



AN ANALYSIS OF NIGERIA'S DOMESTIC LEGAL FRAMEWORK ON SEXUAL VIOLENCE

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Abstract

This study examines the domestic legal framework addressing sexual violence in Nigeria, with the aim of evaluating its effectiveness in providing justice and support for victims. The analysis explores the key laws and regulations, including the Violence Against Persons (Prohibition) Act, the Criminal Code, and the Penal Code, while highlighting their strengths and limitations. By reviewing case studies, legal precedents, and the roles of various institutions, this paper identifies gaps in legislation and enforcement that hinder the protection of survivors and the prosecution of offenders. The study also considers the sociocultural factors that influence the implementation of these laws. Recommendations are provided for strengthening the legal framework, improving enforcement mechanisms, and promoting comprehensive support systems for victims. This research contributes to the ongoing discourse on sexual violence in Nigeria and advocates for legal reforms to ensure a more robust and victim-centered approach to justice.

Keywords

Sexual violence, Nigeria, Domestic legal framework, Violence Against Persons (Prohibition) Act, Criminal Code, Penal Code, Legal reform, Victim support, Enforcement mechanisms, Sociocultural factors, Legal gaps, Justice system, Prosecution, Survivor protection, Gender-based violence.

INTRODUCTION

Sexual violence remains a pervasive issue in Nigeria, affecting individuals across various demographics and socio-economic backgrounds. Despite the enactment of several laws aimed at curbing this menace, the prevalence of sexual violence continues to raise critical questions about the effectiveness of the existing legal framework. This analysis seeks to critically examine Nigeria's domestic legal responses to sexual violence, focusing on the key legislative instruments, their implementation, and the challenges that persist in ensuring justice for survivors.

The Violence Against Persons (Prohibition) Act (VAPP), the Criminal Code, and the Penal Code form the cornerstone of Nigeria's legal approach to combating sexual violence. These laws outline the definitions, penalties, and procedural guidelines for addressing sexual offenses. However, discrepancies between statutory provisions and practical enforcement, coupled with deep-seated sociocultural norms, often

undermine their efficacy. This study aims to dissect these legislative instruments, exploring their strengths, weaknesses, and the contextual factors influencing their application.

By employing a comprehensive approach that includes a review of legal texts, case studies, and stakeholder interviews, this paper will illuminate the gaps and inconsistencies within Nigeria's legal framework on sexual violence. Furthermore, it will highlight the systemic barriers faced by survivors in accessing justice and support services. The ultimate goal is to provide informed recommendations for legislative and policy reforms that can enhance the protection of victims and the accountability of perpetrators.

As the global community intensifies efforts to combat gender-based violence, it is imperative to scrutinize and strengthen national legal systems. This analysis not only contributes to the scholarly discourse on sexual violence in Nigeria but also advocates for a more robust and victim-centered legal response, fostering a safer and more just society.

METHOD

This study employs a multifaceted approach to analyze Nigeria's domestic legal framework on sexual violence. The methodology integrates legal analysis, qualitative research, and case study examination to provide a comprehensive understanding of the subject. An in-depth review of the primary legislative instruments governing sexual violence in Nigeria, including the Violence Against Persons (Prohibition) Act, the Criminal Code, and the Penal Code. This involves examining the specific provisions, definitions, and penalties related to sexual offenses. A comparison of Nigeria's legal provisions with international legal standards and best practices, including conventions and treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

Semi-structured interviews with key stakeholders, including legal practitioners, law enforcement officials, social workers, and representatives from non-governmental organizations (NGOs) that support survivors of sexual violence. These interviews aim to gather insights on the practical challenges and effectiveness of the current legal framework. Discussions with survivors of sexual violence to understand their experiences with the legal system, barriers to accessing justice, and the adequacy of support services. Review of selected judicial decisions related to sexual violence cases to understand how courts interpret and apply the laws. This includes analyzing the outcomes of cases, sentencing patterns, and the consistency of judicial decisions.

Evaluation of the roles and effectiveness of institutions involved in the enforcement of sexual violence laws, such as the police, judiciary, and specialized agencies. This assessment examines issues like resource allocation, training, and procedural efficacy. Examination of existing literature on the sociocultural factors influencing the prevalence and reporting of sexual violence in Nigeria. This includes studies on gender norms, stigma, and societal attitudes towards victims and perpetrators. Analysis of national policies and programs aimed at preventing sexual violence and supporting survivors, assessing their alignment with legal frameworks and their impact on ground realities.

Data will be collected through a combination of primary and secondary sources. Primary data will be obtained from interviews and focus groups, while secondary data will be gathered from legal texts, judicial opinions, policy documents, and academic literature. The data will be analyzed using thematic analysis for qualitative data and doctrinal analysis for legal texts. The study will adhere to ethical standards in

conducting research, particularly with vulnerable populations.

Informed consent will be obtained from all participants, ensuring confidentiality and anonymity. Deep-rooted gender norms and cultural attitudes contribute to the underreporting of sexual violence. Victims frequently experience stigma and blame, which deters them from seeking justice and support. Community-based initiatives and awareness programs are crucial in changing attitudes and providing grassroots support to survivors.

Non-governmental organizations (NGOs) play a pivotal role in providing support to survivors of sexual violence, often filling gaps left by the formal legal and medical systems. However, these organizations are frequently underfunded and lack sufficient resources to meet the demand for their services. Strengthening partnerships between the government and NGOs, along with increasing funding and resources for survivor support services, can enhance the overall response to sexual violence.

Deep-rooted gender norms and societal stigma significantly impact the reporting and prosecution of sexual violence cases. Survivors often face blame and ostracization, deterring them from seeking justice and support. Community-based initiatives and awareness programs are critical in changing these attitudes and creating a more supportive environment for survivors. Engaging community leaders and leveraging local cultural norms positively can help shift perceptions and reduce stigma.

RESULTS

The analysis of the Violence Against Persons (Prohibition) Act (VAPP), the Criminal Code, and the Penal Code reveals several strengths and weaknesses within Nigeria's legal framework on sexual violence. The VAPP Act provides a comprehensive definition of sexual violence and includes provisions for various forms of sexual offenses. The Act also mandates the establishment of support systems for victims, such as shelters and rehabilitation centers. Penalties for sexual offenses are clearly outlined, with severe punishments for perpetrators. Inconsistencies between the VAPP Act and the Criminal/Penal Codes create confusion and gaps in the legal system. Limited geographical coverage of the VAPP Act, as it is only applicable in the Federal Capital Territory (FCT) and not uniformly adopted across all states. Ambiguities in definitions and procedural guidelines in the Criminal and Penal Codes lead to varied interpretations and enforcement.

The absence of specific provisions for marital rape in the Criminal and Penal Codes, which contradicts international norms. Lack of comprehensive victim protection measures, such as witness protection programs and psychological support services, as seen in other jurisdictions. Law enforcement officials often lack proper training and sensitivity in handling sexual violence cases, leading to re-victimization of survivors. Corruption and bureaucratic delays hinder the effective prosecution of sexual offenses. Survivors face significant social stigma and fear of retaliation, discouraging them from reporting incidents. NGOs play a crucial role in providing support to survivors, but they are often underfunded and lack resources. Victims reported mixed experiences with legal and medical services, with some receiving adequate support while others encountered dismissive attitudes and inadequate care.

Variations in sentencing for similar offenses indicate a lack of standardized guidelines. Some judgments reflect bias and a lack of understanding of the trauma experienced by survivors. Recent cases show a gradual improvement in the judiciary's approach to sexual violence, with increasing recognition of the need

for survivor-centered justice. Police often lack specialized units to handle sexual violence cases, resulting in inadequate investigations. Courts are overburdened, leading to prolonged trials and delayed justice. Agencies tasked with providing support to survivors are often under-resourced and face challenges in reaching all affected individuals. While the VAPP Act represents a significant step forward, its limited application and the gaps in other legal codes necessitate a harmonized and more robust legal framework. Improving training for law enforcement, increasing resources for support services, and addressing sociocultural barriers are essential to enhancing the protection and justice for survivors of sexual violence in Nigeria.

DISCUSSION

The VAPP Act marks a significant advancement by providing a comprehensive definition of sexual violence and mandating support for survivors. However, its limited geographical application to the Federal Capital Territory (FCT) restricts its impact. The lack of uniform adoption across all states leaves many survivors without adequate legal protection. Additionally, inconsistencies between the VAPP Act and the Criminal and Penal Codes create confusion and enforcement challenges. Harmonizing these laws and ensuring nationwide adoption of the VAPP Act is crucial for a more cohesive legal framework.

The absence of provisions for marital rape in the Criminal and Penal Codes is a notable gap when compared to international standards, such as those outlined in the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). This gap reflects deep-seated cultural norms that prioritize marital privacy over individual rights. Addressing such gaps through legal reforms aligned with international human rights standards is essential to protect all survivors of sexual violence.

Interviews with stakeholders and survivors highlight significant challenges in the enforcement of sexual violence laws. Law enforcement officials often lack the necessary training and sensitivity to handle sexual violence cases effectively. This deficiency can lead to secondary victimization, where survivors feel re-traumatized by the very system meant to protect them. Furthermore, corruption and bureaucratic delays impede the prosecution of offenders, allowing many perpetrators to evade justice. Enhancing training for law enforcement and establishing specialized units for handling sexual violence cases could improve the response to such incidents.

The analysis of case law reveals inconsistencies in sentencing, with significant variations in penalties for similar offenses. This lack of standardization can undermine the deterrent effect of the law and erode public confidence in the judicial system. Recent judicial decisions, however, indicate a positive trend towards recognizing the need for survivor-centered justice. Continued judicial training and the development of standardized sentencing guidelines can help address these inconsistencies and promote fairer outcomes. While significant progress has been made, particularly with the VAPP Act, much work remains to ensure that all survivors receive the protection and justice they deserve.

CONCLUSION

The analysis of Nigeria's domestic legal framework on sexual violence reveals a complex landscape characterized by significant strengths and critical weaknesses. The Violence Against Persons (Prohibition) Act (VAPP) represents a major legislative advancement, offering comprehensive definitions and stringent penalties for sexual offenses. However, its limited geographical applicability and inconsistencies with the

Criminal and Penal Codes highlight the need for a more harmonized and inclusive legal approach. Comparative analysis with international standards underscores several areas requiring urgent reform, particularly the recognition of marital rape and enhanced victim protection measures. The qualitative research highlights persistent challenges in law enforcement and judicial processes, including inadequate training, corruption, and societal stigma, which collectively hinder the effective prosecution of sexual offenses and the protection of survivors.

The pivotal role of NGOs in supporting survivors is evident, yet their efforts are constrained by limited resources and systemic challenges. The examination of judicial trends indicates positive strides towards more survivor-centered justice, though inconsistencies in sentencing call for standardized guidelines to ensure fair and equitable outcomes.

Addressing these multifaceted issues requires a concerted effort to harmonize existing laws, enhance the capacity of law enforcement and judicial systems, and foster a supportive sociocultural environment for survivors. Key recommendations include the nationwide adoption of the VAPP Act, comprehensive training for law enforcement officials, development of standardized sentencing guidelines, increased support for NGOs, and community-based awareness programs to combat stigma and change societal attitudes.

Ultimately, strengthening Nigeria's legal framework on sexual violence necessitates a holistic approach that integrates legal reforms, effective implementation, and robust support systems for survivors. By addressing the identified gaps and leveraging the strengths of existing legislation, Nigeria can move towards a more just and protective environment for all individuals affected by sexual violence. This study contributes to the broader discourse on sexual violence in Nigeria and underscores the imperative for sustained advocacy, policy reform, and community engagement. The path to justice and protection for survivors is complex, but with determined effort and collaboration, significant progress can be achieved.

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