



AN ANALYSIS OF LAWS AND POLICIES TO COMBAT GENDER-BASED VIOLENCE IN NIGERIA

A Desk Review for the MOMENTUM Country and Global
Leadership Nigeria Activity

MOMENTUM Country and Global Leadership



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MOMENTUM works alongside governments, local and international private and civil society organizations, and other stakeholders to accelerate improvements in maternal, newborn, and child health services. Building on existing evidence and experience implementing global health programs and interventions, we help foster new ideas, partnerships, and approaches and strengthen the resiliency of health systems.

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TABLE OF CONTENTS

Acknowledgments	3
Abbreviations	4
Executive Summary	5
Introduction	7
Methodology	8
Legal and Policy Analysis: National Level	9
Key Laws and Policies	11
Priority Trends.....	13
Legal and Policy Analysis: Ebonyi State	14
Key Laws and Policies	15
Challenges to Implementation.....	17
Priority Trends.....	18
Legal and Policy Analysis: Sokoto State	19
Key Laws and Policies	20
Challenges to Domestication and Implementation.....	22
Priority Trends.....	22
Recommendations	23
Conclusion	24
References	25
Appendix A: Summary of Key Laws and Policies Reviewed	28
Appendix B: International Agreements on Gender-Based Violence and Sexual Exploitation and Abuse Adopted at the Federal Level in Nigeria	34

LIST OF TABLES

Table 1. Summary of Key Laws and Policies at the National Level	11
Table 2. Gender-Based Violence in Ebonyi State	14
Table 3. Summary of Key Laws and Policies In Ebonyi State	15
Table 4. Gender-Based Violence in Sokoto State	19
Table 5. Summary of Key Laws in Sokoto State	20

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ABBREVIATIONS

BF-APEA	Behaviorally Focused Applied Political Economy Analysis
CEFM	Child early and forced marriage
CIRDDOC	Civil Resource Development and Documentation Centre
CRA	Child’s Rights Act
CSO	Civil society organization
FIDA	International Federation of Women Lawyers
FMOJ	Federal Ministry of Justice
FMWASD	Federal Ministry of Women Affairs and Social Development
GBV	Gender-based violence
GII	Gender Inequality Index
HTP	Harmful traditional practice
IPV	Intimate partner violence
LAC	Legal Aid Council
LACVAW	Legislative Advocacy Coalition on Violence against Women
LGA	Local government area
MOMENTUM	Moving Integrated, Quality Maternal, Newborn, and Child Health and Family Planning and Reproductive Health Services to Scale
NACVAW	National Coalition on Violence Against Women
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NBS	National Bureau of Statistics
NDHS	National Demographic Health Survey
NGO	Nongovernmental organization
NGP	National Gender Policy
NHRC	National Human Rights Commission
SCSN	Supreme Council for Shariah in Nigeria
SHRC	State Human Rights Commission
SMOH	State Ministry of Health
SMOJ	State Ministry of Justice
SMWA	State Ministry of Women Affairs
SV	Sexual violence
UN	United Nations
USAID	United States Agency for International Development
VAPPA	Violence Against Persons Prohibition Act
VAW	Violence against women

EXECUTIVE SUMMARY

In Nigeria, women suffer violence on the basis of their gender. The passage of new legislation at federal and state levels suggests some progress in addressing gender-based violence (GBV), such as sexual violence (SV), intimate partner violence (IPV), and child early and forced marriage (CEFM). However, these forms of GBV are increasing. The MOMENTUM Country and Global Leadership project in Nigeria is working to address the different forms of GBV in both Ebonyi and Sokoto states. As part of a comprehensive package of interventions, MOMENTUM Country and Global Leadership conducted a Behaviorally Focused Applied Political Economy Analysis (BF-APEA), a novel approach that helps projects and country partners understand the underlying incentives, interests, and systemic behaviors that explain the persistence of challenging dynamics within complex governance systems.

The desk review aimed to develop an accurate and detailed map of the legal and policy framework on IPV, SV, and CEFM as well as gaps and challenges of implementation of these laws at the national level and in Ebonyi and Sokoto states. This report describes and analyzes relevant national and state laws and policies, their context and enabling environment, the stakeholders responsible for implementing them, key gaps, and implementation and domestication challenges.

Two major pieces of legislation that inform Nigerian definitions of, punishments related to, and strategies to mitigate IPV, SV, and CEFM are the Violence Against Persons Prohibition Act (VAPPA) and the Child's Rights Act (CRA). The VAPPA is the most encompassing legislation in Nigeria addressing violence against persons, whereas the CRA is the first law to restrict the age of marriage to 18 years, thereby indirectly outlawing child marriage.¹ Both laws were passed at the federal level, however, to be enforceable, they must be domesticated in each state. Although this review also analyzes national and state laws and policies beyond the VAPPA and the CRA, these two pieces of legislation heavily inform local leaders' potential engagement in the prevention and mitigation of IPV, SV, and CEFM.

At the national level, a key challenge to implementing the VAPPA and CRA is the need to first domesticate them in each state. Some states, mostly in the north, have yet to domesticate them. A key gap in the VAPPA is that it lacks preventative measures that would help address the root causes of violence against women. A key gap in the CRA is its lack of alignment with the Nigerian Constitution regarding minors and marriage; for example, the Constitution states that a child is an adult after marriage, regardless of age, but the CRA puts the age of marriage at 18 years.

In Ebonyi state, implementation challenges include:

- Deeply rooted culture and tradition that stress the need to protect and safeguard family and family secrets rather than report violence, victimization, and stigmatization.
- Local leaders' lack of and inadequate knowledge about laws and policies, such as the police using old and deficient laws for prosecution, rather than newer and more effective laws.
- Systemic/institutional factors, such as inadequate provision of funds to support prosecution and survivors, slow judicial process, and corruption.

Sokoto state faces challenges to both domestication of national laws and implementation of existing laws. Challenges to domesticating national laws include the Supreme Council's support for implementing Sharia across Nigeria and its perception that the CRA will override Sharia laws and traditional, cultural, and religious practices, such as child marriage. Challenges to implementing existing laws include the sociocultural stigma of

being raped that prevents some women from pursuing charges through the courts and the difficulty of prosecuting charges of rape that involves boys and girls due to exposure to stigma.

The desk review yielded several recommendations to help the MOMENTUM team consider how best to navigate this challenging legal environment and to design programming that ultimately helps local leaders use the laws to protect women and girls. These recommendations include:

- Increase national- and state-level stakeholder access to knowledge and skills-based training related to relevant laws and their provision. This includes making existing laws and policies more accessible to local leaders, such as simplifying and translating key provisions of the VAPPA into local languages.
- Empower national- and state-level civil society partners to engage in norms-shifting to build an environment conducive to enforcing relevant laws and policies.
- Advocate for the domestication and implementation of the CRA in Sokoto state.
- Advocate for national-level VAPPA amendments to enable its full and practical operationalization.

INTRODUCTION

Nigeria is the most populous country in Africa, and with its large population comes remarkable diversity. There are 250 ethnic groups speaking more than 250 languages across the primarily Christian South and Muslim North.² One cross-cutting reality for all Nigerians is the growing public health crisis posed by gender-based violence (GBV). In Nigeria, GBV affects mostly women and girls, with one in three women having experienced some form of GBV,³ such as intimate partner violence (IPV), rape, or sexual violence (SV), with IPV the most prevalent.⁴ Despite the prevalence of GBV in communities in Nigeria, the topic continues to be defined by secrecy. A culture of silence reinforces poor reporting of cases and inadequate support mechanisms for survivors who choose to come forward.⁴ A majority of those affected avoid care due to a fear of stigmatization and secondary victimization and often experience fear and shame because of economic dependence on men who may be the perpetrators of violence.⁵

Violence against women (VAW) in Nigeria also intersects with religious and traditional practices, such as child early and forced marriage (CEFM).⁶ Child marriage is tied to a cultural and religious veneration of female virginity. Child marriage is seen as a way to prevent premarital sexual activity, pregnancy, and divorce and to protect girls' chastity and reputation. Marriages have been reported of girls as young as 12 years old, with girls who showed physical signs of puberty earlier being married off earlier. Child marriage is closely linked to power and control because marrying when they are young gives girls a low sense of self-worth and is more likely to result in a controlling, violent relationship.⁷

Within this context, the MOMENTUM Country and Global Leadership project in Nigeria has been working to strengthen services for and responses to IPV, SV, CEFM, family planning, and reproductive health in Ebonyi and Sokoto states. The project undertook a Behaviorally Focused Applied Political Economy Analysis (BF-APEA) as one of numerous formative assessments to guide programming. BF-APEA is a participatory, qualitative methodology that enables project teams to understand and map the incentives and dynamics that influence stakeholder behavior and, by extension, development outcomes. In particular, the approach helps project teams identify the institutional and individual behaviors required to achieve a project goal and the factors that encourage or discourage this behavior from being practiced and to develop responsive strategies.

The MOMENTUM Country and Global Leadership Nigeria team focused the BF-APEA process on understanding the role of local leaders, particularly local government area (LGA) and community, religious, and traditional leaders, in preventing and mitigating GBV. Specifically, the BF-APEA's goal was to identify behaviors that would **increase local leader engagement in the prevention and mitigation of IPV, SV, and CEFM**. As one piece of the analytic process, this legal and policy analysis aims to map the relevant laws, policies, and regulations affecting GBV in Nigeria, with an eye to understanding key gaps in the legal framework and challenges to implementation, particularly those facing local leaders.

This report offers an analysis of the legal and policy environment at the national level and in Ebonyi and Sokoto states, with a focus in identifying key gaps, oversight agencies at the national and implementing agencies, and priority trends. The report concludes with recommendations for the MOMENTUM team.

METHODOLOGY

MOMENTUM Country and Global Leadership conducted the BF-APEA with the support of a consultant to lead this discrete analysis. This qualitative assessment used a combination of secondary research and primary data collection. The literature review included key laws/policies and existing peer reviews, covering:

- 15 formal statutory laws and formal policies adopted by public institutions for making decisions and taking public action.
- 39 peer-reviewed publications.
- Four gender and social inclusion analyses and assessments.
- Two gender policies: one federal and one state.

Only publications from reputable journals or organizations in the past 20 years were considered. Documents to be reviewed were identified using Google Scholar, through open access journals.

The primary research to substantiate the literature review and offer recommendations was conducted from July to September 2021. The lead researcher interviewed by phone 12 key experts representing civil society organizations (CSOs), government agencies, and bilateral agencies at the national level and in Ebonyi and Sokoto states. Informed consent was requested and granted verbally before the start of each interview.

There are some limitations to the analysis presented. As a rapid analysis, this assessment is not fully comprehensive, as there may be other laws and policies tangential to GBV issues that are not presented here. Additionally, the lead researcher was unable to travel to Ebonyi or Sokoto due to security concerns and COVID-19 restrictions, thereby limiting the number of key informants consulted. However, MOMENTUM program staff working at the state level and their local partners were able to contribute to the lead researcher's final analysis and recommend stakeholder conversations.

LEGAL AND POLICY ANALYSIS: NATIONAL LEVEL

As a member state of the United Nations (UN), Nigeria has **ratified a number of international laws** aimed at eliminating GBV and abuses against children. These include:

- The **Maputo Protocol**, which calls on states to protect the rights of women and girls, including property rights, right to a consensual marriage, protection against child marriage, widows' rights, inheritance rights, and protection against all forms of violence.
- The **African Charter on Human and People's Rights**, which calls for the elimination of discrimination against women and the protection of the rights of women and children.
- The **Convention on the Rights of the Child**, which defines a child as a person under the age of 18 years and commits state parties to protecting children from all forms of mental and physical violence.⁸

(For a full list of the international treaties and protocols Nigeria has ratified, see Appendix B).

The Nigerian Constitution (discussed in more detail later) defines **processes that enable the enactment and operationalization of federal laws**. More specifically, bills that are initially agreed upon and approved by all 36 states become enacted into law, whereas bills that do not garner the approval of all 36 states in an initial vote before enactment require approval and domestication in each of the 36 states before they can be formally considered and applied as law. Thus, **laws are implemented at the state level**. National-level offices oversee state agencies; these stakeholders guide policy direction and capacity development activities. Domestication is a necessary precondition for a law to be implemented, and therefore is often a critical gap in the legal framework around GBV.

Nigeria's **executive arm** of government is headed by the president, who signs laws passed by the National Assembly. The **National Assembly** is made up of the House of Representatives and the Senate, and the **judiciary** is composed of the federal courts, including the Supreme Court. It is important to note that **the Nigerian legal system is tripartite in nature**, with customary, Islamic, and civil law operating simultaneously.⁹ Although the Constitution supersedes all laws and common law (which is codified and enforced by the legislature) takes precedence over both customary and religious law, many communities across the country still adhere to religious and cultural norms. This is particularly salient in areas where there is less information available about frameworks that can be used to claim and enforce rights, or these "formal" laws are unevenly enforced. This system is particularly relevant for northern Nigerian states with larger Islamic populations, and it often results in collisions of competing statutes and procedures. As discussed later in this analysis, customary and Islamic law offer different definitions of the legal age of children: the customary statute relies on a number of years obtained (18), whereas the Islamic statute relies on marital status (proclaiming, for example, that any marriage is "of legal age"). Local leaders faced with these tensions more often choose which statutes they feel best apply to their community and circumstances, which problematically generates confusion and opens the issue-sets of GBV and CEFM up to interpretation.

Advocacy in the early 2000s generated **attention and demand for Nigerian legislation protecting women and girls from violence**. In 2001, CSOs Civil Resource Development and Documentation Centre (CIRDDOC) and BAOBAB for Women's Human Rights tried to mobilize public support for initiatives to prevent violence against women and girls by conducting a mock tribunal and encouraging women to speak out about their own experiences of violence and abuse.¹ The stories shared created awareness among many stakeholders, including legislators, traditional and religious leaders, UN agencies, local government officials, government and law enforcement agencies, nongovernmental organizations (NGOs), donors, and members of the public. This recognition and momentum resulted in a formal recommendation that the Nigerian government pass strong legislation to serve as deterrence to those who abuse women and perpetrators of violence.¹ Later, a

women's rights advocacy group called the National Coalition on Violence Against Women (NACVAW) formed out of recognition of the country's lack of effective laws protecting women. The legislative arm of this group, the Legislative Advocacy Coalition on Violence against Women (LACVAW), created awareness and a platform for discussions on GBV.

In 2002, NACVAW consulted a range of stakeholders to draft and present a VAW bill to the National Assembly. Despite the coalition's advocacy efforts, national lawmakers did not pass the bill by the end of the legislative session in 2003; some lawmakers opposed the draft bill because they believed violence could occur to anyone, and they rejected the gender-sensitive nature of the proposed legislation. Later, following frustrations from CSOs over the poor state of human rights throughout Nigeria, the government advanced a set of reforms in a number of sectors, including the judicial sector.¹ The committee responsible for recommending judicial reforms resurfaced NACVAW's efforts and advocacy related to a VAW bill. This new momentum culminated in the approved Violence Against Persons Prohibition Act (VAPPA) in 2015.¹

National-level offices oversee state agencies that implement fully enacted or domesticated national laws, providing both strategic direction and capacity development support. In matters related to GBV and CEFM, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is responsible for appointing a coordinator for the prevention of domestic violence. The appointee must provide an annual report on domestic violence in Nigeria to NAPTIP and the National Bureau of Statistics (NBS).¹⁰ NAPTIP enforces all legislation required to prevent trafficking in persons, prosecute offenders, and protect victims of trafficking, and the agency has an office in each state.¹⁰ In addition, the Federal Ministry of Women Affairs and Social Development (FMWASD) coordinates and operationalizes policies to prevent and respond to GBV. Justice sector institutions, such as the police, judiciary, National Human Rights Commission (NHRC), and Legal Aid Council (LAC), are all required to address cases of GBV with a survivor-centered approach.⁸ The NHRC also is responsible for human rights promotion and monitoring and for investigating violations of children's rights, whereas the LAC also provides clients with free legal assistance and representation, legal advice, and alternative dispute resolution.

Although a range of institutions oversee laws and policies intended to prevent and mitigate GBV, including IPV and CEFM, federal and state funding is chronically inadequate to meaningfully address these issues. For example, one public official interviewed shared that she uses her own money for transport to locations where a victim is reported and to police stations. The under-resourced nature of these efforts impedes meaningful, comprehensive implementation at the state and community levels.

Most studies of gendered norms, behaviors, and motivations in Nigeria focus on the national level, leaving little information specific to nuanced beliefs and behaviors in specific states.¹¹ However, a few statistical tools disaggregate data by state to offer some insight into dynamics related to GBV, and CEFM, in places such as Ebonyi and Sokoto. The Gender Inequality Index (GII) quantifies and measures inequality experienced by both men and women in countries throughout the world. In addition, the National Demographic Health Survey (NDHS) contains questions about age at first marriage, women's empowerment, and domestic violence. Limited statistics also affect legal approaches to countering GBV; there is scope for future quantitative and qualitative research that informs the development of legal measures intended to prevent and respond to GBV.

A fuller analysis of national laws and policies related to GBV and CEFM follows. An overview of the laws and policies is presented, along with a brief analysis of critical gaps in the legislation.

KEY LAWS AND POLICIES

TABLE 1. SUMMARY OF KEY LAWS AND POLICIES AT THE NATIONAL LEVEL

Law	Year Passed	Oversight Agencies	Key Gaps
Nigerian Constitution	1999 as amended	NAPTIP FMWASD Police Judiciary	<ul style="list-style-type: none"> • Lacks specific provision protecting women from all forms of violence. • Recognizes any married woman as “of full age.”
National Gender Policy	2007	LAC Federal	<ul style="list-style-type: none"> • Although quite comprehensive, has not been reviewed since 2007.
Violence Against Persons Prohibition Act (VAPPA)	2015	Ministry of Justice (FMOJ)	<ul style="list-style-type: none"> • Does not criminalize domestic violence. • Fails to address prevention, educational initiatives, awareness raising, or necessary professional training. • Fails to authorize the establishment of rape crisis centers. • Lacks provisions for compensation funds for victim rehabilitation support. • Does not ensure provision of budget for implementation.
Child’s Rights Act (CRA)	2003		<ul style="list-style-type: none"> • Limited domestication: several states claim cultural and religious rationales for declining. • Simultaneous legal systems (customary law, Islamic law) surface contradictions and limit impact.

NIGERIAN CONSTITUTION 1999

Based on the Constitution’s all-inclusive language, women are entitled to all the general fundamental rights contained therein. For example, the Constitution provides for the right to life, dignity of human persons, and the right to liberty, and, accordingly, no person shall be subjected to torture or to inhuman or degrading treatment.¹² Sections 42(1)(a) (b) and (2) prohibit discrimination based on sex, place of origin, religion, ethnicity, age, or circumstances of birth. This provision is circumscribed, however, by the provision of Section 42(3), which states that Section 42(1) shall not invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office.

However, the Constitution makes no specific mention of women. The use of male-gendered language to refer to people or citizens in general portrays a bias against women.¹² In reality, women are more likely to be denied the benefit of the general provisions, even though the law spells out equality and the protection of fundamental human rights, because Nigerian tradition, culture, and some religious beliefs place women as subordinate to men.¹² The Constitution contains no specific provision for protecting women from all forms of violence, contrary to international laws such as the Maputo Protocol,¹³ and has been interpreted as encouraging child marriage by stating “any woman who is married shall be deemed to be of full age.”¹⁴ Some stakeholders have recommended constitutional amendments to more comprehensively and sustainably protect women’s rights throughout the country.

NATIONAL GENDER POLICY (NGP) 2007

Developed and released by FMWASD, the document presents an analysis of the national context, policies, and priorities for national gender mainstreaming and gender sensitivity and responsiveness in national policymaking. The State Ministry of Women Affairs (SMWA) is responsible for implementing the policy. The NGP has 16 priority areas, including GBV, reproductive health, and HIV/AIDS.¹⁵ The policy's GBV priorities include introducing legislation to make all forms of GBV illegal and building individual and institutional capacity to support societal changes that reject GBV.¹⁶ Furthermore, the NGP recognizes the role of patriarchy in limiting women's realization of their human rights, including the rights to health and lives free from violence. Although the NGP is quite comprehensive, it has not been reviewed since its release in 2007.

VIOLENCE AGAINST PERSONS PROHIBITION ACT (VAPPA) 2015

After 10 years in the National Assembly, roots of the Violence Against Women Act came to life in the VAPPA, enacted into law on May 25, 2015. VAPPA is the most encompassing legislation addressing violence against persons in Nigeria.¹ Critically, as it relates to VAW, the law's relevant sections include criminal provisions for coercion, harmful traditional practices (HTPs), rape, physical injury, spousal battery and intimidation, and domestic violence in Sections 1–26. VAPPA also outlaws leaving children, spouses, and other dependents without support.¹ VAPPA defines violence as “any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm.” Thus, VAPPA acknowledges different types of VAW including emotional, verbal, psychological, and economic abuse.¹ The law outlaws HTPs, including harmful widowhood practices, denial of succession or inheritance rights, forced marriage, and forced isolation from family and friends.¹²

Under Section 1(1) of the VAPPA, rape can be committed by both genders, unlike the national Criminal and Penal Codes' provisions on rape, discussed later in this analysis.¹ Sexual penetration remains the most crucial point of the offense of rape, but this offense is not limited to penile-vagina penetration; the law qualifies the penetration of the sexual organs or orifices with “anything else” and establishes the offense of rape as long as intent exists.¹ In situations of rape by a group of persons, the offenders are jointly liable to a term of 20 years. VAPPA also mandates that the courts award compensation to rape victims as they deem fit and maintain a register of sexual offenders that is accessible to the public.

Although original drafts of VAPPA included provisions to make domestic violence an offense, the bill that passed into law did not stipulate this provision. The only pathway provided for domestic violence is a complainant's right to seek a protection order when they face impending danger. Complainants can take advantage of the VAPPA's primary definitions of violence and rape; spouses, persons in an intimate relationship, or those who have previously been in a relationship can bring charges on other offenses under VAPPA, including physical injury; emotional, verbal, psychological, and financial abuse; stalking and harassment; and coercion and intimidation. Earlier versions of the law also included compensation funds and provisions for treatment and rehabilitation resources for victims that did not transfer to the final, approved version of the VAPPA.¹⁰ Some states that domesticate the VAPPA choose to set up structures for its implementation, including sexual and gender-based violence response teams. NAPTIP oversees these structures.

VAPPA concentrates on articulating offenses and their penalties, while failing to address preventative measures that would help address VAW from its roots. Even within the articulations of offenses and penalties, there are problematic gaps. For example, in the case of gang rape, the joint sentencing of offenders is less than the minimum sentencing for any single offender.¹⁰ VAPPA also does not include a

provision for the creation of any new rape crisis centers. Importantly, there is no provision that would provide the legal backing for budget allocation to advance VAPPA implementation.

CHILD'S RIGHTS ACT (CRA) 2003

The CRA is the first national law to restrict the age of marriage to 18 years, thereby indirectly outlawing child marriage.¹ As soon as the law was passed, it faced opposition from the Supreme Council for Sharia in Nigeria (SCSN),¹⁷ which encouraged northern states implementing Sharia law not to domesticate the CRA.¹⁸ To date, 11 northern states have yet to domesticate the law.¹⁹ These states largely rely on rationales related to the preservation of culture and religion.¹²

Sections 21–23 of the CRA directly outlaw and criminalize child marriage and betrothal, relying on a strongly worded rationale: “No person under the age of 18 years is capable of contracting a valid marriage, and accordingly a marriage so contracted is null and void and of no effect whatsoever.”²⁰ Sections 32 and 33 of the CRA criminalize unlawful sexual intercourse with a child, regardless of both the offender’s belief that the person is at least 18 years of age and/or obtained consent from the child.²⁰ The CRA also advances a broad lens and definition of exploitation that extends beyond child marriage and child exploitation, stating that a “person who exploits a child in any other form or way not already mentioned in this Part of this Act which is prejudicial to the welfare of the child commits an offence.”²⁰

The CRA also exposes gaps and complications that arise from Nigeria’s tripartite legal system. For example, the federal government has no control over customary and Islamic marriages, only marriages conducted in a civil manner.¹⁰ According to Section 61 of the 1999 Constitution, when a person marries a child under Islamic law in Northern Nigeria and is consequently in contravention of the CRA, such a person cannot be prosecuted because the federal government would be interfering with an Islamic marriage.¹⁰ The Constitution stipulates that entering into marriage gives both parties the legal rights of adults, which suspends specific protections and regulations related to children from the point of marriage onward.¹⁵ Thus, even as customary or religious traditions or decisions contradict the CRA, there are few formal avenues for redress that do not catalyze broader legal battles.

PRIORITY TRENDS

The major pieces of national-level legislation include commitments to universal respect for dignity and a general sense of inclusion and access to fundamental rights and liberties. However, the Constitution’s lack of specific provisions protecting the rights of women coupled with its problematic recognition of marriage that enables CEFM practices dilute its overarching normative commitments. Relatedly, the NGP offers an ambitious set of priorities that seek to meaningfully mainstream a gender-sensitive lens and decrease incidents of VAW, but there is little data available as to how the policy framework has been operationalized. The enactments of the VAPPA and the CRA represent significant progress in the Nigerian federal government’s commitment to mitigating GBV and CEFM. However, state domestication and implementation of those laws most directly affect the incentives, processes, and outcomes surrounding women and girls who experience violence.

LEGAL AND POLICY ANALYSIS: EBONYI STATE

Ebonyi state is situated in the southeast of Nigeria. Its capital city is Abakaliki, and the state is made up of 13 LGAs categorized into three senatorial districts (North, Central, and South). The most recent NBS report, in 2016, estimated 2,880,383 residents. Just more than half of the population is male (51%), and more than 40% of the population is under age 15 years. Ebonyi is a predominantly Igbo and Christian state, though indigenous populations, non-Igbo speaking residents, and Muslim Nigerians also live there.²¹ Ebonyi’s measure on the GII, which quantifies and measures inequality experienced by both men and women in countries throughout the world, is 0.504,²² placing the state as fifth most unequal in the 2016 GII Nigeria rankings. And, according to the NDHS, as of 2018, 50% of women in Ebonyi have experienced physical violence since the age of 15.²³ Table 2 compares violence women face in Ebonyi state with the national statistics.

TABLE 2. GENDER-BASED VIOLENCE IN EBONYI STATE²³

Description of Violence	Ebonyi	National
Physical abuse from husband or partner (ever-married women ages 15–49 years)	41.5%	19.9%
Sexual abuse from husband or partner (ever-married women ages 15–49 years)	15.6%	7.0%
Emotional abuse from husband or partner (ever-married women ages 15–49 years)	44.4%	31.7%
Controlling behavior: women whose husbands become jealous if they talk to other men	52.0%	44.2%
Controlling behavior: women whose husbands must know where they are at all times	50.7%	40.7%
Controlling behavior: women whose husbands try to limit when they see their families	12.8%	10.2%
Median age at first marriage (women ages 25–49 years)	21.0	19.1
Women who agree that a husband is justified in hitting/beating his wife for at least one specified reason (burns the food, argues with him, goes out without telling him, neglects the children, or refuses to have sex)	39.6%	28.0%

A diversity of public sector actors share responsibility for implementing laws and policies intended to protect women and girls from violence in Ebonyi. The SMWA is designated to use federal government funds to support survivors of GBV in their pursuit of justice,²⁴ and the State Ministry of Health (SMOH) coordinates trained medical professionals in state-owned hospitals who treat patients and collect evidence when there is an incident, accusation, or violation. Local police officers often are the first points of contact with the formal justice sector for domestic violence victims.¹⁵ Police investigate a claim, prosecute perpetrators, and ensure compliance with court orders related to prosecution and protection.²⁵ Judicial actors, such as judges, magistrates, and lawyers, also inform and advance the formal processes related to case processing, prosecution, and applicable terms of punishment for perpetrators. The NHRC is an extrajudicial mechanism intended to respond to allegations of human rights violations and advance education and advocacy to promote and protect human rights,²⁶ and the LAC is a government institution that provides free legal assistance, legal representation, and alternative dispute resolution to Nigerian citizens.⁵⁴ Finally, the International Federation of Women Lawyers (FIDA) is a nonprofit, voluntary association of women practicing law in Nigeria with a mandate of protecting, promoting, and preserving the rights of women and children

throughout the country.²⁹ For a more complete description of how these stakeholders advance relevant pieces of legislation, please see Appendix B.

KEY LAWS AND POLICIES

TABLE 3. SUMMARY OF KEY LAWS AND POLICIES IN EBONYI STATE

Law	Year Passed	Implementing Agencies	Key Implementation Challenges
Ebonyi VAPPA	2018	Police	<ul style="list-style-type: none"> • Preference for resolving GBV cases at the community level. • Police preference to use the Criminal Code versus the still new VAPPA. • Slow judicial processes. • Inadequate funding to support survivor. • Inadequate understanding of key laws/policies and limited sensitization efforts. • Limited training for key institutions (e.g., LGAs, police, courts, hospitals). • Failure of police to gather sufficient evidence. • Corruption impacting prosecutorial processes.
Ebonyi CRA	2010	Judiciary (judges and magistrates, prosecutors, lawyers, FIDA, LAC)	
Ebonyi State Criminal Code	1914	SMWA	
Ebonyi State Law Abolishing Harmful Traditional Practices Against Women and Children	2001	SMOH	
Ebonyi State Protection Against Domestic Violence and Related Matters Law	2005	State Ministry of Justice (SMOJ) State NAPTIP State Human Rights Commission (SHRC)	

EBONYI STATE CRIMINAL CODE

The most commonly used provision of criminal law for addressing cases of VAW in Ebonyi is Section 383 of the Criminal Code of Nigeria, which applies to all of the country’s southern states. State legislatures domesticate the code to align with their state’s context and preferences, and state-specific codes take precedence over the national-level code. The provision specifies a maximum punishment of three years imprisonment on conviction for assault occasioning harm.¹ Many of the statutory provisions of the Criminal Code are outdated because they were enacted in the colonial era without any review and are still being applied.²⁹

In analyzing provisions related to GBV, it is first noteworthy that gender bias surfaces in the Criminal Code. For example, whereas indecent assault on a girl under 16 years of age is a misdemeanor (simple offense), the same offense on a male child is a felony and carries a harsher penalty.¹ Additionally, Section 6 of the Criminal Code legalizes marital rape. It defines rape as “carnal connection which takes place otherwise than between husband and wife.”¹ A similar provision can be found in Section 281(1)(e) of the Penal Code.¹² These provisions provide legal justification for a man to rape his wife. In advancing this justification, the Criminal Code also lacks provisions for support measures such as shelter or custody of children. The standard of “beyond a reasonable doubt” required in criminal laws is often difficult to achieve, particularly as many victims find it difficult to recall incidents of violence. Moreover, the Criminal Code requires corroboration of an accusation before an offender can be found guilty of rape if the victim is under the age of 16. This requirement makes achieving the standard of evidence even more difficult; as a result, many accused persons are freed, which dissuades survivors from speaking out and seeking redress.³⁰

EBONYI STATE LAW ABOLISHING HARMFUL TRADITIONAL PRACTICES AGAINST WOMEN AND CHILDREN 2001

Ebonyi state enacted this law in 2001 in response to the many challenges women and girls encountered as a result of increased incidences of harmful traditional practices in the state, including forced or early marriage of girls, child labor, and child abuse/neglect.³¹ The law abolished these HTPs, making them punishable by fine and a prison sentence of up to five years.³²

As a law that existed before the Ebonyi domestication of the VAPPA (2018) and the CRA (2010), this law inadequately protects women against violence; namely, its definitions of harmful behaviors and their aligning penalties were not substantial enough to meaningfully deter behavior. The state's domestication of federal statutes such as the VAPPA repeals inadequate laws like this and provides more punishment for perpetrators of HTPs.

EBONYI STATE VIOLENCE AGAINST PERSONS PROHIBITION ACT 2018

Ebonyi was one of the first states in Southeast Nigeria to domesticate the VAPPA. Key government institutions, including the SMWA and the State Public Prosecutor, have prioritized VAPPA's implementation. The law prohibits violent actions, including rape; physical, emotional, psychological, and economic abuse; sexual assault; sexual harassment and intimidation; and spousal battery.³³

Ebonyi Definition of HTPs

Traditional behavior, attitude, or practices that negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage, and forced isolation from family and friends.³³

In Ebonyi, the domesticated VAPPA gives some examples of HTPs (see the text box at left), but largely leaves the term open to interpretation. In addition, several measures impose penalties for false reporting, which could pose a risk to individuals and deter them from making complaints if they fear they will not be believed. Finally, VAPPA does not provide guidance for enforcement, nor does it offer guidelines to establish services or referral pathways for GBV survivors.¹⁷

EBONYI STATE CHILD'S RIGHTS ACT 2010

Ebonyi domesticated the federal CRA in 2010. The domesticated law aligns with the federal statute's protection of girl children until age 18 years and pursuit to end forced labor and child marriages. The Act recognizes the rights of children and aspires to restore their confidence and self-esteem and improve their status. It also enables children with disabilities to enjoy their rights fully because it provides special measures for their care and protection.²⁰

EBONYI STATE PROTECTION AGAINST DOMESTIC VIOLENCE AND RELATED MATTERS LAW

This law specifies that "domestic violence is committed between persons that have a marital or familial relationship" and defines domestic violence as "any physical attack or abuse including verbal attack capable of causing emotional and psychological pain."³⁴ Section 4(2) permits a victim of domestic violence to apply to a magistrate court for a protection order, whereas Section 5 provides that any local implementer of the law, such as the police or a social worker, who is at the scene of the violence is mandated to take appropriate force to rescue the victim and to make sure that the victim is taken care of adequately.³⁴ This law appears to address the loophole in Section 6 of the Ebonyi Criminal Code that permits marital rape; however, it does not clearly define domestic violence to include rape and can be subject to misinterpretation.

CHALLENGES TO IMPLEMENTATION

LACK OF AND INADEQUATE KNOWLEDGE ABOUT LAWS AND POLICIES

Local leaders, police officers, prosecutors, and judges in Ebonyi lack knowledge of laws and policies protecting women against GBV.³⁵ The current state of laws without provisions for prevention, educational interventions, awareness raising, or professional training for local leaders reinforces this deficit. Local stakeholders also lack sensitization and training on issues of VAW and violence in the family.³⁶ Field research of a World Bank-funded project reported that justice sector institutions, such as the police, the judiciary, the NHRC, and LAC, lack the knowledge, understanding, and capacity to address cases of GBV with a survivor-centered approach.³⁷ In one interview for this research, an informant noted, “The police are still being trained with the Criminal Code instead of the new enacted laws, those who have just received trainings are posted to other units this bringing about a deficit in knowledge, lack of funds for training from the government.” Furthermore, a lack of capacity to properly document evidence and maintain accurate records has prevented the successful prosecution of SV. Such outcomes further dissuade victims from seeking legal recourse to remedy any harm they may have sustained.³⁸

“The police lack training and re-training on GBV issues... officials of the justice ministry, police and civil defense do not understand the provision of the laws.”

—Public official

SYSTEMIC AND INSTITUTIONAL CHALLENGES

The shortcomings of the legal system and the under-supported, under-resourced nature of many government institutions intended to protect and support women and girls also hinder local leaders’ ability to implement relevant laws and policies effectively. For example, the formal rules and procedures in courts are not friendly to victims of violence or sexual assault. Similar to the capacity gap noted earlier, judicial officers and law enforcement officers are not sensitized to issues of domestic violence or trained on how to respond to this issue.³⁹ Some judges make things more difficult for victims, and in some cases, the judges openly blame the victims for the violations of their rights.³⁹ Prosecutors and judges ask patronizing and intimidating questions during investigation and trial, and the fear of intrusive questions about their private lives prevents victims from reporting IPV and using the legal system. These shortcomings and the prolonged delays in processing complaints and cases discourage victims from approaching the courts for justice.³⁹

“Laws are supposed to be implemented by the same people who are leaders in the community. A policeman for example who is also a leader in his community will prefer the issues are discussed privately.”

—Civil society practitioner

Additionally, the lack of resources committed to GBV-related issues combined with corrupt practices dilute meaningful engagement and impact surrounding relevant laws and policies. One civil society practitioner interviewed noted, “Due to corruption and other reasons, perpetrators contribute to stopping prosecution and litigation and the police not being able to gather enough evidence due to various reasons best known to them.” Although state-level

government institutions are responsible for supporting and enforcing the implementation of laws, many of those institutions more readily pay lip service to GBV issues without committing resources to effectively solve the problem. Another public official interviewed noted, “The state government releases some funds to the child department of [SMWA] to support children who are victims of rape or children abandoned but this is very inadequate.”

DEEPLY ROOTED CULTURE AND TRADITION

Salient cultural norms impede the state government's efforts to enact legislation that curbs harmful practices enabling GBV. Namely, many Igbo community leaders refuse to define their customary practices as VAW; rather, they refer to these behaviors as tradition that must continue. Patriarchal attitudes persist, and VAW in homes continues to be considered a private matter to be settled within the family.⁴⁰ As such, local leaders often emphasize the cultural norm of protecting and safeguarding family secrets,²⁵ and open discussion of sexual assault is considered taboo. These attitudes and the fear of stigma and shame prevent women from approaching law enforcement agencies to seek support or redress. Even if women decide to report what they experienced, such salient cultural norms and attitudes affect the formal processing of complaints. An individual interviewed noted that law enforcement agencies "trivialize and term [the issue as] a 'private or civil matter.'" In addition, "There have been instances where the police ask both parties to go and 'settle this amicably at home.'"

PRIORITY TRENDS

Precursors to the VAPPA and the CRA, including longstanding criminal codes and state-level legislation intended to prevent and mitigate the effects of HTPs, create infeasible standards for reporting and do not adequately deter perpetrators from committing harm. Although Ebonyi has domesticated both the VAPPA and the CRA, important gaps in the localized laws persist, including a lack of supportive infrastructure and referral pathways for survivors and vague definition of HTPs that could undermine efforts to curb their effects. Knowledge and capacity gaps, systemic and institutional challenges, and deeply rooted culture and tradition all impede local leaders' implementation of laws intended to protect women and girls from violence.

LEGAL AND POLICY ANALYSIS: SOKOTO STATE

Sokoto state had an estimated population of 5.4 million in 2017⁴¹ that, as with most of the northern states, is largely Muslim. The state implements Sharia law, which governs conduct and behavior. The most prominent ethnic groups in Sokoto are Fulani and Hausa.³⁸ More than half of the population is under age 15 years.⁴² In 2016, Sokoto state had a GII value of 0.698, indicating higher levels of gender inequality than the national average and making it the state with highest GII in the North-West Region.⁴³ Table 4 outlines key data from the 2018 NDHS.

TABLE 4. GENDER-BASED VIOLENCE IN SOKOTO STATE²³

Description of Violence	Sokoto	National
Physical abuse from husband or partner (ever-married women ages 15–49 years)	4.8%	19.2%
Sexual abuse from husband or partner (ever-married women ages 15–49 years)	15.6%	7.0%
Emotional abuse from husband or partner (ever-married women ages 15–49 years)	44.4%	31.7%
Controlling behavior: women whose husbands become jealous if they talk to other men	52.0%	44.2%
Controlling behavior: women whose husbands must know where they are at all times	50.7%	40.7%
Controlling behavior: women whose husbands try to limit when they see their families	12.8%	10.2%
Median age at first marriage (women ages 25–49 years)	21.0	19.1
Women who agree that a husband is justified in hitting/beating his wife for at least one specified reason (burns the food, argues with him, goes out without telling him, neglects the children, or refuses to have sex)	39.6%	28.0%
Women who never sought help or never told anyone about their experience of violence	N/A ¹	54.6%

As in Ebonyi, a range of stakeholders share responsibility for domesticating national pieces of legislation into state-level laws in Sokoto and implementing those laws. There is an SMWA and SMOH, and police and judicial actors inform and advance case management, survivors’ experiences, and outcomes in pursuit of accountability. In addition, the state has Sharia judges and courts to try cases against Muslim citizens⁴⁴ and a Hisbah group (Islamic police), which is an equivalent of state police responsible for arresting and prosecuting Muslim citizens.⁴⁵ As in Ebonyi, national oversight agencies and civil society stakeholders, such as NHRC, LAC, and FIDA, support institutions and stakeholders in Sokoto. For a more complete description of how these stakeholders advance relevant pieces of legislation, please see Appendix 2.

¹ In the case of Sokoto, this NDHS data was based on fewer than 25 unweighted cases and has been suppressed.

KEY LAWS AND POLICIES

TABLE 5. SUMMARY OF KEY LAWS IN SOKOTO STATE

Law	Year Passed	Implementing Agencies	Key Implementation Challenges
Sokoto State Penal Code	1916	Police	<ul style="list-style-type: none"> • Sociocultural stigmas of being raped prevent some women from pursuing charges of rape through the courts. • Families seek to protect reputation and children’s experiences in incidents involving those who are underage. • Slow judicial process disincentives reporting and engagement. • Almajiri system of child labor/hawking regularly practiced in the North. • Salient norms and practices aligning with Islamic religion; SCSN opposed major pieces of legislation on religious and traditional grounds
Sharia Penal Code	1999	Judiciary (courts of law, judges and magistrates, prosecutors, lawyers)	
Sokoto State VAPPA	2021	SHRC	
Sokoto State Administration of Criminal Justice Act	2019	SMOH	
Sokoto State Gender Policy (SSGP)	2017	FIDA Sharia judges and courts (upper and lower, appeals)	

SOKOTO STATE PENAL CODE

Nigeria’s northern states abide by and craft state-level derivatives from the penal code. This defines a child as a person under the age of 18 years and outlines specific offenses and their related penalties, including defilement of child (S.210), desertion of a pregnant woman or girl child (S.213), trafficking in persons (S.258), rape/sexual intercourse with a person without her consent or with her consent if she is under age 18 years (S.259 (1) (e) and S.260), unlawful detention with intent to have sexual intercourse (S.263), sexual harassment (S.264), and incest (S.375).³²

SHARIA PENAL AND CRIMINAL PROCEDURE CODES

Since 1999, Sharia penal and criminal procedure codes have been reintroduced in 12 northern states, including Sokoto. These codes apply to Muslims; they can also apply to non-Muslims if they sign a consent form and choose to take their cases to a Sharia court, particularly if the civil or criminal case involves a Muslim.⁴⁵ Many of the provisions are from the penal code. However, cases are heard in Sharia courts and not in magistrate courts, and they often adhere to sociocultural norms and political appetite.⁴⁴

These codes can increase the risk of GBV and deny GBV survivors redress. For example, under Sharia, rape is considered *zina* (illicit sexual intercourse). As such, if someone reports he or she is a victim of a rape, that person is confessing to *zina*. Furthermore, a victim must have two witnesses or the rapist’s confession to prove that rape occurred.⁴⁴ Since neither of these is likely, the person reporting the rape would then be subject to punishment for *zina* and false witness. In the absence of other forms of evidence (thereby creating “grave doubt”), a man accused of committing rape can be invited to take an oath on the Qur’an as sufficient proof that he did not commit rape. This oath of innocence further disincentives victims from reporting their experiences.⁴⁵

SOKOTO STATE CHILD'S RIGHTS ACT

Sokoto state has not yet domesticated the CRA. See the “Child’s Rights Act (CRA) 2003” portion of the “Key Laws and Policies” section for elaboration on the Act and challenges to domestication in Northern Nigeria.

SOKOTO STATE VIOLENCE AGAINST PERSONS PROHIBITION ACT 2021

Sokoto domesticated the VAPPA in July 2021; thus, there is little data on whether provisions have been further contextualized/modified and what gaps persist. Before the law’s domestication, the state did not have a law that specifically protects against physical and emotional violence, economic abuse, controlling behavior, or IPV. Scrutinizing the VAPPA is essential to ascertain the level of adaptation of the national VAPPA and to check for provisions of structures, such as the state Domestic and Sexual Violence Response Team, which by law will be responsible for overcoming negative societal norms, gender inequalities, and systemic oppression of victims of domestic and sexual abuse through provision of quality services and enriched programming.³² To date, Sokoto has not established mechanisms for enforcing VAPPA, such as a response team. However, the state’s focus on VAPPA implementation provides an opening for programming and recommendations intended to prevent and mitigate GBV.

SOKOTO STATE GENDER POLICY 2017

The SMWA developed Sokoto’s domestication of the NGP to inform how all sectors of government, private organizations, development partners, and CSOs should integrate gender mainstreaming and social inclusion in designing and implementing developmental programs and activities. The policy mandates that all state policies reflect gender implications and strategies and includes guidance on how to achieve that.³² The policy further seeks to ensure the survival, protection, participation, and development of women, children, and people with special needs. It also seeks to evolve an evidence-based planning and governance system where human, social, financial, and technological resources are efficiently and effectively deployed for sustainable development.”³² A key objective of the policy is:

*[To] develop and apply gender mainstreaming approaches, tools and instruments that are compatible with the micro-policy framework of the state at any point in time, towards the socio-economic development of the state; adopt gender mainstreaming as an important value and practice in social transformation, organizational cultures and in the general polity in the state; and study and domesticate the principles of global and regional frameworks that support gender equity and women’s development into state’s laws, legislative processes, judicial and administrative systems where necessary and desirable.*³²

Although the policy’s objectives are wide-ranging and ambitious, there are no specific actionable steps to substantiate its intention to offer guidance on how to build and mainstream gender-responsive interventions. Multiple gaps in substance and strategy also exist. For example, the state policy does not provide any strategies for male engagement or for preventing and addressing GBV and CEFM; it omits persons with disabilities and sexual minorities from its mention of vulnerable populations and populations with special needs; and it does not include any language on gender parity in the health workforce, the importance of gender-responsive finance and budgeting, or integrating gender-sensitive indicators and sex-disaggregated data for decision-making.⁴⁶

SOKOTO STATE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2019

This law merges essential provisions of the Criminal Procedure Code into a single piece of legislation intended to apply uniformly to Sokoto state.⁴⁶ Although the law was not specifically enacted to address issues of GBV,

it is worth noting that Section 190 enables a married woman to seek remedy from her husband and others in matters pertaining to her person and property, stating that “a woman who has contracted a valid marriage shall have in her own name against all persons whatsoever including the husband of the marriage the same remedies or redress by way of criminal proceedings for the protection and security of her person or her own separate property as if such property belonged to her as an unmarried woman.”³²

CHALLENGES TO DOMESTICATION AND IMPLEMENTATION

To some extent, structural flaws, trends, and skewed incentives that impede efforts to change the conversation around GBV and CEFM in Sokoto also apply to implementation efforts of related laws and policies. For example, women fear sociocultural stigma after experiencing rape, thus they are less likely to file a formal complaint. Families also seek to protect both their reputation and their children’s well-being, which often translates to parents forbidding their children from testifying in cases that include or involve children.⁴⁷ These decisions often result in a settlement on a lesser charge than rape, which carries a lesser punishment for the offender and has a weaker deterrent effect.⁴⁴ The judicial process in many states throughout Nigeria also is incredibly slow, which further dissuades those willing to come forward and risks reinforcing trauma.

In addition to these well-established contextual and systemic obstacles, several challenges specific to Sokoto affect local leaders’ ability to prevent and mitigate GBV. For example, there are well-established practices related to child labor that undermine some of the main objectives of the CRA, most specifically Section 30, which prevents the use of children for alms begging, hawking (i.e., informally selling goods in a public place), slavery, and compulsory labor.¹⁴ The Almajiri system, where children hawk and beg for food, is deeply rooted in the northern Nigerian states; the practices are widespread and reinforce prevailing power dynamics (that is, the Nigerian elite with power and resources can maintain their status while children and youth who lack education and opportunities remain less likely to challenge the status quo).

Specific traditional and religious practices also hinder implementation of GBV- and CEFM-related laws and policies, largely because the culture and traditions of Sokoto residents are intertwined with Islamic religion. The SCSN has its base in Sokoto state. As previously mentioned, the SCSN opposed the CRA on religious grounds, stating that the Sharia northern states should not domesticate it, as well as the CRA’s legal definition of a child’s age and its prohibition of child betrothal. There is a belief that if Prophet Muhammad did not prescribe a particular age that a girl should be married and if the ulama (group of Islamic scholars) have not made that particular determination, then families and community leaders should not offer any parameters or make such decisions.⁴⁸

“Social norms, patriarchy lifestyle, sensitivity of men, cultural and religious sensitivities are all factors that have delayed domestication.”

—Civil society practitioner

PRIORITY TRENDS

Sokoto’s legal landscape regarding GBV is marked by an adherence to an outdated state penal code and religious penal and criminal procedure codes that can marginalize the experiences of GBV survivors and in some cases enable VAW. Challenges to implementing relevant laws and policies in Sokoto include trends and obstacles similar to those experienced in Ebonyi, such as those related to sociocultural norms and flaws in the judicial system, as well as realities associated with Islamic religion and traditional practices that offer competing assumptions to those offered in major pieces of legislation such as the CRA and VAPPA. Although Sokoto state’s gender policy arguably provides a comprehensive foundation to push back against some of the factors and practices that enable GBV, its lack of actionable recommendations and omissions of the experiences of key populations and stakeholders sideline much of its potential for uptake and impact.

RECOMMENDATIONS

The legal and policy framework regarding GBV in Nigeria is difficult to navigate. Not only is it complex, given the sheer number of laws, tripartite legal system, and need to domesticate national-level legislation, but cultural norms can affect implementation. As MOMENTUM Country and Global Leadership Nigeria works to increase local leader engagement in preventing and mitigating different forms of GBV, it will necessarily confront these challenges throughout the project. The following recommendations may support local leaders to better understand this difficult terrain, utilize and shift legal instruments and strategies available, and work with other relevant stakeholders in the fight against GBV.

RECOMMENDATION 1: INCREASE NATIONAL- AND STATE-LEVEL STAKEHOLDER ACCESS TO KNOWLEDGE AND SKILLS-BASED TRAININGS

To address the general lack of awareness of existing legislation and accompanying requirements, national and state officials should translate laws into local languages and focus on communicating the technical provisions so that community members can understand them. Local partners also recommended translating policies into community bylaws and school codes to facilitate implementation. Training and capacity development of the police and judiciary should also be scaled up immediately. It is necessary to train new police officers, judicial officials, and judges and to retrain many of those same stakeholders to ensure that the knowledge and skills acquired can transfer and sustain themselves (i.e., if police officers are posted out of state, they can apply the same principles and strategies to a different geographic location with similar laws and policies). Finally, federal officials should consider efforts to make the VAPPA more accessible by conducting public awareness campaigns and sensitization trainings with stakeholders in local languages, and they should consider approaches to test knowledge and skill retention periodically. Such awareness-raising and training interventions could harness different forms of media, including print media, radio, electronic media, and social media.

RECOMMENDATION 2: EMPOWER NATIONAL AND STATE-LEVEL CIVIL SOCIETY PARTNERS TO ENGAGE IN NORMS SHIFTING

The strategy of resourcing, partnering with, and building the capacities of locally based CSOs erodes systemic and institutional challenges over time. CSOs can advocate for a number of changes that would build an environment conducive to enforcing relevant laws and policies. This might include efforts to raise funds to support the rights of women and girls; advocacy to national and state lawmakers to use existing laws or align legal frameworks with the international treaties that Nigeria has ratified; close legal loopholes that enable GBV, such as the constitutional provision that all marriages regardless of age are valid; and engagement with additional local stakeholders to enforce legal provisions that protect women and girls. Continuous advocacy to the legislature and senior government functionaries could lead to increased budgetary allocation for the general GBV issue set, which could further bolster the advancement of survivor-centric interventions and increase the legitimacy of the FMWASD.

This work also could consider addressing entrenched patriarchal gender norms, such as the roles and responsibilities of men and women, boys and girls, in the family structure. Sensitization efforts educating communities on the serious consequences of carrying out acts of VAW, as well as dialogues that explore shifts in the normative and structural drivers of VAW remain key, and information-sharing activities correcting the misconceptions surrounding religious teachings and texts used to justify VAW should remain central in the design of local-level interventions.

RECOMMENDATION 3: ADVOCATE FOR THE DOMESTICATION AND IMPLEMENTATION OF THE CRA IN SOKOTO STATE

Deeply entrenched religious and traditional practices prevent local leaders from domesticating the CRA in Sokoto and from implementing any relevant provisions. These realities should be considered as opportunities for local CSOs to meaningfully engage religious and traditional leaders in sensitization activities, public awareness campaigns, and other information-sharing activities. Additionally, with the VAPPA's recent domestication, there may be an opportunity to take advantage of the momentum and discussion around implementation to advance a broader understanding of GBV and policymaking, particularly the risks posed by CEFM. MOMENTUM could consider working alongside efforts to monitor VAPPA implementation in Sokoto and use the data and knowledge generated from those efforts in programming. Importantly, to develop and sustain mechanisms that advance the implementation of the VAPPA, stakeholders must understand what the law entails. Because the VAPPA was only recently domesticated and has not yet been gazetted in Sokoto, there is low visibility on the provisions and language that was formally approved. Efforts to bolster and nuance the law's implementation should be informed by what Sokoto's VAPPA contains, and what it is empowered to accomplish, becomes clearer.

RECOMMENDATION 4: ADVOCATE FOR NATIONAL-LEVEL VAPPA AMENDMENTS TO ENABLE ITS FULL AND PRACTICAL OPERATIONALIZATION

One reason local leaders struggle to use legal tools to address GBV is the lack of resources to fully implement them. MOMENTUM should continue advocating with national-level policymakers to address these gaps, including the VAPPA's lack of prevention activities, educational interventions, and awareness-raising provisions. Efforts should also address the need for specific provisions that mandate response teams and the lack of a budget for implementation. This advocacy could include a focus on encouraging lawmakers to develop an action plan or strategy to implement the Act and any future amendments. This action plan could exist separately from the National Gender Policy, and it could include a more detailed analysis of areas of the VAPPA requiring amendments and the development of regulations, guidelines, protocols, and standards to address them.

CONCLUSION

This review offered an analysis of relevant national and state laws and policies intended to protect women and girls from violence in Nigeria and described the social, cultural, religious, institutional, and systemic factors that impede local-level implementation of those laws and reinforce experiences of gender inequality. To meaningfully address violence against women and girls, state-level stakeholders must fully domesticate both the VAPPA and the CRA, and national and state legislators must review and harmonize additional cultural, statutory, and religious laws with international standards that Nigeria has adopted.

Of course, legislation is only one instrument of many in eliminating VAW, and legislation alone will not sufficiently eradicate longstanding practices deeply rooted in customs. National and state stakeholders must take a holistic approach that recognizes key opportunities to leverage efforts to date and build a more meaningful enabling environment over time. External stakeholders seeking to inform or shift the implementing environment should advance integrated, multipronged interventions. Over the next several years, coordinated advocacy, effective implementation of relevant laws and policies, and targeted efforts to sensitize families and communities will positively impact the safety and the rights of women and girls throughout Nigeria.

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APPENDIX A: SUMMARY OF KEY LAWS AND POLICIES REVIEWED

Law	Summary Description	Key Provisions Related to Gender-Based Violence	Stakeholders Responsible	Status of Domestication	Keys Gaps	Status of Implementation
National						
Nigerian Constitution 1999	The Nigerian Constitution is considered the supreme law of the land. It has 320 sections divided into eight chapters.	<ul style="list-style-type: none"> Prohibits discrimination based on sex, place of origin, religion, ethnicity, age, or circumstances of birth. Every person is entitled to respect for the dignity of their person... no person shall be subjected to torture or inhuman or degrading treatment. Provides for the right to life, dignity of human persons, and the right to liberty. 	<ul style="list-style-type: none"> Nigeria Ministry of Justice Courts (magistrate; High, Appeal and Supreme Courts) Nigerian police 	Does not require domestication. The Constitution is the supreme law of the land.	<ul style="list-style-type: none"> No specific provision protecting women from all forms of violence. Recognizes any married woman as "of full age." 	<ul style="list-style-type: none"> As the supreme law of the land, the Constitution is routinely used to enforce fundamental human rights in the county.
National Gender Policy (NGP) 2007	NGP presents an analysis of the national context, policies, and priorities for national gender mainstreaming, and responsiveness in national policy making. The policy has 16 priority areas.	<ul style="list-style-type: none"> Goal: Eradicate all forms of gender-based violence (GBV) and discrimination and ensure that women and men enjoy the same rights irrespective of their gender, age, ethnicity, religion, and class. Includes a policy objective to "legislate against all forms of gender-based violence and discriminations." Includes a policy objective to "build the capacity of institutions and persons to prevent all forms of gender-based violence." 	<ul style="list-style-type: none"> Federal Ministry of Women Affairs and Social Development (FMWASD) 	National policy	<ul style="list-style-type: none"> Has not been reviewed since 2007. 	<ul style="list-style-type: none"> Sokoto state has a state gender policy. Efforts to prevent and legislate against child early and forced marriage (CEFM) have been impeded. Efforts to implement laws against child marriage, domestic violence, and maltreatment in some states have been impeded.

Law	Summary Description	Key Provisions Related to Gender-Based Violence	Stakeholders Responsible	Status of Domestication	Keys Gaps	Status of Implementation
Violence Against Persons Prohibition Act (VAPPA) 2015	Most encompassing legislation that addresses violence against persons in Nigeria. The law has six parts and 47 provisions.	<ul style="list-style-type: none"> • Criminalizes coercion, harmful traditional practices (HTPs), rape, physical injury, spousal battery and intimidation, and domestic violence, forced marriage, infliction of injury. • Defines violence as “any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm.” • Defines rape as an offense committed by both genders. • Enables courts to award compensation to victims as they see fit. 	<ul style="list-style-type: none"> • FMWASD • Federal Ministry of Health (FMOH) • National Agency for the Prohibition of Trafficking in Persons (NAPTIP) • Police • Judiciary • Legal Aid Council (LAC) 	VAPPA is a national law that requires domestication at the state level.	<ul style="list-style-type: none"> • Does not criminalize domestic violence. • Fails to address prevention, educational initiatives, awareness raising, or necessary professional training. • Fails to authorize the establishment of rape crisis centers. • Lacks provisions for compensation funds for victim rehabilitation support. • Does not ensure provision of budget for implementation. 	<ul style="list-style-type: none"> • 25 of Nigeria’s 36 states have domesticated VAPPA. • Ebonyi state passed VAPPA in 2018. • Sokoto State passed VAPPA in 2021. • 10 of the 11 states yet to domesticate are in the North.
Child’s Rights Act (CRA) 2003	Incorporates basic principles of the UN Convention on the Rights of the Child. Provides for protection of a child until age 18 and seeks to end forced labor and child marriages.	<ul style="list-style-type: none"> • Restricts age of marriage to 18. • Indirectly outlaws early/child marriage. • Protects a child from unlawful sexual intercourse. • Protects a child from forms of sexual abuse and exploitation. • Establishes a separate child justice system. 	<ul style="list-style-type: none"> • FMOH • FMWASD • Police • Judiciary • LAC 	CRA is a national law that requires domestication at the state level.	<ul style="list-style-type: none"> • Limited domestication; several states claim cultural and religious rationales for declining. • Simultaneous legal systems (customary law, Islamic law) surface contradictions and limit impact. 	<ul style="list-style-type: none"> • 25 states have domesticated the Act. • All 11 states yet to domesticate are in the North. • Ebonyi state passed in 2010. • Sokoto state has not passed.

Law	Summary Description	Key Provisions Related to Gender-Based Violence	Stakeholders Responsible	Status of Domestication	Keys Gaps	Status of Implementation
Ebonyi State						
Ebonyi State Violence Against Persons Prohibition Act (VAPPA) 2018	The domesticated VAPPA includes Ebonyi state contextualized definitions of prohibited violent actions, abuse, and battery.	<ul style="list-style-type: none"> • Criminalizes violent actions, including rape; physical, emotional, psychological, and economic abuse; sexual assault; sexual harassment and intimidation; and spousal battery. • Defines violence as “any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economic harm.” • Defines rape as an offense committed by both genders. • Enables courts to award compensation to victims as they see fit. 	<ul style="list-style-type: none"> • Police • Judiciary (judges, magistrates, prosecutors, lawyers) • LAC • State Ministry of Women Affairs (SMWA) • State Ministry of Health (SMOH) • State Ministry of Justice (SMOJ) • State NAPTIP • State Human Rights Commission (SHRC) • International Federation of Women Lawyers (FIDA) 	Domesticated in 2018.	<ul style="list-style-type: none"> • Relies on relatively vague definition of HTPs. • Lacks guidance on implementation. • Lacks guidelines to establish services or referral pathways for GBV survivors. 	<ul style="list-style-type: none"> • Ebonyi domesticated the VAPPA in 2015; application of provisions still relatively new. • Citizens and leaders still use older laws such as the Criminal Code even where the VAPPA could be used.
Ebonyi State Child’s Rights Act (CRA)	Provides for protection of a child until age 18 and seeks to end forced labor and child marriages.	<ul style="list-style-type: none"> • Defines a child as anyone under age 18. • Criminalizes forced labor and child marriages. • Recognizes the rights of children, restores their confidence and self-esteem and improves their status. 	<ul style="list-style-type: none"> • Police • Judiciary (judges, magistrates, prosecutors, lawyers) • LAC • SMWA • SMOH • SMOJ • State NAPTIP • SHRC • FIDA 	Domesticated in 2010.	<ul style="list-style-type: none"> • Conflicting laws relating to legal age of children lead to complications in implementing provisions. 	<ul style="list-style-type: none"> • Ebonyi domesticated the CRA in 2003. • Majority of past and present cases continue to rely on the Criminal Code; law generally under-utilized.

Law	Summary Description	Key Provisions Related to Gender-Based Violence	Stakeholders Responsible	Status of Domestication	Keys Gaps	Status of Implementation
Ebonyi State Law Abolishing Harmful Traditional Practices Against Women and Children 2001	Enacted in response to the challenges women and girls encountered as a result of increased incidences of HTPs.	<ul style="list-style-type: none"> Abolishes HTPs in Ebonyi (including CEFM, child labor, and neglect). Defines and provides punishment for HTP offenders. 	<ul style="list-style-type: none"> Police Judiciary (judges, magistrates, prosecutors, lawyers) LAC SMWA SMOH SMOJ State NAPTIP SHRC FIDA 	State-level law enacted in Ebonyi.	<ul style="list-style-type: none"> Inadequate definitions of provisions and offenses. Lacks specific provisions protecting women against violence. 	<ul style="list-style-type: none"> The Criminal Code continues to be used more frequently. Uncertainty regarding the degree to which the law is used in prosecutions.
Ebonyi State Protection Against Domestic Violence and Related Matters Law 2005	Created to address domestic violence in the state.	<ul style="list-style-type: none"> Defines domestic violence. Specifies “domestic violence is committed between persons that have a marital or familial relationship.” Enables victims to apply for protection orders. Mandates local implementers such as police support victims. 	<ul style="list-style-type: none"> Police Judiciary (judges, magistrates, prosecutors, lawyers) LAC SMWA SMOH SMOJ SHRC FIDA 	State-level law enacted in Ebonyi.	<ul style="list-style-type: none"> Not comprehensive to cover all forms of GBV. 	<ul style="list-style-type: none"> Limited data on the number of cases prosecuted using the law.
Ebonyi State Criminal Code	National law that applies to other states in the Southern part of Nigeria; used to address criminal acts and attempts to address issues of GBV. Southern states domesticate context-specific versions of this code.	<ul style="list-style-type: none"> Section 383 of the Criminal Code of Nigeria specifies a maximum punishment of three years imprisonment on conviction for assault occasioning harm. 	<ul style="list-style-type: none"> Police Judiciary (judges, magistrates, prosecutors, lawyers) LAC SMWA SMOH SMOJ SHRC FIDA 	Automatically domesticated with formal creation and recognition of Ebonyi state in 1996.	<ul style="list-style-type: none"> Effectively legalizes marital rape. Outdated statutory provisions. Requires corroboration if victim is younger than 16. Defines indecent assault of women as a misdemeanor. 	<ul style="list-style-type: none"> Majority of past and present cases continue to rely on the Criminal Code.

Law	Summary Description	Key Provisions Related to Gender-Based Violence	Stakeholders Responsible	Status of Domestication	Keys Gaps	Status of Implementation
Sokoto State						
Sokoto State Penal Code	National law that applies to all states in the North of the country; addresses criminal acts and attempts to address issues of GBV.	<ul style="list-style-type: none"> • Defines a child as a person under the age of 18 years • Defines child rape and sexual harassment. 	<ul style="list-style-type: none"> • Police • Judiciary (courts of law, judges, magistrates, prosecutors, lawyers) • SHRC 	Automatically domesticated with formal creation and recognition of Sokoto State; amended in 1999.	<ul style="list-style-type: none"> • Not comprehensive enough to address all forms of GBV. 	<ul style="list-style-type: none"> • Main law used for prosecution in the state for non-Muslims.
Sharia Penal and Criminal Procedure Code	Applies to Muslims and to non-Muslims if they sign a consent form and choose to take their cases to a Sharia court, particularly if the civil or criminal case involves a Muslim.	<ul style="list-style-type: none"> • Repeats many provisions from the Penal Code. • Defines three categories of offenses and punishments drawn from the classical manuals of Islamic law. 	<ul style="list-style-type: none"> • Sharia judges and courts • Hisbah group (Islamic police) 	1999	<ul style="list-style-type: none"> • Requires corroboration (three witnesses) to prove rape. • Enables an accused man to take an oath over the Quran in the absence of sufficient proof against him. • Elements of the Sharia code are understood as divine injunction, not subject to change. 	<ul style="list-style-type: none"> • Law used for prosecution of Muslims.
Sokoto State Violence Against Persons Prohibition Act (VAPPA) 2021	Sokoto state domesticated VAPPA.	<ul style="list-style-type: none"> • Could offer contextualized definitions of criminal offenses; unclear how provisions will be refined or diluted based on religion and culture. 	<ul style="list-style-type: none"> • Police • Judiciary (courts of law, judges, magistrates, prosecutors, lawyers) • SHRC • SMWA • SMOH 	2021	<ul style="list-style-type: none"> • The state lacks a domestic and sexual and gender-based violence response team. 	<ul style="list-style-type: none"> • Sokoto domesticated the VAPPA in 2021. • The law is new and yet to be gazetted.

Law	Summary Description	Key Provisions Related to Gender-Based Violence	Stakeholders Responsible	Status of Domestication	Keys Gaps	Status of Implementation
Sokoto State Gender Policy 2017	General guide on how all public and private sector institutions should integrate gender mainstreaming and social inclusion in designing and implementation development programs.	<ul style="list-style-type: none"> • Mandates that all state policies reflect gender implications and strategies. • Seeks to “develop and apply gender mainstreaming methodologies.” 	<ul style="list-style-type: none"> • SMWA 	2017	<ul style="list-style-type: none"> • Does not offer strategies for preventing and addressing GBV and early marriage. • Does not mention inclusion of persons with disabilities. 	<ul style="list-style-type: none"> • Provides a general guide. • Sokoto has established a sexual and gender-based violence response team. •
Sokoto State Administration of Criminal Justice Act 2019	Merges essential provisions of the Criminal Procedure Code into a single piece of legislation.	<ul style="list-style-type: none"> • Enables a married woman to seek remedy from her husband and others in matters pertaining to her person and property. 		2019	<ul style="list-style-type: none"> • No specific mention of GBV. 	<ul style="list-style-type: none"> • Law still relatively new; implementation status unknown.

APPENDIX B: INTERNATIONAL AGREEMENTS ON GENDER-BASED VIOLENCE AND SEXUAL EXPLOITATION AND ABUSE ADOPTED AT THE FEDERAL LEVEL IN NIGERIA

Title	Year Adopted	Description	Status
Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)	1979	Recognizes GBV as a form of discrimination and recommends that states take measures to prevent and respond to violence against women (VAW). Calls for states to “suppress all forms of trafficking and exploitation of prostitution of women.”	Although the federal government ratified this in 1985, the Nigerian Constitution requires domestication through adoption by the National Assembly and State Houses of Assembly.
African Charter on Human and Peoples’ Rights	1981	Calls for the elimination of discrimination against women and the protection of the rights of women and children. Prohibits all forms of exploitation, particularly slavery.	Ratified in 1983.
Convention on the Rights of the Child	1989	Defines a child as a person under the age of 18. Commits state parties to protecting children from all forms of mental and physical violence, including sexual exploitation, child marriage, abuse, harmful traditional practices, and prostitution.	Ratified in 1991.
African Union Charter on the Rights and Welfare of the Child (ACRWC)	1990	Defines a child as a person under the age of 18. Commits states to protecting children from physical and sexual abuse.	Ratified in 2000.
Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol)	2003	Calls on states to protect rights of women and girls, such as property rights, rights to a consensual marriage, protection against child marriage, widows’ rights, inheritance rights, and protection against all forms of violence.	Ratified in 2004.



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