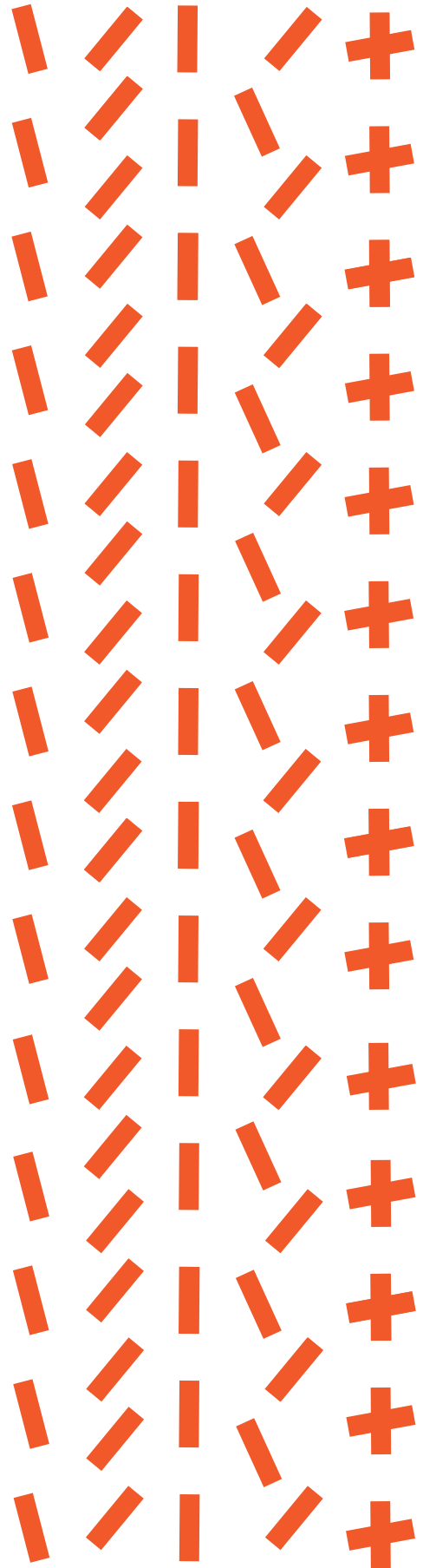


**An Evaluation of  
the Implementation  
of the Violence  
Against Persons  
Prohibition Act/Law  
in **Nigeria****



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# Acronyms

<b>ACJL</b>	Administration of Criminal Justice Law
<b>ADR</b>	Permanent Secretary, SMOH
<b>AFFYD</b>	Advocacy on Human Rights and Equal Opportunity (AHREO) and African Focus for Youth Development
<b>ATIPSON</b>	Action Against Trafficking in Persons and Smuggling of Migrants in Nigeria
<b>AHIP</b>	Adolescent Health and Information Project
<b>CCEPE</b>	Centre for Community Empowerment and Poverty Eradication
<b>CERPHEC</b>	Centre for Research and Preventive Health Care
<b>CSOs</b>	Civil Society Organisations
<b>EENWI</b>	Enlightenment and Empowerment of Northern Women Initiative
<b>FCT</b>	Federal Capital Territory
<b>FGD</b>	Focus Group Discussion
<b>FGM</b>	Female Genital Mutilation
<b>FIDA</b>	International Federation of Women Lawyers
<b>FOMWAN</b>	Federation of Muslim Women Associations in Nigeria
<b>GBV</b>	Gender-based Violence
<b>GIOPINI</b>	Global Improvement of Less Privileged Persons Initiative
<b>GLOHWOC</b>	Global Hope for Women & Children Foundation
<b>HIMAT</b>	High-Level Multi-Agency Team
<b>IWEI</b>	Isa Wali Empowerment Initiative
<b>JDPC</b>	Justice Development & Peace Caritas Advocates
<b>JINAPWD</b>	Jigawa Network for People with Disabilities
<b>JSRT</b>	Justice Sector Reform Team
<b>KII</b>	Key Informant Interview
<b>LACVAW</b>	Legislative Advocacy Coalition for Violence Against Women
<b>LGA</b>	Local Government Area
<b>MARF</b>	Men Against Rape Foundation
<b>MDAs</b>	Ministries Departments and Agencies

<b>MWAN</b>	Medical Women's Association of Nigeria
<b>NACCRAN</b>	National Council for Child Rights Advocates of Nigeria
<b>NACTAL</b>	Network Against Child Trafficking and Labor
<b>NAPTIP</b>	National Agency for the Prohibition of Trafficking Persons
<b>NASS</b>	National Assembly of Nigeria
<b>NCWS</b>	National Council of Women's Societies
<b>NDHS</b>	Nigeria Demographic and Health Survey
<b>NGOs</b>	Non-governmental organisation
<b>NHRC</b>	National Human Rights Commission
<b>NMA</b>	Nigerian Medical Association
<b>NPF</b>	Nigeria Police Force
<b>NSCDC</b>	Nigeria Security and Civil Defence Corps
<b>PHC</b>	Primary Health Centre
<b>PTSD</b>	Post-Traumatic Stress Disorder
<b>ROLAC</b>	Rule of Law and Anti-Corruption
<b>RRT</b>	Rapid Response Team
<b>SARC</b>	Sexual Assault Referral Centre
<b>SCID</b>	State Criminal Investigation and Intelligence Department
<b>SGBV</b>	Sexual and gender-based violence
<b>SoR</b>	Sexual Offenders Register
<b>SPARC</b>	Service Providers Accountability Resource Committee
<b>SWATCH</b>	Support for Women and Teenage Children
<b>SWODEN</b>	Society for Women Development and Empowerment in Nigeria
<b>VAPP</b>	Violence Against Persons Prohibition Act
<b>VILDEV</b>	Village Community Health Initiatives
<b>UNFPA</b>	United Nations Population Fund
<b>WARD-C</b>	Women Advocacy Research and Documentation Centre
<b>WOTCLEF</b>	Women Trafficking and Child Labor Eradication Foundation
<b>WPSN</b>	Women Peace and Security Network
<b>WRAPPA</b>	Women's Rights Advancement and Protection Alternative

# Executive summary

Women globally face physical, sexual, psychological, and economic violence, irrespective of their age, income, or education level. According to the World Health Organization (WHO), sexual and gender-based violence (SGBV) is a global pandemic, and one in three women is affected. Nigeria has seen an increase in the rate of SGBV, with the Northeast region having the highest proportion of sexually abused women. In response to this, Nigeria passed the Violence Against Persons Prohibition Act (VAPP) in 2015, which was designed to protect survivors, punish offenders, and provide financial compensation to survivors of GBV. As of August 2022, VAPP has been domesticated in 25 states, with two more states implementing VAPP-related laws. Unfortunately, the implementation of the VAPP law remains a concern due to various factors. This research report shares the findings of an evaluation of the implementation of the violence against persons prohibition Act/law in Nigeria. The study focuses on the success of domesticating the law in all states, the differences between the national and state laws, the level of awareness of stakeholders, the effectiveness of the law in preventing SGBV, and the gaps and challenges faced by institutions responsible for implementing the VAPP law.

The evaluation was carried out at the national level, 11 states (Adamawa, Anambra, Benue, Borno, Delta, Ekiti, Enugu, Jigawa, Kano, Kebbi, Kwara, Ogun, Rivers, Taraba and the FCT) that had gazetted, domesticated, implemented the VAPP law, Kebbi the law is assented but not gazetted, Taraba the law has been passed by the Senate and House of Assembly, but not assented and Kano, where the law has not passed. The decision to use VAPP status and geopolitical zones in the selection of states was to document and share learnings from the different stages of process in the different states.

The study adopted a qualitative research method, and a desk review was undertaken to gain a deeper understanding of the context. This was done to ensure an in-depth as well as a broad understanding of the processes of domesticating and implementing the VAPP law.

The key findings showed that:

- In majority of the states, the domestication process of the VAPP law was spearheaded by key stakeholder's (female-led governments, women-focused NGOs, CSOs) through advocacy efforts, political lobbying, sensitisation campaigns.
- The lack of political will especially from the executive, structural, systemic, and cultural beliefs and norms are challenges that continue to impede the domestication and effective implementation of the law.
- In some states, the Islamic Personal and Sharia law supersedes the

VAAP law was still regarded as supreme law.

- Although there was a level of awareness about the law, it was mostly in the urban areas, and among ministries, departments and agencies, NGOs, CSOs, health and community structures, media.
- The structures and mechanisms that are responsible for the implementation of the law face various challenges such as funding, capacity building, and coordination.
- There is more violence against women cases being reported, prosecuted and more convictions.

The research conclusions and recommendations include:

- There is a need to ensure community advocacy, and sensitisation campaigns aimed at raising awareness, bill giving information and knowledge on the law to build support for the acceptance and passage of the bill.
- Stakeholders should simplify the VAAP law and share popular versions in local languages, and dialects for inclusivity.
- Executive support from the executive, guarantees active engagement from other arms of government including ensuring full budget allocation for all aspects of the law. (Prevention, protection, support etc.)
- The first lady and other influential figures have unique platforms to support the advocacy for the implementation of the VAAP law and improve equity for all women and girls.
- The national government and state governments should have guidelines/steps on the development process of the VAAP law, including the structures and stakeholders that should be engaged.
- A multi-sectoral approach is necessary for the effective implementation of the law. Meaningful participation, engagement, and coordination of all stakeholders- NAPTIP, FMoWA, CSOs- NGOs, women groups, FBOs, NBA, FIDA; the Ministry of Justice, the Ministry of Women Affairs and Social Development; development partners, NGOs, FBOs, women's groups, legislators, government agencies, media, young people, and non- state actors.
- Government structures responsible for the implementation of the law, must review existing state laws to ensure synergy with all relevant stakeholders including local/traditional/religious leaders.
- Governments should establish and fund response mechanisms- SARC's, Women's shelters etc. to provide the required services and support.

- Governments must enhance capacity building of all structures and institutions, especially first responders, i.e. health care providers; training for the justice department and law enforcement agencies- magistrates and prosecutors, the police and NSCDC.
- Governments should establish special courts to discourage informal settlement out of court and to avoid delaying justice.



## 1.0

## Introduction

Globally, women are exposed to physical, sexual, psychological, and economic violence, regardless of their income, age, or education. According to the World Health Organization (WHO), sexual and gender-based violence (SGBV) is a global pandemic that affects one out of every three women<sup>1</sup>. In Nigeria, women who experienced physical violence increased from 28% to 31% between the 2013 and 2018 NDHS. Meanwhile, those who experienced physical violence within the previous year increased from 11% to 13.7%. Similarly, in the 2013 and 2018 NDHS, the proportion of women who had experienced sexual violence (SV) increased from 7% to 9%. The Northeast region of the country, which has the highest proportion of internally displaced people due to the insurgency (which is one of the drivers of GBV)<sup>2-3</sup>, had the highest proportion (16%) of women who had experienced sexual violence during the two surveys, with the percentage of women who had experienced sexual violence in the previous 12 months rising from 3.3% to 4.1%.

Violence against women has been defined by the United Nations Declaration on the Elimination of Violence against Women as, “any act 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 in private life.”<sup>4</sup> In international law, the recognition of women’s rights in the public and private sphere, including the right to protection against gender-based violence, has been clearly articulated in various instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)<sup>5</sup>, the United Nations General Assembly Declaration on the Elimination of Violence against Women<sup>6</sup>, Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol); Nigeria is a signatory to several of these international and regional instruments and treaties.

Sexual and Gender-based violence is an ancient patriarchal system of oppression with global coverage and serious public health problems that jeopardises women’s health and has a high incidence of occurrence in underdeveloped countries of the world<sup>7</sup> irrespective of cultural values and status, socioeconomic class, or religious background

1 <http://who.canto.global/b/OP99R>

2 Izzi M, Ununna O- Legal Response to Gender Based Violence in Nigeria –International Journal of Business and Law research 8(3):12-27 July to Septer 2020

3 Gender and Covid 19-Violence Against Women and Girls –Chitra Nagaran-August

4 United Nations General Assembly Declaration on the Elimination of Violence against Women G.A. Res. 48/104 (I), U.N. Doc. A/RES/48/104 (Dec. 20, 1993)

5 Committee on the Elimination of Discrimination against Women, Rep. on its 11th Sess., 1992, U.N. Doc. (1992) This was preceded by the UN General Assembly Declaration on the Elimination Of Discrimination Against Women (DEDAW) (1967).

6 United Nations General Assembly Declaration on the Elimination of Violence against Women G.A. Res. 48/104, U.N. Doc. A/RES/48/104 (Dec. 20, 1993).

7 Christina PC, Jansen HA, Ellsberg M, Heise L, Watts CH (2006) Prevalence of intimate partner violence: findings from the WHO multi-country study on women’s health and domestic violence. *Lancet* 368 (9543): 1260-1269. 3.(2019) Gender Based Violence: an analysis of the implications for the Nigeria for women project. Washington DC: World Bank.

of such people, and it differs in regularity, form, and extent from one country to another<sup>8</sup>. The various dimensions of SGBV in different parts of the world, has directly affected the societal position and credence given to women in the global society. Apart from affecting their societal positions in the global economy, it continues to increase the morbidity and mortality of women and children<sup>9</sup>.

In response to the high incidence of gender-based violence and after years of advocacy by different stakeholders, Nigeria passed the Violence Against Persons Prohibition Act (VAPP) in 2015. This Bill was designed to address all forms of violence against people in private and public life, provide maximum protection and effective remedies for survivors, and punish offenders. The VAAP Act is the first legal tool in the country, that redefines rape and recognises that male survivors are also survivors of rape, redefines rape to cover oral and anal sex, the use of objects or other body parts other than the penis, is the only legislation that addresses compensation for gender-based violence survivors and attempts to prohibit Female Genital Mutilation (FGM), which is still prevalent in many Nigerian states. At the national level, the National Agency for Prohibition of Trafficking in Persons (NAPTIP) has the responsibility of implementing the VAPP Act.

## 1.1 Desk Review

In the study done by Onyemelukwe, on a critical analysis of the VAAP Act 2015, the author examined the relevance of the Act and its significance for issues around violence against women, and the place of the VAPP Act amongst the pantheon of extant laws addressing violence against women. The study identified gaps within the provisions articulated in the Act. It argued that, by itself, the law would have a limited impact, in part because of its limited geographical reach, and the impact could only be moderated by intensive advocacy to ensure that the legislation was adopted by all states in the federation. The article concludes that the enactment of the Act is a positive step, which has the potential to provide effective protections for women against gender-based violence. Onyemelukwe's study recommended specific actions that need to be taken to move the law from words on paper to active implementation and protection of women from gender-based violence in Nigeria.

## 1.2 Rationale

Since the enactment of the national VAPP Act in 2015, 25 states have domesticated it into law, Ekiti and Lagos have VAAP-related laws, and Six states are at various stages of law domestication, while Katsina and Kano have made little effort to domestic the Act. Constitutional and legal experts have applauded the VAPP Act at the national and VAPP law at the states, as an innovative tool that can holistically tackle the issue of violence and abuse on all fronts while focusing on gender and sexual-based violence.

As with many laws in Nigeria, passage and assent do not imply that the laws serve their purpose unless they are implemented as intended, and this depends on the existence and operation of sustainable structures and institutions responsible for law enforcement. With the VAPP Act/law passed at the national and state levels, it is important to

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8 (2019) Gender Based Violence: an analysis of the implications for the Nigeria for women project. Washington DC: World Bank.

9 (2019) Gender Based Violence: an analysis of the implications for the Nigeria for women project. Washington DC: World Bank.

examine the factors that led to the domestication in the identified states, document the domestication process, identify the gaps in implementation, assess the progress the law has made in preventing violence against women and girls; and share successes, challenges and lessons learnt during the domestication process that can be used by the remaining states.

### **1.3 Research Objectives**

The study had 4 objectives: -

- To evaluate the domestication of the VAAP Act/law at national and state level.
- To assess the effectiveness of the structures and institutions implementing the VAAP law and the incidences of SGBV in the implementing states.
- To generate recommendations to improve the domestication, and implementation of the VAAP law by states yet to domesticate it.

### **1.4 Research Questions**

This study attempts to answer the following questions:

- What successes and lessons can we document from domesticating the law in all states?
- What are the key differences between the content of the law passed across states and the initial national enactment?
- Has the VAPP law been effectively implemented across the country? What is the efficacy of various versions of the state equivalent law?
- What is the level of awareness of the VAPP legislation and its provisions among stakeholders such as law enforcement, judiciary, social welfare, community individuals, and implementing institutions?
- Has the VAPP legislation helped to deter or prevent SGBV?
- How have state-level VAPP laws improved the prosecution of offenders and justice for survivors? To what extent is the VAPP legislation tested?
- Has the implementation of the VAPP law successfully challenged and shifted social norms and cultural values that enhance SGBV, stigma, fear of reporting, and the culture of silence?
- What are the gaps and challenges faced by the institutions and structures meant to implement the VAPP law across the country?
- How can the implementation of the multiple VAPP laws be improved nationally and at the state/community level to address the increase in the incidence of SGBV?
- For effective implementation, the government should digitize judicial, law enforcement and health systems to improve the collection and

management of data, including the development of a sex offenders register.

- Governments should establish strong accountability mechanisms to monitor and evaluate the domestication and implementation process.
- Stakeholders such as donors and media should support the government in their various capacities.

# 2.0

## Methodology

### 2.1 Data Collection

A qualitative research method to was carried out to analyse the research questions and objectives. The following tools were selected for data collection. The KIIs and the FGDs were scheduled with the support of Ipas Staff.

#### 2.1.1 Desk Review:

A desk review of the VAPP Act, selected states VAPP laws, VAP implementation protocol (where they existed), select studies, publications, newspapers, and social media publications was done to deepen understanding of the context.

#### 2.1.2 Interviews:

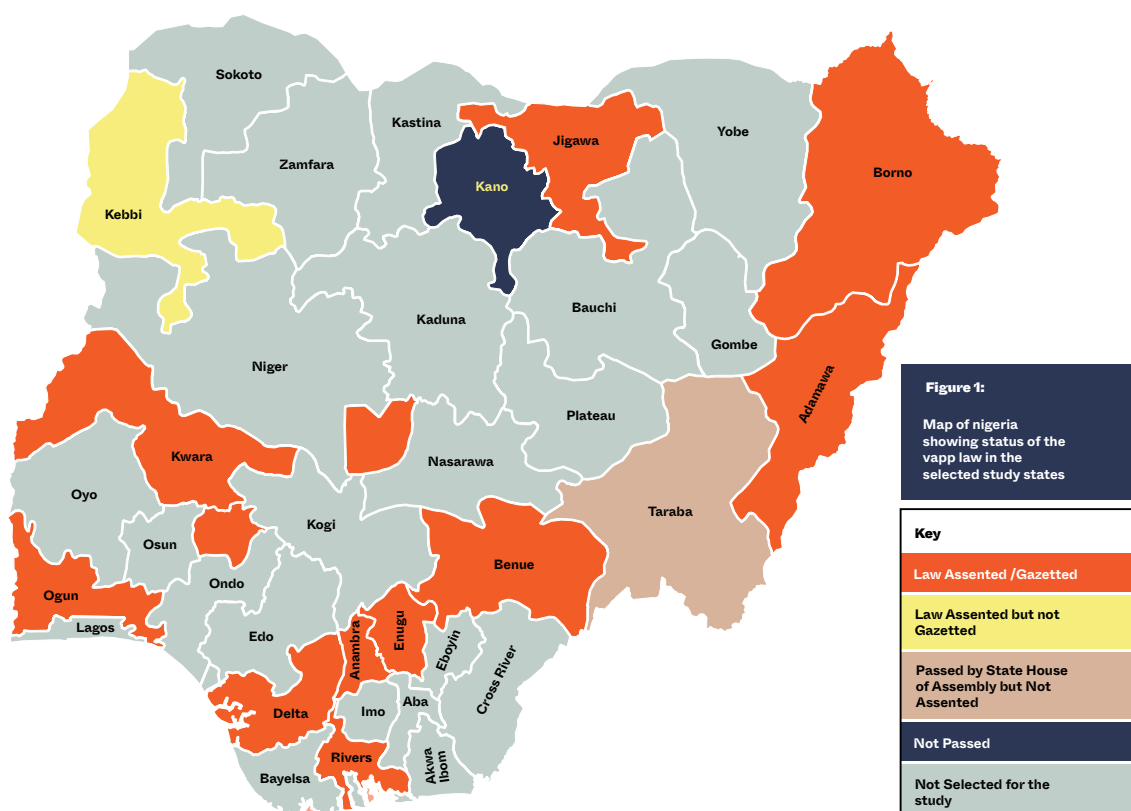
Key Informant Interviews (KIIs) were identified both at national and state level. The interviews were conducted using structured interview guides developed jointly with the evaluation team of IPAS.

#### 2.1.3 Focus Group Discussions (FGDs):

These were conducted both at national and state level.

### 2.2 Geographic Setting

The evaluation was conducted at the national level-FCT and in 14 states – Kebbi, Kano, Jigawa, Borno, Kwara, Taraba, Adamawa, Ogun, Ekiti, Delta, Anambra, Rivers, Benue, and the Federal Capital Territory (FCT). The factors in choosing the states, the theme used was states that had gazetted the law, signed into law, law passed by the House of Assembly and those that had not passed. Another factor during the evaluation was security.



## 2.3 Sampling

The study employed a purposive sampling during the selection of participants. Purposive sampling is used in research studies to select a specific group of individuals for analysis. This method is appropriate when the researcher has a clear idea of the characteristics or attributes, they are interested in studying and wants to select a sample representative of those characteristics. In this case, the inclusion of the participants was based on their perceived role and interest in implementing the VAPP Act/law. Respondents included representatives from CSOs, FBOs, state government officials (Ministry of Health, Ministry of Justice, Ministry of Women’s Affairs), SARC, Law enforcement agencies (Police, NAPTIP, NSCDC), a former Attorney General, Academia, Religious leaders, leaders of organizations for persons with disabilities, consultants, co-ordinating platforms, community members, SGBV survivors and gender specialists.

## 2.4 Sample Size

A total of 36 KIIs and IDIs were conducted at the national level and 240 KIIs/IDIs (30 KIIs/IDIs in each state) at state level. 166 interviews were conducted, of this number, 139 were KIIs, and 27 were in FGDs.

## 2.5 Data Analysis and Report

Data was analysed using a thematic approach. The reports from the 14 locations were organized, and transcribed.

## **2.6 Study Limitations**

1. There was selection bias, as the respondents selected were all within the Ministries, Departments and Agencies had in-depth knowledge and were familiar with the domestication and/or implementation process.
2. Respondents selected were also located within the state capital and its environs which gave limited and insufficient data and perspectives from other stakeholders, especially those who are recipients of the law.

# 3.0

## Findings

The findings of this study are presented under each objective.

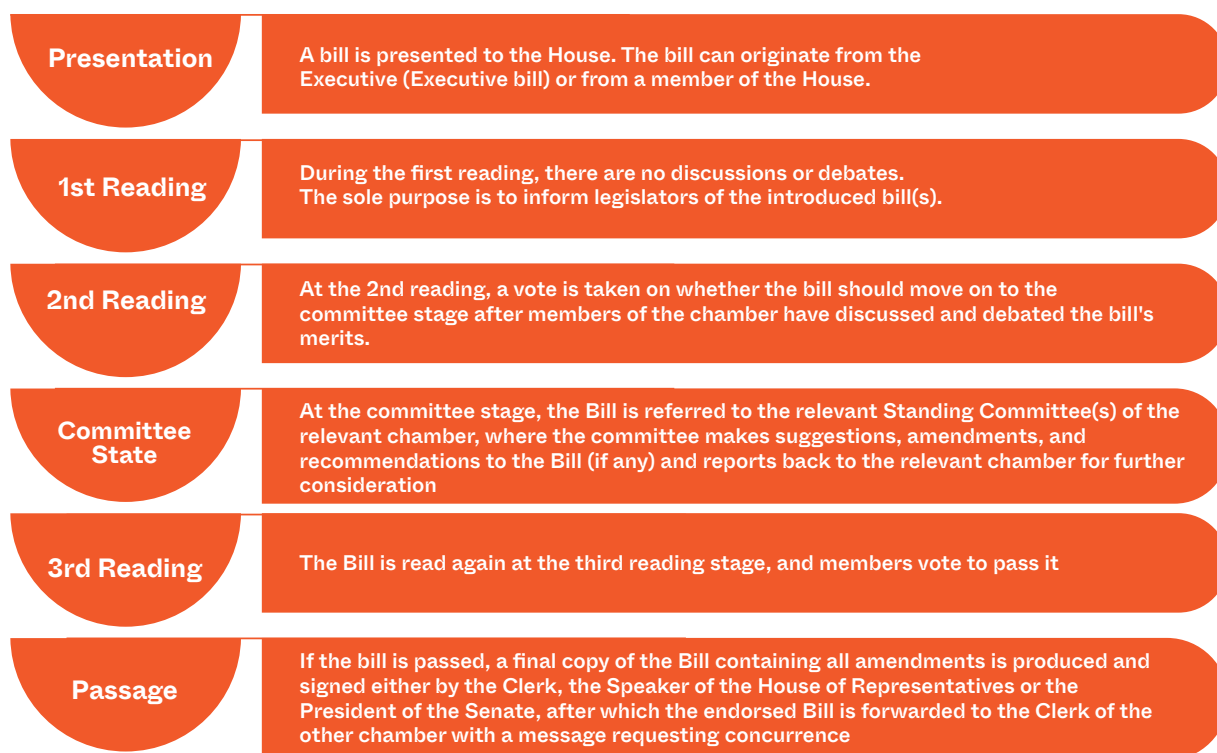
### 3.1 Objective 1

To evaluate the domestication of the VAAP Act/law at national and state level.

#### 3.1.1 Passing of the Act or Law

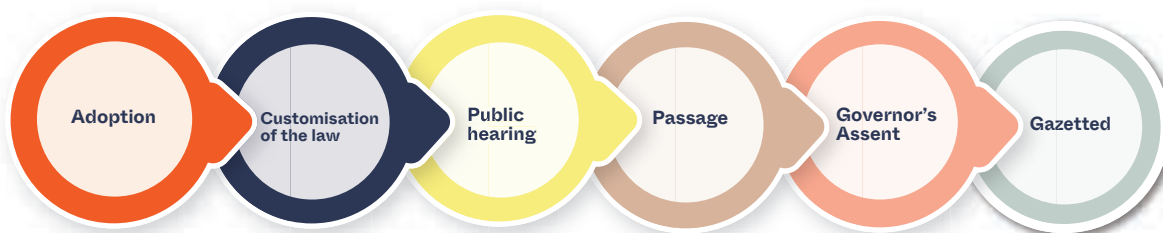
In Nigeria, a bill passed by the National Assembly and assented to by the President is an Act, while a bill passed by a State Assembly and assented to by the Governor is a Law. In this context, the VAPP Act is implemented at the national level, while the VAPP Law is implemented at the state levels.

#### 3.1.2 The process of passing an Act



**Figure 2:** Processes for passing a Law in the National Assembly





**Figure 3:** Process of domesticating a Law at the state level

- i. Adoption- The State House of Assembly adopts the law, then it is amended
- ii. Customisation- This is done to address any state specific state peculiarity.
- iii. Public hearing-To ensure the public participation, engagement and inclusivity of all voices has been done and their input incorporated.
- iv. Passage- After House is satisfied with the outcome of the public hearing, the bill is passed.
- v. Assent- The bill is sent to the Governor.
- vi. Gazetted- The law is put into effect by the appropriate state agencies and institutions.

### **3.1.3 Stakeholders involved in the domestication of the VAPP law.**

In the states that have domesticated the VAAP law, the process was initiated either through an executive bill, women led/focused CSOs, and/or the first lady (wife of the Governor). The process of domestication and implementation process was through the efforts of those who initiated the bill; through an executive bill, women led/focused CSOs, the first lady (wife of the Governor), NGOs and the efforts of several stakeholders such as the Ministries of Women Affairs, Ministries of Justice, Health, Education, Youth and Sports), law enforcement agencies (police, NAPTIP, NSCDC), Nigeria Immigration Service, FIDA, NAFDAC, FOMWAN, State Council of national rulers, NGOs/CSOs, FBOs, Women Groups, Traditional Rulers, SARC and VAPP Coordinator and the general public

### **3.1.4 Structural, systemic, and cultural gaps that impede domestication in the states.**

#### **3.1.4.1 Structural and Systemic**

- Lack of adequate budgetary allocation and provisions at the health, justice, legal system, and law enforcement agencies for logistics to treat, support, conduct investigations, gather evidence and document SGBV incidences to support prosecutors to fight cases and get convictions.
- Absence of required implementation structures such as the Sexual

#### Assault Referral

- Centres (SARC) are not enough within the states, and those that are operational are not always well equipped, funded or have trained capacity of staff. The SARC centres are where the forensic examinations, treatments, and medical care for victims of sexual abuse, sexual assault and domestic violence referred and done. Many are supported by NGOs/ CSOs.
- The lack of designated shelters available for survivors of abuse and their children.
- The lack of special courts to speedily attend to GBV cases- many time the survivors wait for years before justice can be served, they get tired and stop pursuing the case.
- Corruption- There is a sense of fear and mistrust of the police, security agencies and the justice department.

### **3.1.4.2 Cultural- Patrilineal and patriarchal structure of the society**

Respondents acknowledged that although progress is being made, especially by women who are questioning and challenging social norms and traditions which have gagged them, the provisions of the VAPP law conflict with their culture, tradition and religious beliefs which continue to be significant drivers on the deep-rooted culture of silence regarding SGBV. “A man’s status must be maintained; you cannot taint a man’s image by reporting him if he is an offender”.

Respondents state that within this space is a deep-rooted culture of silence on SGBV issues driven by many other discriminatory traditional and religious norms and practices which discourage victims of SGBV from speaking up, such as socialized gender roles, discriminatory inheritance rights, harmful traditional procedures such as FGM/C, widowhood inheritance practices, banishment from the community and culture of ownership of children, which many are not willing to let go of.

### **3.1.5 Jurisdiction**

At the National level, and in most states the Ac/law states that the VAAP Act supersedes the Penal and Criminal Code and gives jurisdiction to the High Court. In Jigawa and Kebbi State however, the law states that where there is a conflict involving questions of Islamic Personal Law, and Sharia Law, the latter shall prevail. Sharia and Islamic Personal law exclude rape in marital relationships. In Rivers State the law subsumes the Criminal Code, Delta State is silent on powers of the law while Ogun states makes no mention of the superiority of the law over the Penal and Criminal Codes.

## 3.1.6 Successes, challenges, and lessons learnt by states during the domestication process.

### 3.1.6.1 Successes

- i. Having a champion to initiate the domestication process.
- ii. Meaningful engagement, participation, partnerships, and coordination with all relevant stakeholders.
- iii. Collaborating with the media to educate the public, especially using local languages and dialects. The discussions on the media platforms also elicited discussions on SRHR, early and forced marriages, adolescent/teen pregnancy. GBV, patriarchy, gender roles and norms and harmful practices.
- iv. Use data for evidence-based advocacy.
- v. Have a work-plan and budget for the process; in many states the domestication process took up to a year.



There was an area here we went for sensitization and within two weeks we had caught like three teachers who were violating students and immediately we caught them they were at the police, more students started coming out coming out.”

**MDA KII participant**

### 3.1.6.2 Challenges

- i. Funding- implementing institutions stated that although stipulated in the Act/Law, the governments did not have budget lines for implementing the VAAP law, and many times, the limited funds mobilized are drawn from different government activities.
- ii. Misunderstanding of the law- Many people saw the law to be against their religion,
- iii. Culture, and traditions. It was viewed as taking power away from the men.
- iv. Compromising and not following the proper steps of passing a law in the state such as election promises where the law was a “political win” and was passed with no involvement, plan, or strategy to operationalize it.
- v. The lack of engagement from relevant agencies stalled the

process, they argued that the law was not customized to reflect the states laws and policies.

### **3.1.6.3 Lessons learnt**

- i. Prior to the domestication process, states should review their existing laws and policies, understand their context, and adjust the domestication process to meet the state's needs.
- ii. Champions such as the First Ladies, are instrumental in not only initiating the process, but also creating awareness for the law.
- iii. During sensitization, awareness creation and community meetings, it is best to use gender-neutral communication approaches, especially where there are different cultural vulnerabilities and for the acceptance of new adaptations in the communities.
- iv. Coordination and communication among the MDAs are necessary for the process to stay on course and not get derailed.
- v. States should work on getting data for evidence, and not only rely on emotional stories.
- vi. Meaningful engagement and participation should be inclusive, the voices of survivors, young people and people with disabilities must be represented.
- vii. Develop popular versions of the documents, and during community mobilization and meetings, use of local languages ensures the residents can read and/or understand message.
- viii. Information sharing is a continuous process that should be undertaken by the local authority; the chief, traditional and religious leaders would be the best custodians of the law in the community.

## **3.2 Objective 2**

To assess the effectiveness of the structures and institutions implementing the VAAP law and the incidences of SGBV in the implementing states.

Data from the states show that, as of December 2022, 926 cases had been reported in 9 states and the FCT. Out of the 926 cases, 252 are under investigation, 560 are ongoing prosecution and 169 have resulted in convictions. This could likely be attributed to the following: -

### 3.2.1 Level of awareness of the VAPP law and its provision

There appears to be some level of awareness of the VAPP law and its provision among relevant stakeholders. The awareness efforts spearheaded by specific ministries, NGOs and CSOs have ensured that implementing institutions are informed. Across all states, the Ministry of Health handled sensitization through its primary health and community structures, the Ministry of Education targeted school clubs to share with students, while the media used different platforms and programs to reach different audiences.



At the initial stage, they visited the Ekiti State Council of National Rulers to sensitize the community on the importance of this law. A committee was set up to mobilize people across the 16 local governments there before the fixture of NCDA. So, along the line, awareness was created among the people about the importance of this law. And target group both women and men, were individually sensitized in different ways. The community was sensitized even to the level of the artisans and other groups.”

Respondent

The awareness has resulted to an increase in general reporting of SGBV-related incidences, mainly anonymous or confidential reporting sometimes because of the social standing of the offender. People reportedly sought justice in cases where they would have previously remained quiet.

	Reported cases	Under investigation	Prosecution Ongoing	Convicted cases
FCT / Reported to NAPTIP	308	151	139	16
Adamawa	29	5	22	2
Kano	53	0	3	44
Edo	287	1	225	39
Ekiti	93	93	67	26
Delta	79	0	72	7
Kwara	22	0	18	4
Akwa-Ibom	50	0	14	28
Yobe	2	2	0	0
Kaduna	3	0	0	3
<b>Total</b>	<b>926</b>	<b>252</b>	<b>560</b>	<b>169</b>

Table 2: Cases reported, invested and prosecuted - source: NAPTIP Website.

NGOs also reported that they have supported more survivors of violence with social support and medical assistance which included counselling and psychosocial support and health care providers stated that survivors had knowledge and information on evidence preservation as they would report cases with physical evidence of the assault.



It's when we start having convictions that are when you say it is serving as deterrence. Even in the case of its awareness, it is still the same Hadis Foundation that was able to simplify the VAPP law to 3 languages. Unfortunately, some cases are even lost because parents are not coming up to testify, and police also need training. There was a case at Molete, an undergraduate lady was raped, and police called it adultery, simply because the young girl invited the boy over, but invitation doesn't mean consent, she invited the boy and, in the process, she slept off, the boy used the opportunity to rape the girl. When the police were reporting the case, they said it was adultery. Were they married? So, you can imagine, they are not diligently prosecuting these cases."

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### **3.2.2 Effective Implementation of the law**

In the context of this study, we defined the effective implementation as having the states having structures, mechanisms and trained personnel that provide support for the implementation. The structures include: -

- i. An implementation guideline and the national guidelines for the medical management of victims of sexual violence, "VAAP Protocol" to guide the process of implementation with clear roles and responsibilities for each sector and structure. The states that had guidelines were, Adamawa, Ekiti, Jigawa, Kebbi, Ogun and the FCT. Majority of the stakeholders were not aware of the VAAP protocol, and the guidelines had not been widely disseminated.
- ii. Adequate funding for the implementation- A budget allocation at state level is supposed to operationalize all areas of implementation, including social support and a survivor's fund. In all states, the funding

is insufficient and there are concerns that funding is not available specifically for VAAP Implementation, most activities are supported and funded by donor partners. NAPTIP stated that since 2015, when the Act was passed, they had not received any funds to implement the VAAP Act and they are the agency tasked with its implementation at the national level. Their funding is from donors.

- iii. Coordination and partnership from ministries, department, and other government agencies, including relevant stakeholders; the police, health care workers, local authority (chief), traditional and religious leaders, NGOs, CSOs, CBOs. Anambra state has an implementation committee and a secretariat housed at the Ministry of Women Affairs. In states like Kwara, committees were set up with no resources for any logistics or activities.
- iv. Establishment of SARC- this is a one-stop response centres for SGBV cases where survivors can access free medical care, legal services, psycho-social support, and counselling, including initiating investigations by the police. These were in place in Delta (1), Ekiti (3), Ogun (2 privately owned), Anambra (1) and accessible to persons with disabilities, including assigned counsellors with sign language training., FCT (1), Jigawa (1) and Kano (1). It was noted that in states like Kano, not all services were free. Kwara (3) with one fully equipped and furnished by a CSO and handed over to the government, the other two according to respondents should not be called SARCs as they are not functional. There is no SARC in Taraba, as the law is yet to be gazetted.
- v. Sexual assault and gender-based violence response teams- VAAP Coordinators who rapidly respond to SGBV cases and refer survivors to SARC. Delta, Ekiti, Anambra, Jigawa and Kano. Jigawa and Kano also have emergency numbers for the SARC coordinators, although it is not free. No coordinator in Kwara.
- vi. Police stations with gender desk units/protection officers-Delta, Ekiti, Anambra, FCT, Taraba
- vii. Sex offender registers- The plan by NAPTIP is to have one harmonized database that contain sexual offenders nationwide. However, some stated launched their own registers, and linked them with the NAPTIP database. Operational in Delta state and is available to the public, only has 7 convictions recorded since February 2022, Ekiti launched in 2020 it is not available to the public and no numbers recorded, Anambra is in the process of developing one, FCT-launched in 2019. NAPTIP also has database with service providers who can respond to SGBV cases. Kano launched it in 2022 and is linked to the NAPTIP, and includes pictures of the offenders, and is available to the public upon request. Ogun, and Jigawa do not have registers.
- viii. Adequate staffing and capacity strengthened officers at the different sectors, including the office of public defenders to provide free legal

services and advise to indigent, vulnerable and disadvantaged women, and girls.

- ix. Special courts to facilitate and accelerate SGBV cases were only established in Delta, Anambra, Ekiti, Ogun state has a family court that deals with matters pertaining children.
- x. Data- Respondents did not mention the use of data for evidence or advocacy.

“The appointment of gender desk officers is from our national headquarters, and it is female police that must head the unit and is also at a particular rank. That female will be trained to head their unit”

Judiciary, Taraba.

### 3.3 Objective 3

To generate recommendations to improve the domestication, and implementation of the VAAP law by states yet to domesticate it.

#### 3.1.1 Recommendations

- Community and local engagement- The local authorities (chief/local/traditional/religious leaders) should be capacity strengthened on the VAAP law and other related laws so that they are able to cascade and explain the information to their residents and support in the implementation of the law. aware. The leaders should be part of the first responders where women and children are able to report. This includes simplification of the VAAP law/ popular versions, local languages, and dialects.
- High level advocacy to ensure there is political will from the Governors and other political leaders, including influencers such as the first ladies who need to embrace this law, push for the domestication in their states, including ensuring full gender-responsive budgeting for all aspects of the law. (Prevention, protection, support etc.)
- Meaningful participation and engagement of all stakeholders- NAPTIP, FMoWA, CSOs- NGOs, women groups, FBOs, NBA, FIDA; the Ministry of Justice, the Ministry of Women Affairs and Social Development; development partners, NGOs, FBOs, women’s groups, legislators, government agencies, media, young people, and non- state actors.
- Coordination and communication among MDAs- To improve the



capacity of all ministries, departments, and agencies, and ensure clear accountability lines, with roles and responsibilities for each sector. This also includes reviewing of existing state laws, prior to starting the domestication process.

- Community advocacy, and sensitisation campaigns aimed at raising awareness, bill giving information and knowledge on the law to build support for the acceptance and passage of the bill.
- The states should invest in economic empowerment programs and social protections for women and girls to empower and support them and address factors that continue to hold them back and improve their lives.
- Strengthen reporting mechanisms such as SARCs, Women's shelters and police etc with funding, equipment, and support so that they can provide the required services and support.
- Regular capacity building and strengthening especially for first responders, i.e. health care providers. Law enforcement agencies i.e. police officers and the justice department magistrates and prosecutors, and NSCDC.
- Establishment of special courts in each state to avoid cases dragging for long and discourage informal settlement out of court which delays justice.
- Digitize systems to improve the collection and management of data.
- Develop sex offenders' registers that can be linked to the main register at FCT.
- Support from donors and NGOs to establish accountability mechanisms to monitor and evaluate the domestication and implementation process.

### 3.4 Conclusion

There needs to be more studies to provide evidence to conclusively determine whether the domestication and implementation of VAAP Act/law at the national level and in the states has reduced the number of SGBV cases, or and increased the number of SGBV cases being reported. 80% of the respondents believed the VAPP law has helped increase reporting but has not necessarily deterred offenders. There is an increased awareness of the VAPP law, which has resulted in breaking the culture of silence – many victims are now speaking up. NGOs and MDAs believed that the law was still in its early stages and would not comment or provide definitive assessments.

Due to the gaps faced by implementing institutions and structures- law enforcement- many which lacked trained officers and gender desks, lack of SGBV shelters for women and children who report violence, SARC that are inadequately staffed and/or funded, inadequate social services to support survivors and their children, absence of special courts to facilitate and accelerate prosecution and conviction, local authorities and others who disrupt justice due to tradition and social norms, and lack of sex offenders registers, there is poor data collection and management thus it is difficult to get accurate and quality data on the status of SGBV and more importantly, the status of implementation in the states.



Ever since it was domesticated, we have had more than 30 cases on VAPP in court presently since June 2021 up till now. Although they are concluded, you know our constitutional statement said that the perpetrator is presumed to be innocent until he's proven guilty. So, because all processes must be followed, and a fair hearing should even be given to the suspect that is why cases are lingering in prosecution, but they are in court and very soon, we will be having convictions.”

MoJKW- Kwara State

However, funding remains a big issue, with the national and state government not allocating budgets to VAAP activities. This continues to be a challenge and a threat to the realization of zero tolerance to SGBV in Nigeria. There is also the need for more deliberate awareness and sensitization as respondents rated the awareness level to be below 50%. The publication of the names of sex offenders in the Sex Offenders' Register is seen as a punitive measure to serve as deterrents to others.



“There is no budget line for VAAP, we have been running it with the funds provided for by the trafficking in persons unit, donor agencies and a few well-meaning individuals have been generous and have been coming in to assist in one way or the other- VAAP Coordinator, NAPTIP- FCT”.

A summary of the implementation of the law in the 14 states is in the Annex.

State	Guideline/ Protocol	Funding	Coordination Mechanism	Data	SARC	VAAP Coordinator	Gender Desk/ Protection officer	Sex Offence Register	Adequate/ deployed staff	Special Courts	Women's Shelters
FCT	X		X		X	X	X	X			X
Adamawa	X		X		X		X		X		
Anambra			X		X		X		X	X	
Benue											
Borno											
Delta			X		X			X	X	X	
Ekiti	X	X	X		X	X	X	X	X	X	
Jigawa	X		X		X	X	X		X		
Kano			X		X	X					
Kebbi	X										
Kwara			X		X			X	X		
Ogun	X		X		Y				X	Z	
Rivers											
Taraba							X				

Y- Privately owned SARC centres.

Z- Family court that deals with children's matters only.

Ipas Nigeria Health Foundation works to empower women and girls to have bodily autonomy and exercise their sexual and reproductive health and rights. As partners for reproductive justice, we build collective action that transforms societies to enable women, girls, and vulnerable persons to manage their fertility and realize their full potential.

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