

POLICY BRIEF

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



Foreign, Commonwealth
& Development Office

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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 (Prohibition) Act (VAPPA) is the most comprehen-

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

2 World Bank. 2019. Gender-based Violence (Violence against Women and Girls) <https://www.worldbank.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 <https://reliefweb.int/report/nigeria/results-baseline-survey-gender-based-violence-borno-state-nigeria>

sive 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 con-

victed 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 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 Edo 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.



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”

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,

1 <https://www.wfd.org/2021/12/07/the-impact-of-the-violence-against-persons-prohibition-act-and-related-laws-in-nigeria/>

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 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 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 Violence 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.

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

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 domestication	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

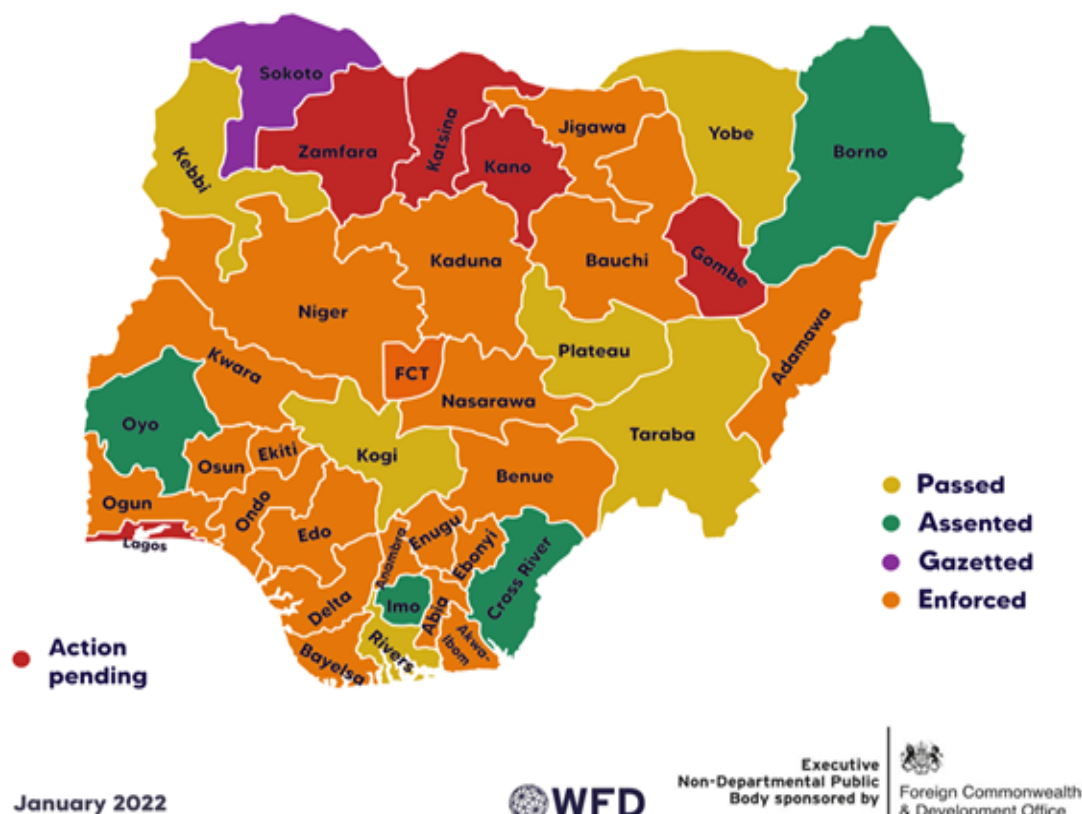
At the time of preparing this Brief, six (6) states had passed their VAPP bills and are awaiting assent by the governors of their respective states. There are five (5) states yet to pass the VAPPA into law – Gombe, Katsina, Kano, Lagos, and Zamfara.

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

The Violence Against Persons (Prohibition) Act PAGE Scorecard



2.4. Findings from Edo State

The Edo State Violence Against Persons' Prohibition Law (VAPPL) was enacted in 2019. However, it was not in force at the time of the study because the law was being reviewed by the legislature to address some gaps in the areas of provision for legal and institutional mechanisms, identified after it had been assented to. The study revealed that apart from the VAPPL, the state has several anti-VAWG laws, including the Child's Rights Law, Female Genital Mutilation Prohibition Law, Administration of Criminal Justice Law, and the Criminal Code of Edo State.

The VAPPL has brought about an increased knowledge of the gravity of SGBV as crimes known to law with defined penalties, thus it has emboldened more people to dare to seek

redress. In addition, there is better appreciation of various scenarios that amount to rape and there have been cases where forced oral sex and anal sex were treated as rape. Increased media reports on such have been observed to improve the consciousness of the public on the fact that rape is not only vaginal, and the knowledge of the existence of the VAPPL has been an effective deterrent in some parts of the State.

Knowledge of the VAPPL is relatively high in the non-state actors' space in Edo State, and the existence of the Sex Offenders' Register was reported as an effective deterrent. The proposed simplified editions of the VAPP Law in local languages including pidgin and sign language will go a long way in educating the people about the provisions of the Law.

2.4.1. Structures for implementing anti-VAWG laws in Edo State

As noted above, the Edo State VAPPL was not in force at the time of the study, thus the focus was on the mechanisms in place for implementing anti-violence against women laws for the protection of women and girls from gender-based violence. These include:

- ❑ The Sexual and Gender-Based Violence Response Team (SGBVRT) was instituted by the Commissioner for Justice in response to the significant increase of SGBV in Edo State in the wake of the outbreak COVID-19 pandemic in 2020.
- ❑ A Sexual Assault Referral Centre (SARC) named the Vivian Centre which serves as a one-stop centre for response to sexual violence was established in 2020 with support from RoLAC. It offsets the cost of medicals for survivors brought from all parts of Edo State.
- ❑ A Returnees' Shelter: This was established for repatriated indigenes of the State.
- ❑ A Sex Offenders' Register, the only one in the entire country that is linked to the National Sexual Offenders' Database managed by NAPTIP.
- ❑ A Sexual Assault Response Committee / Management Team is in place.

2.4.2. Challenges to the Effectiveness of the Edo State anti-VAWG laws

Some of the challenges to the successful implementation of the Edo State anti-violence against women laws which may also affect the effective implementation of the VAPPL, according to study participants are:

- ❑ Lack of political will on the part of the government.
- ❑ The culture of silence due to stigmatization.
- ❑ Discriminatory traditional and religious norms and practices.
- ❑ Lack of a gender-responsive budgeting which poses serious challenges to survivors, case workers and service providers.
- ❑ Unnecessary delays in the prosecution of perpetrators.

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

The commitment of the Edo State government towards the elimination of violence against women and girls in the state has been demonstrated since the national report was concluded for the following reasons:

- ❑ The amended Edo State Violence Against Persons Prohibition Law came into force in October 2021. The amended VAPPL is more comprehensive and has provision for both legal and institutional mechanisms to combat violence against persons. Like the VAPPA, the Edo VAPPL has the goal of eliminating violence in private and public life, prohibiting all forms of violence against persons, and providing maximum protection and effective remedies for victims, as well as punish offenders of gender-based violence.
- ❑ Establishment of the Edo State Gender and Sexual Based Violence Management Committee (EDO-GBV) charge to end violence-based crimes in the state.
- ❑ A Gender Based Violence Technical Working Group, made up of twenty-four critical stakeholders – relevant agencies, CSOs, including FIDA and faith-based organisations was inaugurated
- ❑ Edo State continues to name and shame perpetrators of sexual violence
- ❑ Improved awareness on GBV through state-wide sensitization, and advocacy
- ❑ Capacity building – training of judges, security agencies, teachers, medical doctors, traditional rulers, civil society organisations, legal officers, community leaders, among others.
- ❑ The state adopted a zero-tolerance policy against soliciting on behalf of perpetrators of violence against women and girls
- ❑ Collaboration with national and international partners to strengthen the evidence and response ecosystem for addressing GBV in the state, comprised of:
 - developing a pathway for addressing all forms of GBV.
 - establishment of a support system for survivors.
 - establishment of a multi sectoral/interagency coordinating mechanism to ensure knowledge management, learning, and sharing of best practices.
 - facilitation of interagency coordination and knowledge sharing.

- development of Protocols and Guidelines for GBV Management and Reporting
- ❑ Inauguration of the Student Against Gender-Based Violence Clubs in all the primary and secondary schools in the three senatorial districts by the Edo First Lady, Mrs Betsy Obaseki.
- ❑ Designation of High Courts to prosecute VAPP cases within 6 months.

Despite the achievements recorded, the enforcement of the VAPPL continues to be challenged by the culture of forgiveness and religious beliefs around it; informal out of court settlement; low level of convictions; urban-centred coordination; lack of monitoring mechanisms; and gender discrimination and stereotypes which remain strong and are responsible for SGBV prevalence and near total absence of women from public decision-making and politics.

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 Edo State VAPPL:

SHORT-TERM

Edo State House of Assembly

- ❑ Members of Appropriation sub-committee should demand adequate budgetary provisions for effective implementation of the Law.
- ❑ The House Committee on Women Affairs should prioritise the success of the VAPPL in its oversight functions

Edo State Government

- ❑ Match political will with concrete action by making budgetary provisions for the implementation of the VAPPL and other anti -VAWG laws. Adequate funding should be made available to the relevant agencies - Judiciary, law enforcement, Ministry

of Women Affairs, Ministry of Justice, and the Social Welfare.

- ❑ The Ministry of Social Development and Gender Issues should initiate a costed action plan to guide and finance VAPPL implementation activities. This should be presented by Ministry of Budget and Planning.
- ❑ Continuous capacity building opportunities by way of trainings and equipping of agencies and ministries tasked with the duty of implementing these laws, police, members of the judiciary, and civil society actors to strengthen service delivery and coordination.
- ❑ Simplify and translate the VAPPL into local languages and pidgin. Make this available to all citizens as much as possible.
- ❑ Provide necessary logistics to the Police to respond promptly to reported cases.
- ❑ Set up monitoring, evaluation, accountability and learning mechanisms.
- ❑ Implement government plan to build at least one shelter and a SARC in every Senatorial district as well as the establishment of a GBV Centre in all Primary Health Centres (PHC).
- ❑ Behavioral change communication materials in English, pidgin and local languages should be produced and widely distributed.
- ❑ Ministry of Social Development and Gender Issues should edit Protocols and Guidelines for GBV Management and Reporting for local use.
- ❑ The Edo State Roadmap for the implementation of VAPPL which was developed by MSDGI with UN support should be approved and made available to all relevant stakeholders for implementation.
- ❑ Enforce the aspect of the law that dissuades and sanctions settlement.

Civil Society Organisations

- ❑ Continuous and massive sensitization and awareness creation on the Edo State VAPPL (as Amended) to advocate for its full as its implementation.
- ❑ Partner with the media in holding the various government agencies accountable for the implementation of the anti-VAWG laws in the state.
- ❑ Monitor the implementation of the VAPPL and track release of funds to ensure judicious use for the intended purposes.
- ❑ Simplify and popularize the VAPPL and other anti-VAWG laws of the state.

Development Partners

- ❑ Provide strategic support to state and non-state actors working on different aspects of the implementation of the Edo State VAPPL.
- ❑ Engage with CSOs actively working to provide support legal, psychosocial, and medical as well as shelter to abused women.
- ❑ Support capacity enhancement programmes for civil society organisation for more effective actions to prevent and mitigate SGBV at the grassroots level

MEDIUM-TERM

Edo State House of Assembly

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

Edo State Government

- ❑ Establish specialised courts for sexual and gender-based violence offences in the state as planned.
- ❑ Establish and activate a Survivors' Support Fund without further delay and provide clear management structure.

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, train, and collaborate with local level administration – traditional rulers and local government council leaders to advocate the implementation of anti-VAWG laws to stop VAWG in the communities.
- ❑ The media should ensure the discussion of the VAPPL in wider public space and trigger peer learning from other states to fast-track impact.

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

Edo State House of Assembly

- ❑ Periodic review of the effectiveness of the Edo State VAPPL and amendment as appropriate.
- ❑ The House Committee on Women Affairs should prioritise the success of the VAPPL in its oversight functions

Edo State Government

- ❑ Integrate the VAPPL in the school curriculum to raise a new generation of anti-VAWG adults.
- ❑ Identify and establish partnerships with more international development agencies and national CSOs.
- ❑ Relevant stakeholders, especially the Ministry of Communication and Ministry of Social Development and Gender Issues should prioritize addressing the root causes of SGBV through sensitization and advocacy.

Civil Society Organisations

- ❑ Identify and engage with progressive religious leaders to change the narrative of discrimination and suppression of women in the name of culture and tradition.
- ❑ Continuous sensitization of the general populace on the VAPPL.

Development Partners

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

