defilement of minors; physical abuse of children; intimate partner violence; and abandonment of wife and children.

Of the eight (8) study states that had a VAPPL when the study was undertaken, the Anambra State Violence Against Persons Prohibition Law was the oldest, having been domesticated in 2017, just two years after the VAPPA was enacted at the Federal level. The law, which supersedes any other provisions on violence against persons is enforced by magistrate courts and the High Courts which have jurisdiction for hearing SGBV cases prosecuted under the VAPPL.

Like the VAPPA, the law is the most comprehensive piece of legislation to protect residents, especially women and children from sexual and gender-based violence. It criminalises emotional, verbal, or psychological abuse, and recognises forced financial dependence or economic abuse through denial of inheritance or succession rights, unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessity. Similarly, the definition of the offence of rape is broadened to cover non-consensual penetration of any of the victim's orifices -mouth, vagina, or anus with the penis or any of the perpetrator's body parts or even an object.

The study showed that although Anambra was one of the earliest states to domesticate the VAPPA, implementation was considered low, SGBV was on the rise, with low rate of convictions, even with the mechanisms in place for ensuring that the Anambra State VAP-PL fulfils its purpose of protecting citizens, especially women and girls from all forms of violence.

Irrespective of the limitations to the implementation of the VAPPL by the state, the coalition of CSOs and professional associations and groups like the NBA and FIDA use the law to access justice for survivors of VAWG through the courts; undertake sensitisation and advocacy to inform and educate the public of the existence and provisions of the VAPPL; encourage survivors of SGBV to seek justice; and monitor the efficiency of the law.

2.4.1. Structures for implementing the Anambra State VAPPL

Section 44 of the VAPPL provides for the establishment of the VAPPL Implementation Commission and an Implementation Monitoring Committee to be established by the Com-

mission. However, those statutory structures had not been put in place, four years after the enactment of the law. However, the state has enabling mechanisms for the implementation of the VAPPL. These are the Sexual and Gender-Based Violence Response Team, and the VAPP Implementation Committee. Similarly, there is a shelter for abused women, as well as a Sexual Assault Referral Centre (SARC) located within the premises of the General Hospital Enugwu-Ukwu.

2.4.2. Challenges to the Implementation of the Anambra State VAPPL

Some of the major limitations to the effective implementation of the VAPPL include the following:

- Lack of political will to shore up the enforcement of the law in all its ramifications to ensure justice, as evidenced by the absence of the VAPPL Commission enabled by the law to oversee implementation, monitoring and evaluation; and state-owned shelters for abused women.
- Lack of budgetary provisions and release of funds to support the work of the structures implementing the law (Ministries of Women Affairs, Justice and Health; the judiciary, the police, the VAPPL Steering Committee, Social Protection Officers, SARC, etc) is a key challenge to the full implementation of the VAPPL.
- □ Cultural norms and practices which challenge the use of the VAPPL to access justice. Women are times fined by community leaders on report of violence to any appropriate body especially in sexually, and men who report cases of abuse by women are humiliated.
- □ Weak penalties for some offences to deter perpetrators of violence against women and girls in the state.
- □ Inadequate specialised training for the police, courts, health workers, and service providers.
- Poor awareness of the law amongst the rural population.
- □ Non-availability of specialised courts for prosecuting SGBV cases.



The Act provides under Security violence is entitled to receive the necessary medical, psy-The Act provides under Section 38 that every victim of chological, social, and legal assistance through governmental and non-governmental agencies providing such assistance.

03. UPDATE ON THE STATUS OF THE VAPP ACT DOMESTICATION PROCESS BY THE STATE.

Reports indicate that although nothing has changed with respect to the creation of the VAPPL Implementation Commission and the Implementation Monitoring Committee as provided for by Section 44, the VAPPL Steering Committee made up of state and non-state actors continues to improve knowledge of the Anambra State VAPPL in the state. The effort has increased awareness and reports of SGBV among the residents of the state.

The Coordinator of the Committee who is also Co-Chair of Anambra State Child's Rights Law Implementation Committee (ASCRIC), Hope Okoye noted that the committee is working towards piloting the Edo State SARCs model which assigns a police officer and a lawyer to the SARC to reduce bottlenecks associated with reporting and prosecution. In addition, the committee collaborates with the local governments and community leaders to set up a response team so that there is ownership of elimination of SGBV; civil society organisations focused on eliminating SGBV, such as Integrated Anti-Human Trafficking and Community Development Initiative (IATCDI) and FIDA continue to identify and implement the components of the law through the provision of shelters, ensuring the law is publicised through sensitization and advocacy in the communities; the provisions of the law are enforced by the Police – arrests are made where need arises and cases are charged to court; and the judiciary ensures justice is served to the survivors.

The follow-up assessment revealed that all the challenges to the successful execution of the Anambra State VAPP Law listed in 2.4.2. which came to the fore during the national research persist. The VAPPL Steering Committee is hopeful that the incoming government led by the newly elected Governor Charles Soludo will demonstrate a higher level of political will towards the elimination of gender-based violence in the state by recommitting the state to the full implementation of the provisions of the Law, especially regarding the establishment of structures and mechanisms for implementation, monitoring, evaluation, and learning.

04. RECOMMENDATIONS

To address the challenges identified during the national research and in the course of the follow-up assessment, the following recommendations are proposed to ensure effective implementation of the Anambra State VAPPL:

SHORT-TERM

House of Assembly

Members of Appropriation sub-committee should demand adequate budgetary provisions for effective implementation of the Law.

Anambra State Government

- **General Setablish the VAPPL Implementation Commission without any further delay.**
- The Commission, when in place should establish the Implementation Monitoring Committee as provided for in the Law.
- Make budgetary provisions for the implementation of the VAPPL. Adequate funding should be made available to the relevant agencies – Ministries of Women Affairs, Justice, and Health; judiciary; law enforcement; SARCs; and NGOs providing service to abused women and girls.
- Develop protocols and guidelines for GBV management and reporting.
- Establish sexual assault referral centres (SARCs) to provide much needed psychosocial, legal, and medical support for survivors in Anambra state.
- Create and strengthen coordinated GBV response structures at the local government and community levels.
- Provide hotlines for ease of reporting of cases of violence against women and girls.
- □ Train and retrain stakeholders, particularly agencies and ministries that have implementation responsibilities and members of the judiciary on service delivery.
- □ Translate the VAPPL into the major local language in the state and pidgin. Make the simplified and translated versions available to all citizens as much as possible.
- Increase advocacy through relevant government agencies such as national orientation agency (NOA) and the ministry of information as well as CSOs to create awareness. The sensitization should reach every nook and cranny of the state by employing traditional and cultural media in communities.
- □ Provide funds and necessary logistical support to Social Protection Officers and

the Police and respond prompt to reported cases. Set up monitoring and evaluation mechanisms to ensure the funds are used for the purpose they were given.

Civil Society Organisations

- Undertake intensive sensitization and awareness creation across the length and breadth of the state on the VAPPL to advocate its effective implementation.
- Establish an advocacy coalition for monitoring the implementation of the VAPPL and engender partnerships between CSOs and government at the legislative and executive levels.
- Monitor the implementation of the VAPPL and track release of funds to ensure judicious use for the intended purposes.

Development Partners

- Provide strategic support to state and non-state actors working on different aspects of the implementation of the VAPPL.
- Identify, engage with, and provide funding support (including institutional support) to CSOs actively working on ground to provide legal, medical and shelter to abused women and girls.

MEDIUM-TERM

House of Assembly

□ Review the effectiveness of the Anambra State Violence Against Persons Prohibition Law of 2017, five years after it came into force and amend as appropriate.

Anambra State Government

- Establish Specialised Courts and Practice Direction to guide the implementation of the VAPPL and related laws of the state.
- □ Provide specialised training to judges and deploy them to the courts.
- Set up and run shelters for abused women to provide temporary safe place for women and girls running from abusive environments.
- Set up anti-GBV School Clubs to address school-related gender-based violence (SRGBV) in the state.
- **□** Expand jurisdiction of the magistrate courts to handling of SGBV cases.
- Provide hotlines for ease of reporting of cases of violence against women and girls.
- Declare a zero-tolerance to corruption in the state, particularly in access to justice across board and display political will to stamp out VAWG.
- Develop an emergency response policy with broad definition of emergency situa-

tions to include public health crises like the COVID-19 pandemic and SGBV.

Civil Society Organisations

- Enlist the support of state and national assembly legislators, top government officials, and social media influencers in the campaign against violence against women and girls in the state.
- Sensitise and collaborate with local level administration traditional rulers and local government council leaders to advocate the implementation of the VAPPL to stop VAWG in the communities.
- Media practitioners should increase their scope at public sensitisation of the VAP-PL.

Development Partners

- Enhance the capacity of partners to collect and interpret data reflecting diversity and inclusion.
- Undertake research on good practices in GBV response at national and sub-national levels and produce factsheets.

LONG-TERM

House of Assembly

The House Committee on Women Affairs should prioritise the success of the VAP-PL in its oversight functions.

Anambra State Government

- Integrate the VAPPL in the school curriculum. Include the simplified version of the VAPPL in the reading list of primary school curriculum. This will go a long way in raising a next generation of anti-VAWG adults.
- Declare a zero-tolerance to corruption in the state, particularly in access to justice across board and display political will to stamp out VAWG.
- Develop an emergency response policy with broad definition of emergency situations to include public health crises like the COVID-19 pandemic and SGBV.
- Establish the VAPPL Implementation Commission offices in all the LGAs in Anambra State for effectiveness of the Law.

Civil Society Organisations

- Continuous sensitization of the general populace on the VAPPL.
- □ Increase the scope of the media at public sensitisation of the VAPPL.

Development Partners

Enhance the capacity of lawmakers to periodically assess the effectiveness of the law and review as appropriate.