

FACT-SHEET ON VIOLENCE AGAINST PERSONS PROHIBITION (VAPP) ACT

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What Does the VAPP Act seeks to Address?

The Violence Against Persons (Prohibitions) Act¹ is Nigeria's most comprehensive legislation today that has the potential to make women and girls in Nigeria safer and better protected by the state.

Rape

The VAPP Act redefines rape by extending the definition of what constitutes rape under Nigerian law to include anal penetration, oral penetration, and penetration of other body parts with sexual organs or objects.

The VAPP law is the first Nigerian law to recognize that rape can involve male victims

Domestic Offences:

The Act addresses issues such as the abandonment of spouses, children, and other dependants without any means of sustenance.

It also makes forcefully ejecting a partner from home, refusing access, incest, and spousal battery punishable offences.

Aiding Perpetrators and Sexual Offenders Record

The VAPP act makes it an offence to prevent the smooth operation of the law by frustrating the investigation and prosecution of offenders while also providing for a record of sexual offenders that will be available publicly.

The VAPP act was signed into law in 2015 as a law applicable within the Federal Capital Territory and requiring adoption by all states of the federation.

Harmful Traditional Practices:

The Act creates a legal framework to counter harmful traditional practices such as female genital mutilation, circumcision, denial of rights to succession, forced marriages, and child marriage; it is the first federal law attempting to prohibit female genital mutilation across the whole country².

Compensation And Effective Remedies

The VAPP Act also addresses the issue of remedies for victims of offences provided for under the Act.

It provides for compensation for victims as well as comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies or non-governmental agencies providing such services.

Protection Of Victims

The Act addresses the issue of protecting victims from reprisal by providing for a protection of their identities even during court trials.

The act also provides for Protection Orders (PO) which is a legal document to protect persons from abuse in the short term.

Non-Physical Abuse

The Act creates a category of offences that are non-physical forms of abuse such as emotional, verbal, psychological, socio-economic violence.

¹<https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/104156/126946/F-1224509384/NGA104156.pdf>

²<https://www.refworld.org/pdfid/5b3497357.pdf>

Why is the VAPP Act Important?

3 in 10

Nigerian girls have experienced physical violence by the age of 15³

28%

of Nigerians aged 25-29 had experienced some form of physical violence since age 15; 15 per cent of women experienced physical violence, and the level of exposure to the risk of violence varied based on marital status⁴

The Nigerian Demographic and Health Survey (NDHS) 2018 found that the percentage of women who have experienced physical violence since age 15 increased from **28%** in both 2008 and 2013 to **31%** in 2018⁶

The prevalence of spousal physical, sexual, or emotional violence increased from 31% in 2008 to 36% in 2018.

45%

of the women who have experienced violence never sought help or told anyone about the incident⁹

*The International Centre for Investigative Journalism reports that there are only 65 rape convictions from publicly available record from 1973 to 2019 (a period of 46 years)*¹¹

Women with disabilities are twice as likely to experience all forms of GBV as other women and up to three times more likely to experience sexual assault by a stranger or acquaintance⁵

43%

of girls married before the age of 18⁷. Violence can be linked directly with harmful practices such as child and forced marriages—a prevalent harmful cultural norm in Nigeria

3.5 million

Child brides are in Nigeria, ranking third in the world

20 million

women and girls in Nigeria have undergone female genital mutilation (FGM), accounting for 10% of the global total, with 82% having been cut before the age of five .

*While it is hard to find comprehensive public records on the rate of prosecution and conviction for gender-based offenses/sexual offences, there is no doubt that there is an embarrassingly low rate of conviction*¹⁰

Yet, Nigeria is one of the most dangerous countries for women .

This obvious dichotomy between the rate of offence and prosecution has made it necessary to address the legal gaps that enable violence against women and girls and allow offenders go scot-free.

How is the VAPP Act Different from the Criminal Code and Penal Code?

The VAPP act has been lauded as Nigeria's GBV law because it is the most comprehensive provision till date dealing with non-physical forms of violence —emotional, economic, psychological abuse.

Section 357 and 282 of the criminal code and penal codes respectively which creates the offence of rape has a restricted definition of what constitutes rape.

Both the criminal code and penal code remove other non vaginal forceful penetrations from the law. These laws also make marital rape a legal impossibility. Gaps which the VAPP Act has addressed.

For example, section 357 of the criminal code defines rape as:

"Having unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false act, or, in case of a married woman, be personating her husband."

And section 282 penal code

"A man is said to commit rape who has sexual intercourse with a woman in any of the following circumstance: against her will; without her consent; with her consent, when the consent is obtained by putting her in fear of death or of hurt."

The VAPP Act also provides for compensation of victims and other remedial structures for rehabilitation and reintegration of victims of the offences under the act.

³Nigeria Demographic and Health Survey 2013. Accessed at <https://nigeria.unfpa.org/en/node/6123>

⁴<https://www.premiumtimesng.com/news/more-news/459410-3-in-10-women-girls-experience-sexual-abuse-in-nigeria-tallen.html>

⁵World Bank Document. Page 11. Accessed at <https://openknowledge.worldbank.org/bitstream/handle/10986/31573/Gender-Based-Violence-An-Analysis-of-the-Implications-for-the-Nigeria-for-Women-Project.pdf?sequence=1>

⁶Nigeria Demographic and Health Survey 2018 Key Indicators Report

⁷<https://www.bellanaija.com/2022/07/global-citizen-roadmap-to-36/>

⁸Gender-Based Violence Reporting Handbook. 2022. Accessed at <https://thecjid.org/wp-content/uploads/2022/03/Gender-Based-Violence-Reporting-Handbook.pdf>

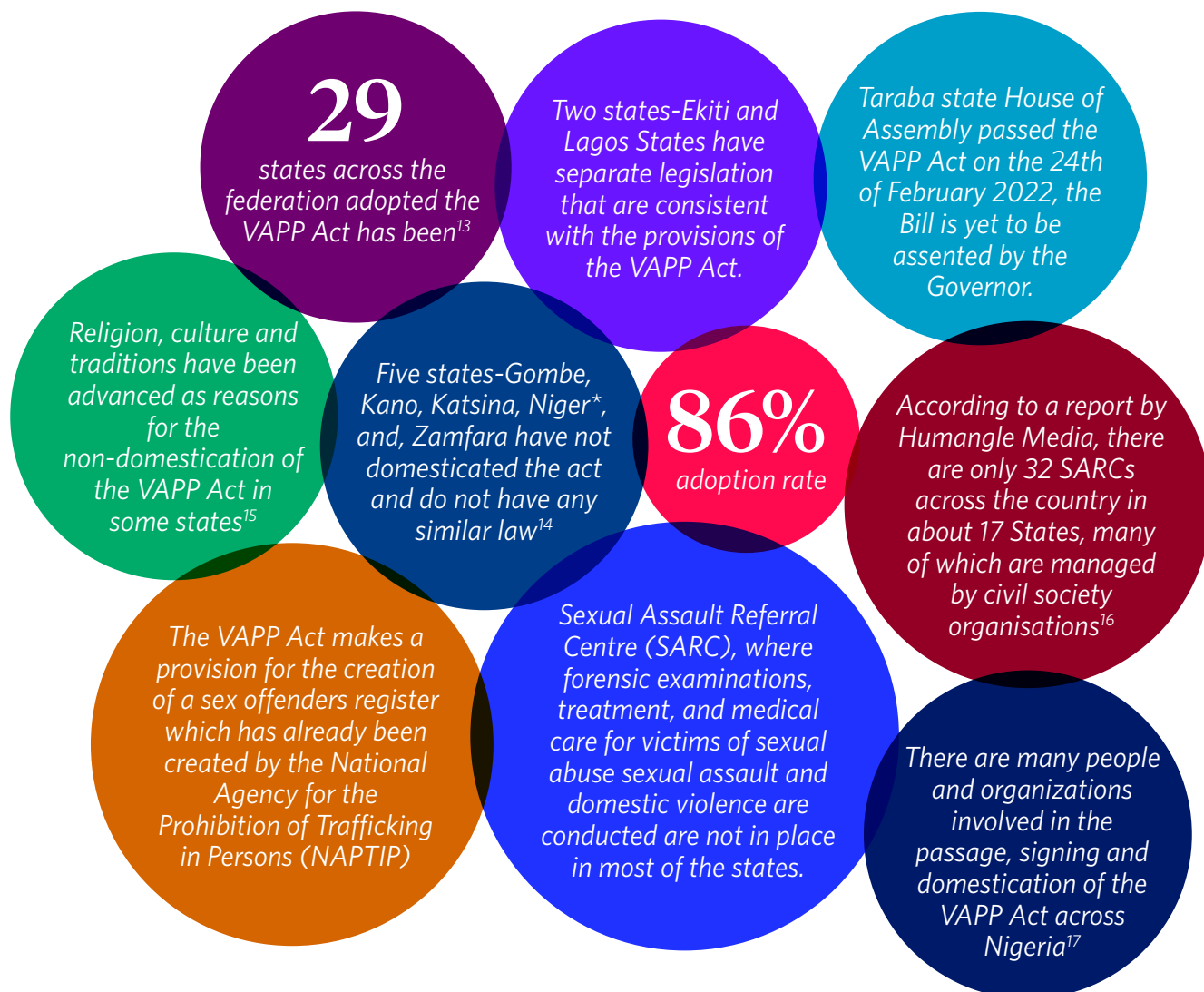
⁹<https://www.bellanaija.com/2022/07/global-citizen-roadmap-to-36/>

¹⁰<https://humanglemedia.com/nigerias-violence-against-persons-prohibition-act-has-been-widely-accepted-but-what-now/>

¹¹<https://www.icirnigeria.org/fact-check-no-it-isnt-true-nigeria-has-recorded-only-18-convictions-in-rape-cases/>

¹²<https://www.reuters.com/article/us-women-dangerous-poll-factbox-idUSKBN1JM01Z>

Domestication of the VAPP Act



The key stakeholders that can help drive the implementation of the act nationwide include:

- Law enforcement agencies
- Judicial officers
- Legislative houses
- Civil society organizations
- Rehabilitative organisations
- Media organisations
- Advocacy groups.

¹³<https://www.partnersnigeria.org/vapp-tracker/>

¹⁴<https://www.partnersnigeria.org/vapp-tracker/>

¹⁵<https://punchng.com/activists-worry-urge-hesitant-states-to-domesticate-law-against-gender-based-violence/>

*Most sources online including the VAPP Tracker claim that Niger state is yet to pass the VAPP Act. However, media publication by Nigeria Governors Forum as well as responses from Niger state resident maintain that the Act has been passed- <https://ngf.org.ng/index.php/99-news-from-the-states/2020-niger-state-governor-abubakar-sani-bello-signs-two-bills-into-law>

¹⁶<https://humanglemedia.com/nigerias-violence-against-persons-prohibition-act-has-been-widely-accepted-but-what-now/>

¹⁷<https://www.globalcitizen.org/en/content/everything-you-need-to-know-vapp-Nigeria/>

Gaps In Level of Reportage And Prosecution

10,000

Nigerian women suffer from all forms of Gender-Based Violence (GBV) daily according to the country representative for the United Nations Fund for Population Activities, Ulla Elisabeth Mueller,

68%

of most Nigerians consider domestic violence a private matter to be resolved within the family rather than as a criminal matter that involves law enforcement agencies¹⁸

According to an AfroBarometer survey conducted in 2022, nearly half (47%) of 1600 respondents believe it is "somewhat likely" (28%) or "very likely" (19%) that a woman will be criticized, harassed, or shamed if she reports an incident of GBV to authorities. Far fewer people (24%) believe this is "very unlikely."

A culture of silence, secrecy, and victim-blaming has led to many Nigerian women and girls not reporting violence against their persons.

16 out of 5,100

cases of gender-based violence have been convicted so far in the country²⁰, according to Paullen Tallen, Minister of Women Affairs and Social Development

Even when women report violence against them, they are pressured to stop the prosecution of the case, denying law enforcement agencies the necessary information for prosecution¹⁹

809

Number of Records

144

Convicted

405

Still in Court

180

Under Investigation

88

Active Service Providers

91

Registered Service Providers

This implies there is a less than one percent rate of conviction despite high rate of occurrence

There is also lack of adequate shelters available to victims of abuse which often lead to abuse victims returning to their abusers²²

Absence of Special Court to try cases of GBV affects access to justice for GBV survivors and victims.

Other factors such as loss of evidence, poor handling of forensic data, lack of funding, and attitudinal issues amongst stakeholders has resulted in an abysmally low rate of prosecution.

¹⁸AfroBarometer, 2022. <https://www.afrobarometer.org/wp-content/uploads/2022/09/R9-News-release-Nigerians-reject-use-of-physical-force-against-women-Afrobarometer-31aug22.pdf>

¹⁹"Nigeria." Global Database on Violence Against Women. UN Women, 2016. <https://evaw-global-database.unwomen.org/fr/countries/africa/nigeria>

Conclusion and Recommendations

1

As a federal law, the VAPP Act is only effective in the Federal Capital Territory of Abuja: all remaining states must pass mirroring laws to enact the legislation and prohibit violence against persons across the country

2

Although the VAPP Act is almost a decade old, knowledge of the law and enforcement is generally weak across Nigeria, and it has not been possible to identify any successful prosecutions to date.

3

To address the gaps in reporting and prosecution, there is the need to advocate for gender-sensitive budgeting and planning. This will ensure the allocation of resources into creating the needed structures for the implementation of the act.

4

Civil society organisations need to evolve in their approach to advocacy. The VAPP act was domesticated in most of the states in Nigeria largely due to pressure from civil society organisations.

5

There must be increased awareness for ordinary Nigerians to take action on the provisions of VAPP Act.

²⁰<https://www.arise.tv/nigeria-only-16-out-of-5100-cases-have-been-convicted-of-gender-based-violence-says-women-affairs-minister-tallen/>

²¹<https://nsod.naptip.gov.ng/>

²²<https://invictus.ng/orangepages2/>

²³<https://humanglemedia.com/nigerias-violence-against-persons-prohibition-act-has-been-widely-accepted-but-what-now/>