

**MY DIGNITY, YOUR DIGNITY: ENDING GENDER BASED
VIOLENCE TOGETHER: BEING A KEYNOTE ADDRESS
DELIVERED BY YUSUF ALI SAN, FCIARB (UK&NIG) AT THE
DIALOGUE ON GENDER-BASED VIOLENCE ORGANISED BY
HABIBA DANGANA (HADIS) FOUNDATION AT KWARA HOTEL
ON 25TH NOVEMBER, 2021**

INTRODUCTION

I wish to express my deep appreciation to the organisers of this program, the executives and Members of the Habiba Dangana (Hadis) Foundation in conjunction with the Ministry of women Affairs, for the time and effort that has gone into putting this programme together and for giving me the honour and inviting me to deliver the Keynote Address for this remarkable event. I specifically commend the vision and idea behind the theme chosen to be addressed as key, as was once said '*we have to promote human solidarity, avoid indifference, and play a part with society in the solution of the problem of violence....*'¹

It is also remarkable that this programme is put together on this date, **25th November**, which is a day that Women's rights activists have observed as a day against gender-based violence since 1981.² It has also been designated by the United Nations as the International Day for the Elimination of Violence Against Women. The basis of the recognition of the day is to raise awareness of the fact that women the world over, are subject to rape, domestic violence

¹ Shakira Mebarak, Colombian Singer/Songwriter , Philanthropist, UNICEF Goodwill Ambassador.

² This date was selected to honour the Mirabal sisters, three political activists from the Dominican Republic who were brutally murdered in 1960 by order of the country's ruler, Rafael Trujillo (1930-1961).

and other forms of violence. Another aim of the day is to highlight the scale and true nature of the issue which is often hidden.³

As the duty of a keynote speaker is to set the tone of the event, I would like to base my speech on the theme of this dialogue: **MY DIGNITY, YOUR DIGNITY: ENDING GENDER BASED VIOLENCE TOGETHER**. The rising spate of violence against women, at least the fraction reported by the media, indeed calls for serious concern and makes the topic an apt one. In delivering this address, I will briefly look into the incidence of gender based violence in Nigeria. The address will also do a brief discuss on the legislations prohibiting violence against persons, the Violence Against Persons (Prohibition) Law of Kwara State and how the law can be popularized to ensure awareness by the citizens it was meant to protect. Recommendations are also made on how to stem the growing tide of this menace.

WHAT IS GENDER BASED VIOLENCE

Gender-based violence against women has been defined as “any act that results in, or is likely to result in physical, sexual, or psychological harm. or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”⁴ Gender based violence can take any form like rape, female genital mutilation, partner battery, stalking, harmful widowhood practices and all forms of violence, including physical, verbal, sexual, psychological, domestic and harmful traditional practices.

³International Day for the Elimination of Violence against Women
https://en.wikipedia.org/wiki/International_Day_for_the_Elimination_of_Violence_against_Women

⁴ Russo, Nancy & Pirlott, Angela. (2006). Gender-Based Violence. 10.1196/annals.1385.024

INCIDENCE OF GENDER BASED VIOLENCE

In the year 2020, females in Nigeria experienced a pandemic within a pandemic. Since the outbreak of COVID-19, emerging data and reports from those on the front lines, have shown that all forms of violence against women and girls, particularly domestic violence, has intensified. This is the Shadow Pandemic was growing amidst the COVID-19 crisis. As COVID-19 cases continue to strain health services and other essential services, violence against woman such as domestic violence in shelters and welfare homes reached maximum capacity.⁵

In Nigeria, the May 2020 UN brief revealed that reported domestic violence cases in three states under total lockdown – Lagos, Ogun, and the Federal Capital Territory (Abuja) – saw a 297% increase from 60 to 238 between March and April 2020.⁶ The murder of 22-year-old **Vera Uwaila Omozuwa**, who was gang-raped and clubbed to death inside the Ikpoba Hill branch of Redeemed Christian Church of God in Benin City, Edo State, in May 2020, comes to mind as one of the first cases that hit the media during the COVID-19 lockdown. Around the same time, a 12-year-old girl was raped by a 57-year-old man and 11 others in Jigawa State. **Grace Oshiagwu, Barakat Bello**, and **Azeezat Somuyiwa** were raped and gruesomely murdered in Ibadan. In April 2020, **Iniobong Umoren**, a graduate of the University of Uyo, was allegedly raped and killed by Uduak Akpan, who, under the guise of possible employment, lured her to her death in Akwa Ibom State. **Favour Okechukwu**,

⁵ 'The Shadow Pandemic' <https://www.un.org/en/observances/ending-violence-against-women-day>

⁶ 'Tackling violence against women and girls in Oyo state, Nigeria' June 11th, 2021 <https://www.wfd.org/2021/06/11/tackling-violence-against-women-and-girls-in-oyo-state-nigeria/>

an 11-year-old girl, was gang-raped to death in Ejigbo, Lagos state. A 70-year-old woman was raped in Ogun state. In May 2021, a six-year-old girl was raped to death in Kaduna state.

On Tuesday, June 1, 2021, **Olajide Omowumi Blessing**, a 300 level student of the University of Ilorin was sexually assaulted and killed by rapists.⁷ Only this month, on *11th November, 2021*, a female lecturer of the University of Ilorin was beaten into a coma by a male student. There are countless other incidents too numerous to mention. As a matter of fact, in June 2020, the Nigerian police said they had recorded 717 incidents of rape between January and May 2020. In April 2020, Nigeria's Minister of Women Affairs **Pauline Tallen** said at least 3,600 cases of rape were recorded during the lockdown, while the National Human Rights Commission (NHRC) received 11,200 reported cases of rape over the whole of 2020.⁸

LEGISLATIVE RESPONSE TO GENDER BASED VIOLENCE

The Government passed Violence Against Persons (Prohibition) Act (VAPP) into law in May, 2015. The Act was necessitated as a result of agitations for protection of persons against different forms of violence which have in recent times become a recurring decimal in Nigeria. Among other things, the Act has strengthened advocacy against rape, Female Genital Mutilation, partner battery, stalking, harmful widowhood practices by state actors while

⁷ 'Sexual Violence: CSOs demand 18 States to domesticate CRA, VAPP Acts' Gabriel Ewepu & Fortune Eromosele June 7, 2021 <https://www.vanguardngr.com/2021/06/sexual-violence-csos-demand-18-states-to-domesticate-cra-vapp-acts/>

⁸ 'Nigeria: Failure to tackle rape crisis emboldens perpetrators and silences survivors' November 17, 2021 <https://www.amnesty.org/en/latest/news/2021/11/nigeria-failure-to-tackle-rape-crisis-emboldens-perpetrators-and-silences-survivors/>

prohibiting all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.

The VAPP Act provides a legal framework for the protection of all citizens – including vulnerable people such as women, girls, children, youth, and persons with disabilities (PWDs). The VAPP Act was first adopted and domesticated by the Federal Capital Territory (FCT), Abuja, in 2015. Since then, 18 out of the 36 states in Nigeria have domesticated it. The Act has been domesticated in the following states, Abia,⁹ Akwa-Ibom,¹⁰ Anambra,¹¹ Bauchi,¹² Benue,¹³ Delta,¹⁴ Ebonyi¹⁵, Edo,¹⁶ Jigawa,¹⁷ Kaduna,¹⁸ Kwara,¹⁹ Nasarawa,²⁰ Ogun,²¹ Ondo,²² Osun,²³ and Oyo²⁴ states.

In 2019, Ekiti State enacted its own law on Sexual and Gender-Based Violence (SGBV) and Harmful Practises (HR) and titled it the Ekiti State Gender-Based Violence (Prohibition) Law, 2019. The law repealed earlier laws on SGBV

⁹ 1st October, 2020

¹⁰ 11th June, 2020

¹¹ 2017

¹² 2020

¹³ 28th May, 2019

¹⁴ 7th October, 2020

¹⁵ 5th August, 2021

¹⁶ April, 2019

¹⁷ 24th February, 2021

¹⁸ 1st December, 2018

¹⁹ 24th September, 2020

²⁰ 28th January, 2021

²¹ 2018

²² 15th July, 2021

²³ 11th October, 2021

²⁴ 26th February, 2021

(like, the Ekiti State Gender-Based Violence (Prohibition) Law²⁵, Ekiti State Female Circumcision (Prohibition) Law,²⁶ and the Rights of Widows Law,²⁷ in order to have a stronger legal framework like the VAPP Act. The Ekiti State Gender-Based Violence (Prohibition) Law, 2019 is a replica of the VAPP Act. While Lagos State pioneered the enactment of the legislation for the protection of victims of domestic violence in 2007 (through the Prohibition Against Domestic Violence Law) and also made remarkable inventions in its Criminal Code of 2011, presently, Lagos State seems to be behind in the fight against Sexual and Gender-Based Violence (SGBV) and Harmful Practises (HR). Lagos State has failed to tune-up its legal framework for SGBV, even with the emergence of the very innovative legislation (Violence Against Persons [Prohibition] Act, 2105) that criminalized all forms of SGBV and HR, increased punishments and provided more protection for victims in the Federal Capital Territory; Abuja. Lagos State does not have Violence Against Persons [Prohibition] Law, its equivalent or any dedicated state law on Sexual and Gender-Based Violence (SGBV) and Harmful Practises (HR). Rather, Lagos State has laws with some provisions on SGBV (these provisions are contained in the two major laws that cover some forms of SGBV and provide protection to victims of domestic violence in Lagos State, viz: the Lagos State Criminal Code of 2011 and the Lagos State Prohibition Against Domestic Violence Law of 2007 (PADVL) earlier referred to.

Adamawa, Bayelsa, Imo, Kebbi, Kogi, Plateau and Rivers States have had the Bill passed in their respective legislative houses but are still awaiting the assent

²⁵ No. 21 of 2011

²⁶ CAP. E.13, 2002

²⁷ CAP. R.6

of their Governors to make it ‘Law’ in the states. Borno, Cross-River, Gombe, Kano, Katsina, Niger, Sokoto, Taraba, Yobe and Zamfara States are yet to pass the law at all in their respective States.²⁸

Since this dialogue is taking place within the jurisdiction of Kwara State, we will be making extensive reference to the Law, as domesticated in the State. Below is the highlight of some crucial provisions of the Violence Against Person (Prohibition) Law of Kwara State.

RAPE

A very notable and commendable provision of the Law is its expansion of the meaning of rape and its prohibition thereof. While other existing laws limited their scope of rape to protect only females in relation to vaginal penetration without consent, the VAPP Law has taken a giant stride to expand the meaning and scope of rape. By virtue of the Law, rape is when a person intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else without consent, or where such consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse. By this definition, both males and females are protected against rape. The issue of rape being gender biased has been a jurisprudential issue in Nigeria for a while because our law,

²⁸ <https://www.partnersnigeria.org/vapp-tracker/>

as it then was, does not recognize situations wherein a man would or could be raped.

The Law also, in its progressive nature, took cognizance of the fact that sex now goes beyond the primary sex organs and thus, extended the scope of rape to include anus and mouth. This is because it was difficult in times past, to bring an issue of forceful anal or oral sex under the umbrella of rape simply because such incidences was not envisaged or accommodated by our laws.²⁹

PROHIBITION OF FEMALE CIRCUMCISION OR GENITAL MUTILATION

The practice of circumcision and genital mutilation is now, by virtue of the provision of the Law, an offence irrespective of the part of the country she comes from. A Person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N200,000.00 or both.³⁰

PROTECTION FROM EMOTIONAL VERBAL AND PSYCHOLOGICAL ABUSE

It is an offence under the Law for a person to cause emotional, verbal or psychological abuse on another. If found guilty, the person will be liable to a term of imprisonment not exceeding 1year or to a fine not exceeding N200,000.00 or both.³¹ There are also specific provisions guarding against emotional abuse, for example, the law prohibits anyone from forcefully

²⁹ Section 1 (1) (2) (3) (4) of the VAPP Law 2020 provide for an extensive definition of rape.

³⁰ Section 6 (1)-(4) VAPP Law 2020

³¹ See section 13 of the VAPP Law 2020.

isolating or separating another person from his or her family and friends. It is an offence under the Law, punishable by conviction, to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.³² Similarly, a person who intimidates another is guilty of an offence punishable with 1 year imprisonment or a fine not exceeding N200,000.00 or both.³³

DOMESTIC OFFENCES

i. Abandonment of children, spouse and other dependants without means of sustenance

The VAPP Law has now made it a crime to abandon one's spouse, children and other dependants without sustenance and anyone guilty of this will face charges of imprisonment of not less than three years or a fine of not less than N500,000 or both.³⁴

ii. Forceful ejection from home

Forceful ejection by any marriage partner is also now prohibited. Consequently, any partner who forcefully evicts his/her partner from his or her home or refuse access commits an offence attracting imprisonment not exceeding 2 years or to a fine not exceeding N300,000.00 or both.³⁵

iii. Spousal Battery

A person who batters his or her spouse commits an offence and is liable on conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N500,000.00 or both.³⁶

³² See Section 12 of the VAPP Law 2020.

³³ See Section 17 of the VAPP Law 2020.

³⁴ Section 15 VAPP Law, 2020

³⁵ Section 8 of VAPP Law, 2020.

³⁶ Section 18 of the VAPP Law 2020

iv. **Incest** Section 46 of VAPP Law, 2015 defines incest to mean “an indecent act or an act which causes penetration with a person who is, to his or her knowledge, his/her daughter or son, granddaughter or son, sister or brother, mother or father, niece or nephew, aunt/uncle, grandmother or grand uncle” and goes further to provide that any person who knowingly and willfully have carnal knowledge of another within the prohibited degrees of consanguinity and affinity contained in the Schedule to the Law with or without consent, commits incest and is liable on conviction to a minimum term of 10 years imprisonment without an option of fine where sex was without consent, and where the two parties consent to commit incest, provided that the consent was not obtained by fraud or threat, 5 years imprisonment without an option of fine.³⁷

PROHIBITION OF HARMFUL WIDOWHOOD PRACTICES

Section 14 of the Law makes it an offence to subject a person to harmful widowhood practices and in the same vein prescribes punishments for the offence.

APPLICATION FOR PROTECTION ORDER

The Law in sections 30-40 provides extensively for protection order. Protection order, according to section 46 of VAPP Law is

³⁷ Section 23 of VAPP Law, 2020.

an official legal document, signed by a Judge that restrains an individual or State actors from further abusive behaviour towards a victim. This provision of the law is a very laudable one in that it curtails and mitigates, on the short term, the abuse of persons especially in private spaces; it also shows that the Law is both protective and preventive in its measures. Thus, a person who has been a victim of violence, and in the risk of further violence, can apply for a protection order to be issued against his/her violator(s). The protection order is to be accompanied by a warrant for the arrest of the respondent and it remains valid throughout the period of the protection order. Where the respondent has contravened any prohibition, condition, obligation or order contained in a protection order, a complainant may hand the warrant of arrest together with an affidavit in the prescribed form to any police officer who may proceed to arrest the respondent if he has reasonable grounds to suspect that the complainant may suffer imminent harm.

ATTEMPT AS AN OFFENCE

In the Law, attempt to commit an offence is an offence in itself. The Law thus provides for appropriate punishment for the attempt of commission of offences under the Law.³⁸

PROVISION FOR SMOOTH OPERATION OF THE LAW

In a bid to promote the judicious implementation of the Law, by the provision of section 6 of the Law, it is an offence for any person to defraud or conceal an

³⁸ Section 25 of the Law

offence or frustrate the investigation and prosecution of offenders under the Law or any other enactment which is deemed a felony and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N200,000.00 or both. Similarly, by section 7 of the Law, a person who willfully makes false statement, whether oral or documentary in any judicial proceeding under the Law with the aim of initiating investigation or criminal proceedings under the Law against another person commits an offence and is liable on conviction to a fine of N200,000.00 or a term of imprisonment not exceeding 12 months.

Where a person has more than one conviction of sexual offence, been convicted of a sexual offence accompanied with violence or been convicted of a sexual offence against a child, the court may declare such a person a dangerous sexual offender.³⁹

EFFICACY OF THE VAPP LAW

Incidents of Gender-Based Violence have continued to top the chart of discourse among stakeholders, despite efforts by the government to check the threat.

The enforcement of the law is really discouraging because many women and young girls have lost their lives to the heinous acts perpetrated by criminals and many continue to die, with cases either totally ignored or justice delayed indefinitely. The sad part is that the perpetrators of these crimes usually go scot free. The desk officer of the response team for sexual and gender-based

³⁹ Section 45 VAPP Law.

violence (SGBV), federal capital territory (FCT), **Ngozi Ike**, has disclosed that out of 444 SGBV cases reported in the city, only one conviction has been secured.⁴⁰ Adamawa recorded 774 cases of sexual and gender violence between 2020 and the first half of 2021. Two-hundred-and-ninety-seven of the perpetrators have so far been convicted.⁴¹ In April 2021, the Minister of Women Affairs, **Mrs Pauline Tallen** revealed that only 11 out of over 3,000 cases of SGBV reported in six states were prosecuted.⁴²

According to Project Alert, one of the reasons for these low conviction rates is the challenge with the criminal justice system. They say the cost of pursuing justice up until the level of conviction is very high. Victims' families usually have to pay for recharge cards used at Police Stations, Medical Reports, and Transportation to arrest the suspect and so on. Since most of them cannot afford these costs, they just give up all together and "*leave it for God.*" They went on further to say that because many victims of sexual violence suffer from intimidation and victimization from family and friends, they hardly pursue the case. There was a particular case where a child was molested by her father, and when the mother of the child wanted to report to the Police, her in-laws (her husband's relations) came to beg her. When she did not listen to their pleas, threats followed, and the mother eventually had to give up her pursuit of justice.

⁴⁰ Nike Adebawale 'SGBV: FCT secures one conviction from 444 reported cases -Official' Premium Times May 25, 2021 <https://www.premiumtimesng.com/news/top-news/463704-sgbv-fct-secures-one-conviction-from-444-reported-cases-official.html>

⁴¹ 'Adamawa records 774 sexual, gender-based violence cases, convicts 297' July 27, 2021 <https://www.vanguardngr.com/2021/07/adamawa-records-774-sexual-gender-based-violence-cases-convicts-297-2/>

⁴² Chika Onyesi 'Why Gender-Based Violence persists in Nigeria despite increased reporting' July 10, 2021 <https://dailypost.ng/2021/07/10/why-gender-based-violence-persists-in-nigeria-despite-increased-reporting/>

RECOMMENDATION

Gender based violence is one of the heinous and abhorrent crimes in society and in order to fight and eliminate violence against women as a social illness, the following are recommended:

1. There should be proactive and stringent punishment enforcement for the offenders. It is not just expedient to ensure maximum punishment, it is also imperative to enforce this punishment in a very firm and decisive manner. The police authorities should courageously investigate and recommend for prosecution the alleged offenders. The judiciary should not shy away from handing out maximum punishment, when the occasion demands, to sex offenders. This will serve as a deterrent to other aberrant members of the public.
2. The responsibility to educate the members of the society, especially children, should not be shied away from but be taken as serious and primary. Children should be taught to develop a sense of ownership of their bodies. They should learn early enough that they have a right to keep their bodies private and refuse any kind of touch from another person. They should be taught to clearly differentiate from safe and unsafe touch. Also, they should be discouraged from keeping bad secrets that make them feel uncomfortable and should have a right to say no to being alone with anyone, even relatives. Parents should encourage their children to report any instance of abuse. Upon such a report, it should not be swept under the carpet, but rather be prosecuted to serve as a deterrent to other offenders.

3. The law enforcement agents also need to be trained on the need to handle sex offences differently because of its sensitive nature. This is because there seems to be a general apathy on the part of the Police institution. Apart from the delay in commencing investigation, the police institution is not adequately equipped with both human and material resources to effectively investigate sex offences. There is a lack of specialized training for police officers in handling these cases or in providing support for the victims. Furthermore, forensic identification of suspects cannot be effectively carried out, the use of biological evidence such as blood, semen, saliva, vaginal epithelial cells etc is totally lacking.
4. Judges should dispense justice without interference from the other arms of government and efforts should be made to ensure that cases are resolved quickly. An ineffective judiciary will promote child abuse despite the enactments of several laws prohibiting it. The use of juvenile courts should be revived especially to try juvenile sexual related offenders.
5. There should be increased public awareness on the laws addressing this issue, just as is commendably being done on this auspicious occasion today. Laws put in place to protect women and children in Nigeria are not effective because so many other factors exist which inhibit their effective implementation. To ensure effectiveness of these laws and to decrease the prevalence of gender-based violence, issues such as poverty, cultural attitudes, corruption, lack of implementation of laws, and attitude of citizens need to be addressed. Laws and policies, despite their importance, cannot eliminate gender-based violence solely on their own.

6. There is the urgent need for national moral rebirth. Leaders of religious groups should mount vociferous preaching on the evil of moral degeneration which is one of the causes of the resurgence of this sad prevalence of gender-based violence. Sadly the more religious we pretend to be, the deeper we are sinking into the malady of moral depravity. What an irony!!!!
7. The press has been doing much but need to do more. Until we get over the scourge of gender-based violence, we cannot relent in our advocacy. Special columns in print media, playlets on television and radio, moral awakening jingles, informed discussions on the issue by those with requisite knowledge in the field should be encouraged. The media should make conscious effort to downplay all negative morally unwholesome events in both the print and electronic platforms. It is time the government showed interest in the kind of movies and other video materials that are being approved for consumption by the citizenry, especially the underage ones. No serious society in the name of freedom allows her underage members to access just any video materials without some measure of control.
8. It is strongly suggested that apart from the punishments provided in the laws for convicted offenders, anyone that is convicted must be made to undergo compulsory psychiatric rehabilitation. This suggestion should be taken more seriously in respect of anyone that is convicted of the offense of rape.
9. There is urgent need to have a look at the negative influence of the social media. There should be stringent rules put in place to control the access of

adolescent to the social media. Unbridled exercise of freedom leads to social problems.

10. The use of illicit drugs has compounded the problems of anti-social behavior among the youth. There is the urgent need to do proper battle with drug addiction starting from the family, schools, societies and the government.

Drug addicts should be viewed as persons with problems that must be assisted not as criminals as such.

The society must play positive roles in the rehabilitation of persons with drug addiction problems

11. The social stigmatization and ostracization of victims of gender violence must be discouraged. The fact that a young lady is improperly dressed can never be a reason to condone an act of rape against her person. The society must insist on proper dressing but non conformists should not be damnified if they are unduly or illegally assaulted by others

CONCLUSION

The Female gender is important to a nation because they are the initial custodians of the future of any nation and the leaders of tomorrow. The way they are treated reflects the level of development of a particular country. Gender-based violence has to be tackled quickly before its consequences become too difficult to handle. I have tried to look into the meaning of a gender-based violence and the incidence of gender-based violence in the country. The legislative response to the issue was also discussed alongside the efficacy of the Violence Against Persons (Prohibition) Law.

It is apparent, from the discussion that if no drastic measure is taken to stem the tide of violence against the female gender, and children, then our society is in a precarious state. We must all rise and fight against this vice that is threatening to destroy us as a society. We wake up every morning to the news of girls and women being raped either by acquaintances or their fathers or bosses or school teachers and mates. This must stop. It is in the light of the above that I have proffered solutions in the form of recommendations to try and address the way forward.

I challenge us all, as patriotic citizens, to put in all it takes to protect our female from this raging evil and secure their future as a country. The future belongs to those that labour for it today.

The organizers of this event, Habiba Dangana (Hadis) Foundation in conjunction with the Ministry of Women Affairs, have done well in coming up with this discourse at this critical time in the fight against the monster of gender-based violence, in order to change our society for good. Once again I commend you.

Have a wonderful fruitfully and impactful programme.