POLICY BRIEF

Overcoming the Challenges to the Adoption and Implementation of the Violence Against Persons Prohibition Act in Plateau State



Foreign, Commonwealth & Development Office

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¹ Prepared by Bunmi Dipo-Salami and Mary Izam.

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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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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 domestication of the Plateau State Violence Against Persons Prohibition Bill 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, and Plateau - were only in the process of domesticating the VAPPA, while the domestica-

^{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>

tion 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 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. Howev-

er, 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.



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.

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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 domesti- cation	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 Violence Against Persons (Prohibition) Act PAGE Scorecard



2.4. FINDINGS FROM THE NATIONAL RESEARCH ON PLATEAU STATE

The VAPP Bill had been passed by the Plateau State House of Assembly and presently awaiting assent by the Governor. The State has other anti-VAWG laws - the 1999 Constitution (as amended), the Penal Code Law (PCL), the Child's Rights Law (CRL) 2005, the Gender and Equal Opportunities Law (GEO) 2015, and the Administration of Criminal Justice Law (ACJL) 2018. There is also has the Plateau State Child Safeguarding policy.

Despite the existence of these laws, the implementation process is weak and violence against women and girls continues to be on the increase. The GEO suffered a setback be-

cause its implementation process can only be strengthened through the establishment of the GEO Commission which is the major structure for its effective implementation. According to key informants, this very critical commission has not been established. Moreover, the law, according to the findings, has no attendant penalty for its breach, and where punishment is found, it is minimal and with option of fine. The Penal Code does not capture the issues of violence in its entirety. Moreover, its provisions are not in tandem with current realities especially regarding issues of gender-based violence.

Assessing the mechanisms for implementing the anti-VAWG laws in Plateau State, it was revealed that the Ministry of Women Affairs through the legal desk deployed from the Ministry of Justice helps in following up on cases of SGBV when reported to them. Similarly, the Family Court which is a specialised court that handles cases involving children is only established at the high court level. A key informant from the Ministry of Women Affairs stated that the Family Court is a structure established by government to protect the rights of children. The Citizens' Rights and Law Reform Department of the Ministry of Justice is saddled with the responsibility of prosecution of offenders on issues of violence and other related matters. The Justice Sector Reform Team, according to members interviewed, is a government structure established by the ACJL to serve as a monitoring and evaluation team for the effective implementation of the law. This team is saddled with the responsibility of reforming the justice system. As such, it coordinates and collaborates with relevant stakeholders to ensure that criminal matters are adequately prosecuted and victims access justice.

Some of the progress recorded with the anti-VAWG laws include the establishment of the Family Court for speedy access to justice for children, effective collaboration of the structures for implementation, especially between the ministries of women affairs and justice; and awareness of protective structures against gender-based violence, especially for children. Despite the achievements, it was noted during the study that though the Child's Rights Law adequately protects children from violence, its implementation is weak in rural communities as there is no family court at the magistracy level. Similarly, the ACJL is a procedural law and not substantive as it can only initiate and guide the process of litigation but cannot punish offenders.

From the findings from the national research, existing anti-VAWG laws have not achieved much success due to ignorance of the law, lack of political will and cultural beliefs and practices. A major challenge is the lack of critical structures for strengthening implementation and ensuring effectiveness of the laws throughout the State. There are also bottlenecks to access to justice such as poor process of instituting complaints, compounding SGBV cases by Police, traditional and religious leaders, as well as family members. Other barriers are lack of funding for criminal prosecution, especially for indigent people, insufficient synergy between government and non-state actors.

Though about two-thirds of study participants believed in the capacity of the VAPP Act to improve the participation of women in positions of power and decision-making process, bureaucracy, lack of political will, corruption, inactiveness of the state legislators are some of the challenges likely to affect the domestication of the Act.

Government officials from the Ministries of Justice and Women Affairs who participated in the study however noted that the government has achieved some progress in the decrease of GBV through the number of cases they have prosecuted, as well as through the establishment of the Family Court where children access justice.

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

Though the Plateau State Violence Against Persons Prohibition Bill was passed into law in December 2020, the domestication process is still ongoing almost a year later as the governor has not signed it into law. The follow-up assessment shows that the reasons for the delay are two-fold. The first is the crisis that has engulfed the Plateau State House of Assembly and prevented the transmission of the Bill to the Office of the Governor for assent. The second is that of inadequate follow-up by relevant stakeholders, particularly civil society actors. As a result of that, there was miscommunication regarding the status of until November 2021. FIDA and other civil society actors are currently reactivating the process.

04. RECOMMENDATIONS

To address the challenges identified during the national research and in the course of the follow-up assessment, following recommendations are proposed to fast-track the domestication of the VAPP Act as the Plateau State VAPP Law, effective implementation of the VAPPL when it is eventually assented to and gazette:

SHORT-TERM

Plateau State House of Assembly

- The Chairperson of the State House Committee on Women Affairs should ensure that the Clerk of the House of Assemble transmits the passed bill to the Executive Governor of the state without any delay.
- Members of Appropriation sub-committee of the HoA should demand adequate budgetary provisions for effective implementation of the Plateau VAPPL when it is signed and gazette.

Plateau State Government

- Prioritise assent to the bill and gazetting of Plateau VAPPL.
- Develop protocols and guidelines for GBV management and reporting. Produce Develop tool kits such as GBV response pathway.
- □ Establish sexual assault referral centres (SARCs) to provide much needed psychosocial, legal, and medical support for survivors in Plateau state.
- Create and strengthen coordinated GBV response structures at the local government and community levels.
- Match political will with deliberate concrete action by making budgetary provisions for the implementation of the VAPPL. Adequate funding should be made available to the relevant agencies Judiciary, law enforcement, Ministry of Women Affairs, Ministry of Justice, Sexual Assault Referral Centres, and NGOs providing service to abused women and girls.
- Provide hotlines for ease of reporting of cases of violence against women and girls.
- Provide capacity building opportunities through training and retraining to equip agencies and ministries tasked with the duty of implementing these laws, and the members of the judiciary with necessary skills.
- Simplify and translate the VAPPL into the major local languages in the state. Make

this available to all citizens as much as possible.

- Provide necessary logistics to the Police to respond prompt to reported cases. Set up monitoring and evaluation mechanisms to ensure the funds are used for the purpose they were given.
- Set up and manage shelters for abused women to provide temporary safe place for women and girls running from abusive environments.
- Declare a zero-tolerance to corruption across board and display political will to stamp VAWG.
- Establish Central Registry for records of convicts.
- Develop an emergency response policy with broad definition of emergency situations to include public health crises like the COVID-19 pandemic and SGBV. It should list the various emergency service providers, to include NGOs rendering services.
- Coordinate prevention and response actions by various stakeholders.
- Set up a response/implementation mechanism that would also be responsible for reporting, monitoring, evaluation, and learning.
- Identify and establish partnerships with international development agencies and national CSOs.
- □ Create a Sex Offenders' Register to be domiciled with the Ministry of Justice. Link to the National Sex Offender's Database (NSOD) and publish regularly.

Civil Society Organisations

- Push for the transmission of the Bill to the Governor for assent and subsequent gazzeting.
- Embark on continuous sensitization and awareness creation on the Plateau VAPPL when it comes into force.
- Sensitise and collaborate with local level administration traditional rulers and local government council leaders advocate the implementation of the VAPPL to eliminate VAWG in rural communities.
- Simplify and translate the VAPPL into the major local languages in the state.

Development Partners

- Provide strategic support to state and non-state actors working on different aspects of the implementation of the VAPPL.
- Engage with CSOs actively working to provide support legal, psychosocial, and medical as well as shelter to abused women.

MEDIUM-TERM

House of Assembly

- Members of Appropriation sub-committee of the House of Assembly should demand adequate budgetary provisions for effective implementation of the Plateau VAPPL.
- Constitute a panel/committee to review the effectiveness of the VAPPL periodically.

Plateau State Government

- □ Set up anti-GBV School Clubs/ VAPP Vlubs in secondary schools.
- □ to address school-related gender-based violence (SRGBV) in the state.
- 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.
- Establish family courts at the lower court level.

Civil Society Organisations

- Enlist the support of state and national assembly legislators, top government officials, and social media influencers in the campaign against discriminatory practices that fuel violence against women and girls in the state.
- Embark on continuous sensitization and awareness creation on the Plateau VAP-PL.
- Partner with the media in holding the various government agencies accountable for the implementation of the VAPPL.
- Identify and engage with progressive religious leaders to change the narrative of discrimination and suppression of women in the name of religion and tradition.
- Monitor the implementation of the VAPPL and track release of funds to ensure judicious use for the intended purposes.

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.

LONG-TERM

House of Assembly

- Members of Appropriation sub-committee of the House of Assembly should demand adequate budgetary provisions for effective implementation of the Plateau VAPPL.
- Constitute a panel/committee to review the effectiveness of the VAPPL periodically.

Plateau State Government

- Integrate the VAPPL in the school curriculum when adopted. 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.
- Establish Specialised Courts and Practice Direction to guide the implementation of the VAPPL and related laws.
- □ Identify and establish partnerships with more international development agencies and national CSOs.

Civil Society Organisations

- Identify and engage with progressive religious leaders to change the narrative of discrimination and suppression of women in the name of religion 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.

