AN APPRAISAL OF THE HUMAN RIGHTS PERSPECTIVE ON VIOLENCE AGAINST WOMEN IN NIGERIA

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Abstract

Violence against women (VAW), commonly known as gender-based violence constitutes a serious violation of the fundamental human rights of women and girls. It remains one of the most pervasive crimes experienced worldwide, underscoring the urgent need for comprehensive action. Such violence manifests across various environment, including homes, workplaces, communities, and in digital spaces. Rooted in historical gender inequalities, this phenomenon causes profound physical, social, psychological, and economic harm to women. The paper appraises the human rights perspective on VAW in Nigeria and evaluates the legal frameworks established to protect women's rights in the country while showcasing various human rights approaches to counter violence against women. Additionally, the paper examines the duties of the government to respect and guarantee women's rights. It emphasizes the necessity for the government to prevent VAW, conduct thorough investigations, prosecute offenders and provide protection and redress for victims. Using doctrinal research method, the findings of this work illustrate that a human rights approach to the problem not only affirms the dignity of women but also engages all stakeholders in the pursuit of accountability and respect for these rights. The paper highlights the necessity of cooperation between the judiciary, law enforcement, community leaders and healthcare professionals to establish a welcoming atmosphere for women seeking justice. It also advocates for aggressive and ongoing public awareness campaigns to educate women about their rights and suggests that the government set up a dedicated reporting desk in each police station across the federation to facilitate prompt and easy victim reporting and investigations.

Key-Words: Violence Against Women, Violence, Women, Human Rights, Nigeria

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1. **Introduction**

Violence against women (VAW) constitutes a severe violation of fundamental rights and undermines human dignity and equality. In Nigeria, this pervasive issue affects women from diverse backgrounds including urban and rural, affluent and impoverished communities. It encompasses various forms, including physical violence such as domestic abuse and assault, sexual violence such as rape and harassment, and emotional abuse that can harm mental health and self-esteem. There are also economic exploitation and damaging cultural practices, such as forced marriage and female genital mutilation, which exacerbate women's vulnerability. Furthermore, there is a serious risk of violence online, including cyberbullying of women.

Globally, VAW is on the rise and for many women worldwide, there is little recourse to stop assaults.[1] In Nigeria, most incidents go unreported because of a patriarchal culture of quiet and submission, social pressure, mistrust of the police and feelings of shame.[2] . Violence against family members is frequently viewed as a personal affair, which makes victims reluctant to seek assistance. The police often refuse to intervene because they consider the issue to be family feuds and even advise the victims to return home to settle their family matters.[3] Nonetheless, in order to advance women's rights and gender equality in Nigeria, it is imperative to identify and combat all forms of violence against women, requiring efficient measures and regulations to guarantee the safety and welfare of women and girls.[4]

The government in Nigeria, from a human rights-based perspective, is obligated to prevent, protect, and compensate for violence against women, recognizing it as a violation of fundamental human rights. The state, also, is responsible for guaranteeing adherence to international agreements in addition to incorporating the regulations into domestic

[1]Do, K. N., Weiss, B., & A. Pollack, 'Cultural beliefs, Intimate Partner Violence, and Mental health functioning among Vietnamese women, (2013)(2*)*(3), *International Perspectives in Psychology: Research, Practice, Consultation,* 149–163.

[2]T. Akangbe, 'Culture, Religion and Help-Seeking For Intimate Partner Violence Victims in Nigeria (A Narrative Review), (2020)(3)(2), *African Journal of Social Sciences and Humanities Research* , 56-62.

[3] H.I Bazza, 'Domestic Violence and Women's Rights in Nigeria' (2010) (4)(2), *Societies Without Borders* 175, 176.

[4] OECD, *Breaking the Cycle of Gender-based Violence: Translating Evidence into Action for Victim/Survivor-centred Governance* (OECD Publishing, Paris, 2023) 14.

legislation;[5] Further, by tackling the underlying causes of violence rather than merely its effects, this approach encourages equality, non-discrimination, and empowerment. Notably, by approaching the issue from a human rights standpoint, this paper seeks to increase accountability among those in charge of safeguarding these rights while empowering women and girls to understand and assert their rights.

2. Conceptualization of Key Terms

This section will conceptually analyze a number of key terminology that are pertinent to the discussion in this article, including "women," "viole nce," "violence against women," and "human rights."

2.1 Women

The term "women" is the plural form of "woman." A woman is commonly described as an individual who possesses a unique feminine nature,[6] encompassing all females within the human species.[7] This definition includes girls, ladies, mothers, grandmothers, great-grandmothers, sisters, daughters, and aunts. Women are recognized for their capacity to nurture life and are frequently associated with their reproductive capabilities.[8]

2.2 Violence

The term "violence" encompasses any action or attempted action that results in, or has the potential to result in, harm to an individual. This harm can be physical, sexual, psychological, verbal, emotional, or economic, and can occur in both private and public contexts, during times of peace or conflict.[9]

2.3 Violence Against Women

Violence against women is defined as any act of gender-based violence, whether in public or private life, that causes or is likely to cause physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of

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[5] G. C. Arseni , *Standards For The Protection Of The Human Rights Of Women: Necessary Tools for the Defence of Women's Political Participation* , (UN Women - United Nations Entity for Gender Equality and the Empowerment of Women. 2020),12.

[6] C. Soanes and A. Stevenson, Concise Oxford English Dictionary (11th ed. Oxford University Press, 2006) 867.

[7] Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003, art. 1.

[8] O. N P Adiela and M.O Izzi , 'Appraising the Human Rights of Women with Disabilities in Nigeria, (2023)(10)(2) *Rivers State University Journal of Public Law*, 3-4.

[9] Violence Against Persons (Prohibition) Act 2015, s. 46.

liberty.[10] The Declaration on the Elimination of Violence against Women (DEVAW) defines violence against women (VAW) as including physical, sexual and psychological violence in the family such as battering, marital rape and harmful traditional practices as well as violence in the community, including rape and sexual harassment, and violence condoned by the State.[11] In Nigeria, violence against women is defined broadly as any act or omission that causes physical, sexual, psychological, or economic harm to a woman, including acts within the domestic sphere and those occurring in public life.[12] Thus, VAW is not limited to physical violence; it is much broader and includes sexual, emotional, psychological and financial abuse.

2.4 Human Rights

Human rights are generally defined as the rights that all human beings possess by virtue of their humanity. These rights include the right to life, personal liberty, fair hearing, and dignity, as well as freedom of thought, conscience, and religion. They establish common standards of behaviour for humanity and are considered natural, inviolable, rational, and unalterable. Violating these rights constitute a serious offence to the sense of justice held by individuals.[13] The Universal Declaration of Human Rights 1948 expresses human rights as fundamental rights inherent in all humans, necessary for dignity, and are universally applicable, regardless of background. These rights are inalienable, interrelated, and apply to all people without exception. They are not conferred by any government, but are inherent in being human. The 1999 Nigerian Constitution , in its Chapter IV, guarantees these rights as "Fundamental Rights," distinguishing them from ordinary laws.

Human rights must apply to all humanity, including women.[14] They are important to a woman because they protect her dignity and well-being and have her basic needs met. They also promote fairness, equality, and justice in society. Protecting human rights is essential for building peaceful and stable societies while respect for human rights is a fundamental component of democratic society and successful governance.

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[10] United Nations, *Declaration on the Elimination of Violence against Women*'. (New York : UN, 1993).; art. 1.
[11]DEVAW, art.2.
[12] VAPP (n.9) s.46.
[13] Anyadike, Nwachukwu and Wogu, 'Human Rights in Nigeria and the Implications of Human Rights Education for Resource Collection by Libraries', (2021). *Library Philosophy and Practice (e-journal)*, 5391.
[14]*Mustapha v. Governor of Lagos State & ors* (1987) LPELR-1931(SC) (Pp. 95 paras. A).

3. **Origin, Prevalence and Consequences of VAW**

The origins of VAW lie in a history of ancient practices where men were permitted to hit women as a supposed form of discipline for perceived disrespect. The patriarchal dynamic that places men above women is reinforced through violence, which to a large extent is supported by Nigerian social norms.[15] Thus, there is a conservative attitude towards this problem which has contributed to its prevalence especially in recent times. Studies have shown that globally nearly one quarter of all recorded crimes are VAW related.[16] Reports indicate that in Nigeria, an average of 300-350 women are killed every year by their husbands, former partners, boyfriends, or male relations.[17] Following over 100 femicide incidents in 2024 and a startling 240% increase in gender-based violence cases recorded in 2025 so far, Nigeria's escalating frequency of violence against women has reached a crisis point. A declaration of emergency is being demanded by activists as the number of occurrences continue to rise.

The social media has indeed witnessed several hashtags for women who have been gruesomely murdered. From #JusticeforUmuoren to #JusticeforOchanya,#JusticeforUwa,#JusticeforSofiat,#JusticeforBamise, #JusticeforBarakat, #JusticeforChristiana amongst others.[18] The Femicide Observatory, managed by Document Our History (DOHS) Cares Foundation, reported seventeen femicide cases in January 2025 and an additional five in February 2025.[19] Prominent incidents include Mutiat Sholola, fatally injured by her husband resulting in her death, at Owode Egba, located a few hours outside Lagos, and Emrich Effanga, a hairstylist from Uyo in Akwa Ibom State, strangled to death by her boyfriend.[20]

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[15] Bazza (n.3) 'Domestic Violence and Women's Rights in Nigeria', (2010)(4)(2), *Societies Without Borders* 175, 176.

[16] *Ibid.*

[17] B. Jegede , 'Femicide is a Human Rights Violation, not a Cultural Consequence: Why Nigeria is Violating the Maputo Protocol', (2025)(28)(1) *Human Rights Brief,* 29.

[18] A.Abiodun, 'Women as Endangered Species: Unending Tales of Gruesome Murder, Rape Scourge, Kidnapping of Ladies for Rituals', September 2024, <https://thenationonlineng.net/women-as-endangered-species-unending-tales-of-gruesome-murder-rape-scourge-kidnapping-of-ladies-for-rituals/ > accessed 02 August 2025.

[19] Womanstats, 'Nigeria-Femicide', March 2025 < https://www.womanstats.org/new/data/country/nigeria/ > accessed 25 July 2025.

[20] *Ibid.*

The World Health Organization (WHO) reported that approximately one in three women globally have experienced physical or sexual violence.[21] The likelihood of this kind of violence rises sharply during wars and emergencies. Some thirty percent of Nigerian women between the ages of fifteen and forty-nine have experienced physical or sexual abuse.[22] According to the National Human Rights Commission (NHRC), compared to May 2025, complaints rose by 20% in June 2025. Crimes involving sexual and gender-based violence (SGBV), such as rape and domestic abuse, remained prevalent.[23] However, the Nigeria Police documented only 17,415 incidents of gender-based and domestic abuse in 2024, due to a delayed court system and cultural norms that prevent more cases from being reported.[24]

Further, despite making up over half of Nigeria's population, women occupy fewer than 5% of political office.[25] In addition, women who are disabled, live in internally displaced people's (IDP) camps[26], are the heads of homes, or have no support systems are more at risk of violence and discrimination. In terms of employment, education, and living situations, discriminatory behaviours against women particularly unmarried women remain prevalent.[27]
The effects of VAW are far reaching and in addition to physical harm, violence has serious adverse impacts on mental health, such as depression and anxiety, reproductive health, including trauma and unintended pregnancies.[28]

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[21] WHO, 'Violence against Women', March 2024 < https://www.who.int/news-room/fact-sheets/detail/violence-against-women > accessed 25 July 2025.
[22]UNFPA, UNFPA Advocacy Brief, <https://nigeria.unfpa.org/sites/default/files/pub-pdf/unfpaadvocacybriefgbv-hpfct.pdf> accessed 25 July 2025.
[23] NHRC, 'June 2025 Human Rights Dashboard, June 2025 < https://www.nigeriarights.gov.ng/nhrc-media/data-and-infographics/570-june-2025-human-rights-dashboard.html > accessed 25 July 2025.
[24] J. Idowu, '17,415 Gender Violence Cases Reported in 2024',< https://punchng.com/17415-gender-violence-cases-reported-in-2024-police/ > accessed 25 July 2025.
[25] Adeyemi, Akinpelumi Joshua, 'Female Participation in Politics in Nigeria', [2024] *SSRN* 1.
[26] C. Nagarajan and G. Jerry, 'Conflict deepens dangers and worsens exclusion for women with disabilities' 2015, <Conflict deepens dangers and worsens exclusion for women with disabilities | | The Guardian> accessed 25 July 2025.
[27] EASO, '2.16.1. Violence against Women and Girls: Overview', October 2021, *Country Guidance Nigeria*.
[28]WHO, 'Understanding and Addressing Violence Against Women – Health Consequences' <WHORHR12.43eng > accessed 25 July 2025.

4. **Legal Framework for the Protection of Women's Rights in Nigeria**

Some international, regional and local human rights frameworks for promotion and protection of women's rights in Nigeria are: Constitution of the Federal Republic of Nigeria (Fundamental Human Rights), Violence Against Persons Prohibition Act 2015, Administration of Criminal Justice Act 2015, Criminal Code, Penal Code, African Charter on Human and Peoples' Rights 1986 , the Maputo Protocol, Universal Declaration of Human Rights 1948, Convention on the Elimination of All Forms of Discrimination against Women 1979, United Nations Convention Against Torture 1984, UN General Assembly Declaration on the Elimination of Violence Against Women 1993, and The Beijing Declaration and Platform for Action 1995. Some states in Nigeria have also enacted laws for the protection of women's rights in their states especially against violence in any form such as the Delta State Violence Against Persons Law 2020 and the Protection Against Domestic Violence Law of Lagos state 2007.

These instruments aim to prevent and eliminate violence against women by establishing legal frameworks, promoting awareness, and encouraging international cooperation. Further, the key principles in these instruments include non – discrimination, equality of rights, participation, individual autonomy and non-violence as women are entitled to equal rights and freedom as men. Some of these legal provisions are examined below:

4.1International Conventions

4.1.1 The Universal Declaration of Human Rights 1948

The Universal Declaration of Human Rights (UDHR) is a historic document that outlines the rights and freedoms everyone is entitled to. It was the first international agreement on the basic principles of human rights. The UDHR was adopted by the United Nation General Assembly on the 1 December 1948. It was the first International Act to acknowledge that the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.[29] It provides that everyone is born free and with equal dignity and rights.[30] The Universal Declaration provides that everyone has the right to right to life, liberty

[29] UDHR 1948, Preamble.
[30] *Ibid,* art. 1.

and security of person;[31] and no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.[32]

4.1.2Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984

This United Nations Convention Against Torture (UNCAT) is the most important international human rights treaty that deals exclusively with torture. The Convention obligates countries who have signed the treaty to prohibit and prevent torture and cruel, inhuman or degrading treatment or punishment in all circumstances. The Convention requires ratifying governments to investigate all allegations of torture, to bring to justice the perpetrators, and to provide a remedy to victims of torture. The Convention was adopted by the U.N. General Assembly in 1984 and went into force in 1987.[33]

Specifically, the UNCAT requires States parties, inter alia, to incorporate the crime of torture into their domestic legislation and to punish acts of torture with appropriate penalties;[34] to undertake a prompt and impartial investigation of any alleged act of torture;[35] to ensure that statements made as a result of torture are not invoked as evidence in proceedings (except against a person accused of torture as evidence that the statement was made);[36] and to establish an enforceable right to fair and adequate compensation and rehabilitation for victims of torture or their dependents.[37] No exceptional circumstances, such as a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.[38] Prohibiting and preventing torture rely heavily on enforcement through domestic institutions. Thus, States are to take effective legislative, administrative, judicial or other measures to prevent torture.[39] Further, the Convention creates a means to monitor implementation of the Convention's provisions through an international mechanism, the UN Committee against Torture.[40]

Nigeria is a signatory to UNCAT having ratified the convention in 2001. The country also ratified the Optional Protocol to the Convention

[31]*Ibid,* art. 3.
[32]*Ibid,* art. 5.
[33] ACLU, 'Convention Against Torture' ,<https://www.aclu.org/other/faq-convention-against-torture>, accessed 28 July 2025.
[34] UNCAT 1984, art 4.
[35]*Ibid*, art 6(2).
[36]*Ibid,* art 15.
[37]*Ibid,,* art 14.
[38]*Ibid,* art 2(2).
[39]*Ibid*art. 2(1).
[40]*Ibid,* art. 17 (1).

against Torture (OPCAT) in 2009. Furthermore, Nigeria has taken steps to domestically implement the convention, including enacting the Anti-Torture Act of 2017. The National Human Rights Commission (NHRC) has also been designated as Nigeria's National Preventive Mechanism (NPM) under OPCAT.[41]

4.1.3 Convention on the Elimination of All Forms of Discrimination Against Women 1979

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is an international legal instrument that requires countries to eliminate discrimination against women and girls in all areas and promote women's and girls' equal rights. CEDAW is often described as the international bill of rights for women, and is one of the key international agreements that guide the work of UN Women in achieving gender equality and empowering all women and girls. It was adopted in 1979 by the UN General Assembly.

Nigeria is a signatory to this convention which aims to eliminate discrimination against women in all spheres of life and enjoins State parties to take all appropriate legislative and other measures to suppress all forms of violence against women. While CEDAW doesn't have a single article specifically addressing violence against women, General Recommendation No. 35 of the CEDAW Committee, which updates General Recommendation No. 19, explicitly focuses on gender-based violence against women. Additionally, CEDAW's General Recommendation No. 19 from 1992 frames violence against women as a form of discrimination. Nigeria signed and ratified this convention on 23rd April 1984 and 13th June 1985 respectively.

4.1.4 UN General Assembly Declaration on the Elimination of Violence Against Women 1993 and The Beijing Declaration and Platform for Action 1995

The 1993 Declaration[42] on the Elimination of Violence against Women (DEVAW) was the first international instrument explicitly addressing violence against women, providing a framework for national and international action.[43] It defines violence against women[44] and specifies that measure to end violence against women must address the

[41] B. S Ayo-Ojo, 'A Critical Appraisal of the National Institutional Mechanisms for the Prevention of Torture in Nigeria', (2024)(8) *AHRY,* 93-122.

[42]DEVAW(n.11).

[43] European Institute for Gender Equality International Regukations, 2025,< https://eige.europa.eu/gender-based-violence/regulatory-and-legal-framework/international-regulations?languagecontententity=en >accessed 28 July 2025.

[44] DEVAW (n.11) art.3.

structures, contexts, social and cultural patterns which constitute the root causes of this type of violence.[45] On the other hand, the fourth UN World Conference on Women produced the Beijing Declaration[46] and Platform for Action (BPfA) which comprises a set of 12 critical areas for achieving women's empowerment, including a commitment to combat violence against women, and was adopted by 189 Member States. Although the BP**fA** is not legally binding like CEDAW, it has a broader scope beyond discrimination against women, going further than only legal equality, such as eradicating poverty. The Beijing Declaration demonstrates the universal and particular nature of violence against women. It also considers the fear of violence to be a permanent constraint on the mobility of women, limiting their access to resources and basic activities. Furthermore, the BPfA acknowledges additional barriers faced by women due to such factors as race, age, language, ethnicity, culture, religion and disability;[47] it recognizes women's rights as human rights and outlines critical areas for action, covering everything from jobs to the environment and political participation, as well as ending gender-based violence and harassment, providing governments with concrete steps to ensure the actualization of these goals. The Declaration calls on States to act with due diligence to prevent and respond to violence against women.

It is remarkable that both the United Nations Declaration on the Elimination of Violence Against Women (DEVAW) and the Beijing Declaration and Platform for Action are applicable to Nigeria, as Nigeria has committed to implementing these international frameworks. Nigeria is a State Party to the UN, and while DEVAW is a non-legally binding instrument, it is still applicable to Nigeria. Also, Nigeria was one of the 189 countries that adopted the Beijing Declaration and Platform for Action in 1995.
However, while Nigeria has ratified key international treaties like CEDAW and is a signatory to the Beijing Declaration, challenges remain in domesticating these instruments into national law, which affects their enforceability in Nigerian courts.

[45] *Ibid,* art. 4.
[46] United Nations, Beijing Declaration and Platform for Action, 1995 (Adopted by the UN General Assembly on 15th September, 1995 during the Fourth World Conference on Women).
[47] European Institute for Gender Equality (n.43).

4.2. Regional Legal Instruments

4.2.1 African Charter on Human and Peoples' Rights 1986

The African Charter on Human and Peoples' Rights (ACHPR) is an African regional human rights instrument adopted by the Organization of African Unity (OAU), now the African Union (AU), on 7th June 1981 and it came into force on 21st October 1986.[48] This Charter covers both civil and political rights as well as economic, social and cultural rights. It further includes rights for both individuals and peoples. The ACHPR ensures the protection of the rights of women.[49] It protects individuals, which includes the female gender, from exploitation and degradation. The Charter's individual rights and freedoms include rights to non-discrimination;[50] liberty and security of persons.[51] and specifically provides that every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status.

All forms of exploitation and degradation of mankind particularly slavery, slave trade and torture, cruel, inhuman or degrading punishment and treatment shall be prohibited. [52] Also, State Parties have an obligation to protect and assist the family, which includes women. The Charter has been domesticated in Nigeria through the African Charter on Human and Peoples' Rights (Enforcement) Act.[53]

4.2.2 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) 2003

The Protocol is a legal framework to address the challenges women face on the African continent, including gender-based discrimination; and specifically addresses issues related to gender equality and the protection of women's rights. It ensures women's rights to dignity, life, security and integrity. It mandates state actors to take appropriate institutional actions in addressing gender biases that promote inequality against women and girls; and tasks public institutions to protect them from violence prohibiting acts that exploit or degrade them.[54]

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[48]C. E. Welch, Jr., 'The African Commission on Human and Peoples' Rights: A Five-Year Report and Assessment', (1992) (14) (1), *Human Rights Quarterly,* 43.
[49] ACHPR 1986, art. 18.
[50]*Ibid,* art. 2.
[51]*Ibid,* art. 6.
[52]*Ibid,* art. 5.
[53] African Charter on Human and People's Rights (Enforcement) Act, Cap 10 LFN 1990.
[54] Maputo Protocol (n.7).

The Protocol, adopted by the African Union in Maputo, Mozambique, in 2003 came into effect in 2005 and supplements the African Charter on Human and Peoples' Rights.. However, though Nigeria ratified this protocol on 16 December 2004, there are significant gaps in its implementation.

4.2.3 African Union Agenda 2063: The Africa We Want

The African Union (AU), in 2015 adopted Agenda 2063: 'the Africa We Want' as a strategic framework for Africa's inclusive growth and sustainable development and to optimize the use of the continent's resource for the benefit of all Africans.[55] The African Union Agenda 2063 aims to protect women against violence through its focus on gender equality and women's empowerment. Specifically, the agenda includes goals to eliminate all forms of discrimination and violence against women and girls, ensuring their full participation in all spheres of life. The AU Strategy for Gender Equality and Women's Empowerment further outlines measures to address violence against women, including the implementation of guidelines on ending violence against women and girls and funding national projects to penalize such violence.

4.3 Domestic Laws

The domestic framework for the protection of the rights of women and the girl child is predicated *inter alia* on the Constitution of the Federal Republic of Nigeria 1999 as amended, the VAPP Act 2015, ACJA 2015, and criminal laws. Some states of the federation have enacted their own laws on the subject, prominent among which is Delta State with a comprehensive law that protects women against violence.

4.3.1 The Constitution of the Federal Republic of Nigeria 1999 (As Amended)

The 1999 Constitution of the federal republic of Nigeria (as amended) (CFRN), does not explicitly mention "violence against women" but does contain provisions that protect women's fundamental rights, which are often violated by acts of violence. These include the right to dignity, freedom from discrimination, and freedom from inhuman or degrading treatment. In addition, while not explicitly defining "woman," the constitution addresses gender-based disparities and promotes equal opportunities for men and women. Also, Chapter IV of the Constitution guarantees the fundamental rights of citizens, which include the female gender. Certain key Constitutional provisions in relation to the subject include section 34, which guarantees every individual the right to

[55] African Union, ' Agenda 2063: The Africa We Want', < https://au.int/en/Agenda2063 /overview > accessed 28 July 2025.

respect for the dignity of their person and prohibits subjecting anyone to torture or inhuman or degrading treatment; section 33, which provides that every person has a right to life; section 42(1), particularly provides that no Nigerian shall be discriminated against on the grounds of sex, amongst others, and section 17, which recognizes the right to equal pay for equal work without discrimination based on sex.

4.3.2 Violence Against Persons (Prohibition) Act 2015

The Violence Against Persons (Prohibition) Act (VAPP) was passed into law in May, 2015. This Act prohibits all forms of violence against persons in private and public life and provides maximum protection and effective remedies for victims while prescribing punishment for offenders.[56] The content of the Act is elaborate as it covers most of the prevalent forms of violence in Nigeria, ranging from physical violence, psychological violence, sexual violence, harmful traditional practices, and socio-economic violence.

The VAPP Act has been widely welcomed by criminal justice actors, particularly in the way it broadened the definition of rape. Under the Criminal Code, rape is only committed when there is non-consensual penetration of the female sex organ by the male sex organ, and Criminal Code does not recognize spousal rape. However, the enactment of the VAPP broadened the definition of rape to any form of penetration without consent. NAPTIP is named as the regulatory body for this law.[57] By virtue of section 44, NAPTIP is mandated to administer the provisions of the Act and collaborate with relevant stakeholders including faith-based organisations. Section 1(4) of the Act requires NAPTIP to maintain a register of convicted sexual offenders that is accessible to the public.

Abduction, prohibition of harmful widowhood practices, abuse, harmful traditional practices, attack with harmful substances, date rape, damage to property with the intention to cause distress, deprivation of liberty, forced financial dependence or economic abuse, forced isolation or separation from family and friends, stalking, coercion, and intimidation are some of the socio-economic forms of violence prohibited by the Act.[58] In addition to the rights provided under chapter IV of the Nigerian Constitution, victims and survivors of these violent acts are entitled to comprehensive medical, psychological, social and legal assistance by accredited service providers and government agencies or

[56] VAPP (n.9) Explanatory Memorandum.
[57] VAPP (n.9) s.44.
[58] *Ibid*, Part I.

non-governmental agencies providing such assistance. They also have access to information about the availability of legal, health, social services and other relevant assistance readily afforded to them and access to rehabilitation and re-integration programmes.[59]

The lawmakers, taking cognizance of the fact that victims or potential victims might not want to come forward to lodge complaints in relation to offences under the Act because of the fear of further victimization in the wider society, provide that no complainant of any offence under the act shall be expelled, disengaged, suspended or punished in any form whatsoever by virtue of complying with the provisions of this Act.[60] The identities of victims of offences under the Act are also sought to be protected. The Act provides for the number and categories of persons that may be in court during trial.[61] It empowers the Court to hear proceedings in camera or to exclude any person from attending such proceedings[62] and prohibits the publication of certain information in relation to the trial.[63] This is to ensure that the dignity of the victim (and other parties to the trial) is protected.[64]The Act provides extensively for protection order.[65] Protection order, according to the Act, is an official legal document, signed by a Judge that restrains an individual or State actors from further abusive behaviour towards a victim.[66] 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 Act is both protective and preventive in its measures. Thus, a person who has been a victim of violence, and is at 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 then arrest the respondent if he has reasonable grounds to suspect that the complainant might suffer imminent harm. A

[59]*Ibid*, s.38.
[60] VAPP (n.9), s.38 (1) (e).
[61]*Ibid*, s.38 (3).
[62]*Ibid,* s. 38 (4).
[63]*Ibid,* s.39 (1).
[64]*Ibid.*
[65]*Ibid,* s. 28.
[66]*Ibid,* s. 46.

minor can apply for a protection order without the assistance of a parent, with a supporting affidavit.[67]

4.3.3 Administration of Criminal Justice Act 2015 (As Amended)

The Administration of Criminal Justice Act 2015 (ACJA) provides for the speedy dispensation of justice and contains gender-responsive provisions some of which include, the right of a woman to stand surety, the right not to be arrested in lieu, the right to be searched by an officer of the same gender, among others. It was signed into law in May 2015, and provides for the administration of criminal justice and related matters in the courts of the Federal Capital Territory and other Federal Courts in Nigeria. With the ACJA, Nigeria now has a unique and unified law applicable in all federal courts with respect to offences contained in federal legislation. The law repeals the erstwhile Criminal Procedure Act (CPA) as applied in the South, and the Criminal Procedure (Northern States) Act (CPC), which applied in the North, and the Administration of Justice Commission Act. The ACJA, by merging the major provisions of the two principal criminal justice legislations in Nigeria, namely CPA and CPC, preserves existing criminal procedures while introducing new provisions to enhance the efficiency of the justice system and help fill the gaps observed in these laws over several decades.

The law has been described as a much awaited revolution in the criminal justice arena as the criminal justice system existing before this law came into force of this law had lost its capacity to respond quickly to societal needs, check the rising wave of crime, speedily bring criminals to justice and protect victims of crime.[68] One essential feature of the ACJA is its paradigm shift from punishment as the main goal of criminal justice towards restorative justice which pays serious attention to the needs of society, victims, vulnerable persons and human dignity generally. The general tone of the Act emphasizes human dignity, from the adoption of the word defendant instead of accused, to its provision for humane treatment during arrest,[69] to its numerous provisions for speedy trial, suspended sentencing,[70] community service,[71] parole,[72] and compensation for victims of crime.[73]

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[67] VAPP (n.9), s.28 (5).
[68] S.O Daudu, 'Access to Justice in Nigeria: Interrogating the Provisions of the Administration of Criminal Justice Act 2015', (2023)(11)(1), *Journal of Law and Criminal Justice*, 44.
[69] ACJA 2015,s.8(1).
[70] *Ibid,* s.460(1) .
[71] *Ibid,* s.460(2) .
[72] *Ibid,* s.468 .
[73] *Ibid,* Ss.314, 319.

The ACJA is contemporary, forward-thinking, and compliant with global standards. There are also the Administration of Criminal Justice Laws in various states in Nigeria, which, in most cases, are *inpari materia* with the ACJA.

4.3.4 State Laws

In Nigeria, legislation protecting women's rights, especially against all types of violence, has been passed in a number of states. Delta State's Violence Against Persons Law of 2020 and Lagos State's Protection Against Domestic Violence Law of 2007 are two notable examples. However, many states lack the infrastructure, funds, and awareness needed to fully implement these laws, leaving survivors without proper support and justice. This paper provides a detailed discussion of the Violence Against Persons Law in Delta State below.

4.3.4.1 Violence Against Persons Law 2020 of Delta State

The Delta State Violence Against Persons Law 2020 (VAP) was passed by the State House of Assembly on July 28, 2020, and assented to by the Governor on October 7, 2020. This law aims to eliminate violence against persons in both public and private life within Delta State.[74] It addresses various forms of violence, including physical, sexual, psychological, and economic abuse, harmful traditional practices, and discrimination. The law also provides protection and remedies for victims and ensures that offenders are sanctioned.

This law offers protection and remedies for victims of violence in the state, ensuring they have access to support services and legal recourse,[75] and provides for the punishment of offenders through fines, imprisonment, or community service, depending on the specific offence.[76] The law specifically prohibits female genital mutilation,[77] harmful widowhood practices,[78] forceful ejection from the home,[79] forced isolation[80] and abandonment of dependants.[81] Section 29 of the law, titled "Indecent Exposure," addresses the intentional exposure of private parts in public and prescribes penalties such as community service or a fine not exceeding ₦50,000. The Nigeria Police Force plays

[74] Delta State VAP Law, s.2.
[75] Delta State VAP Law,s. 41.
[76] *Ibid,* Ss 4,6-30,35,40, 43.
[77] *Ibid,* s. 10.
[78] *Ibid,* s. 23.
[79] *Ibid,* s. 13.
[80] *Ibid,* s. 17.
[81] *Ibid,* s. 19.

a key role in enforcing this provision, but it is crucial that they adhere to due process and avoid actions that could be seen as harassment. The law also covers domestic violence, including spousal battery[82] as well as economic,[83] emotional, verbal, and psychological abuse.[84] It also provides for a register of sex offenders in the state[85] and makes the honourable Attorney General of the state the supervisory authority of the law.[86] To support victims, the law provides for compensation,[87] and the state operates Sexual Assault Referral Centres (SARCs) in Asaba, Ughelli, and Warri, providing medical care, counselling, and legal aid to survivors.

The Delta State VAP law supersedes every other law on violence against women in the state,[88] and represents a significant step towards creating a safer and more just environment for all female residents by addressing various forms of violence and providing immense support for victims.

5. **States' Duties to Protect Women From Violence**

International human rights law imposes two broad categories of obligations on the state, namely: a duty to respect human rights and a duty to guarantee these rights. The former comprises obligations that directly deal with the state's duty to abstain from violating human rights by action or omission, as well as the obligation to guarantee the enjoyment of these rights through the adoption of necessary measures. The latter refers to the State's obligations to prevent human rights violations, investigate them, prosecute and punish the perpetrators and repair the damage that has been caused.[89] These duties are the core components of the legal position of the state vis-a-vis human rights. Moreover, keeping new violations from happening demands that governments take the measures necessary to make them impracticable. The state is thus placed in the legal position of a guarantor of human rights, under which fundamental obligations for the protection and safeguarding of these rights arise.[90]

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[82] *Ibid,* s. 22.
[83] *Ibid,* s. 16.
[84] *Ibid,* s. 18.
[85] *Ibid,* s.5 .
[86] *Ibid,* s. 50.
[87] *Ibid,* s. 49.
[88] *Ibid,* s. 51.
[89] F. Andreu-Guzman, *International Law and the Fight against Impunity-A Practitioners Guide* , (International Commission of Jurists Practitioners' Guide No. 7, 2015) 89.
[90] *Ibid.*

Women, including its causes and consequences, in 1994.[91] In 2003, and the Commission issued a resolution that highlighted the obligation of government to take reasonable steps to prevent, investigate, and punish acts of violence against women in compliance with national laws; to take appropriate and effective action regarding such acts; and to give victims access to fair and efficient remedies as well as specialized assistance, including medical care. In this regard, they reaffirmed that violence against women is a violation of their basic freedoms and human rights and that it hinders or negates their ability to exercise such rights. Furthermore, the general recommendation of the CEDAW Committee makes it clear that states may be held accountable for private actions if they do not take reasonable steps to stop rights abuses, investigate and punish acts of violence, and provide compensation.[92]It is notable that while the government of Nigeria has made legal strides in addressing violence against women, significant challenges remain in effectively protecting and guaranteeing women's rights against violence. The problem is still pervasive, with low prosecution rates and limited access to justice for survivors.

6. **Human Rights Approaches to Violence Against Women**

Alongside feminist interpretations of international human rights legislation, the CEDAW Committee was the first to recognize violence against women as a human rights issue. There was initially a greater emphasis on civil and political rights, such as the rights to liberty, life, and a fair trial, as well as the prohibition against torture. However, in the years after World War II (1939–1945), states committed horrific acts of brutality against both their own populations and the civilians of the states they were fighting, which led to the development of contemporary international human rights legislation.[93]

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[91] United Nations Human Rights Council, Special Rapporteur on Violence against Women and Girls < https://www.ohchr.org/en/special-procedures/sr-violence-against-women > accessed 29 July 2025.

[92] Committee on the Elimination of Discrimination against Women, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, July 2017, < https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CEDAW_C_GC_35_8267_E.pdf > accessed 29 July 2025.

[93] UNODC, Human Rights Approaches to Violence against Women, December 2020, <https://www.unodc.org/e4j/zh/crime-prevention-criminal-justice/module-10/key-issues/2--human-rights-approaches-to-violence-against-women.html> accessed 29th July 2025

The human rights framework began with the Universal Declaration of Human Rights,[94] a resolution of the United Nations General Assembly, and was developed subsequently through international and regional treaties and resolutions. The human rights legal framework was not initially thought to impose any legal responsibilities on private persons' actions regarding their treatment of one another; rather, it aimed to bind States to legal obligations to uphold the human rights of individuals. By highlighting the use of violence by states against individuals, including extrajudicial killings, torture, the death penalty, and the 'disappearances' of political opponents, civil society organizations like Amnesty International and Human Rights Watch helped shape the law in accordance with state violations of individual rights.[95]

The initial step for those attempting to connect the duties of states under international human rights law with violence against women and girls was to highlight the seriousness of violence against women, many forms of which were classified as torture.[96] Feminist human rights lawyers have stated that, prior to the early 1990s, violence against women was viewed as a "social problem" mostly brought on by alcohol use and was just as serious and significant as torture. This was controversial on two grounds. Firstly, because torture was understood as severe pain or suffering, whether physical or mental,[97] and the serious and more inclusive nature of violence against women was not well understood. In fact, in a 1997 judgment before the European Court of Human Rights, the use of rape and sexual abuse against female inmates was only acknowledged as a form of torture.[98]

Furthermore, violence against women was viewed as a societal issue, similar to petty crime, that could not be a human rights issue since it was committed by private persons rather than by states. This concept was contested by feminist human rights lawyers for both legal and pragmatic reasons.[99] Renowned human rights advocate Rhonda Copelon explained how acts of torture by the state were strikingly comparable to abuse committed by private persons, such as husbands against their wives. She also contested the notion that because domestic abuse occurs in secret and the government is unaware of it, it cannot be held

[94] UNGA Resolution 217A.
[95] UNODC (n.93).
[96] A/HRC/7/3.
[97] UNCAT (n.34).
[98] *Aydin v. Turkey* (1997)25 EHRR 251.
[99] UNODC (n.93).

accountable.[100] Thus, to address domestic violence and other forms of violence against women, the human rights movement had to adopt a new perspective on the issue. As a result, groups like Amnesty International began to advocate for the principle that violence against women is a violation of human rights.

Recognizing violence against women as a form of discrimination against women is another crucial step in analyzing it as a human rights issue. The Committee on the Elimination of Discrimination Against Women recognized violence against women as a type of discrimination that significantly impedes women's capacity to enjoy rights and freedoms on an equal footing with men in its revolutionary General Recommendation 19.[101] In describing violence against women as a form of discrimination under Article 1 of CEDAW,[102] the CEDAW Committee made a significant point regarding direct and indirect discrimination, stating that it encompasses both intentional discrimination, carried out with the intention of discriminating against women, and acts and situations that have the effect of discriminating against women.

For example, gender wage discrepancies may not have been intentionally created to discriminate against women, but if the results are less favourable for women than for men, then the state is required by law to rectify this type of discrimination.[103] Also, the CEDAW Committee addressed the issue of State responsibility for its own actions, and for the actions of private citizens (non-state actors). It emphasized, however, that discrimination under the Convention is not restricted to action by or on behalf of Governments.[104]. Under Article 2e the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights, or investigate and punish acts of violence, or providing compensation.

A human rights approach is beneficial in combating this endemic problem in contemporary society. Adopting a human rights perspective when addressing violence against women offers several key advantages

[100] R. Copelon, 'International Human Rights Dimensions of Intimate Violence: Another Strand in the Dialectic of Feminist Lawmaking', (2003)(2), *American University Journal of Gender Social Policy and Law 11,* 866-867.
[101] CEDAW Committee, General Recommendation 19, para. 1.
[102] CEDAW (n.92)/
[103] CEDAW (n.92), art. 1.
[104] *Ibid*, articles 2e, 2f and 5.

for addressing the issue as it emphasizes that VAW is a violation of fundamental human rights, making it a global concern with legal and moral implications. This approach also prioritizes the empowerment of women and their access to justice, while acknowledging the diverse experiences of women and the need for intersectional approaches. Thus, it establishes a legal framework and accountability. The human rights framework provides a foundation for international and national laws that criminalize VAW and hold perpetrators accountable. Further, it obligates states to protect women from violence, investigate and prosecute perpetrators, and provide redress to victims. In addition, by framing VAW as a human rights violation, it shifts the focus from individual blame to state responsibility for failing to prevent and address violence.[105]

It is noteworthy that a human rights perspective on this issue fosters a global understanding of the issue. This identifies VAW as a type of discrimination against women that prevents them from having the same rights and freedoms as men. Beyond isolated episodes, it acknowledges the structural basis of violence, which is entrenched in damaging societal norms and gender inequality. It underscores the importance of preventing violence by addressing its root causes, including gender inequality, harmful stereotypes, and lack of economic opportunities for women, thereby empowering women and promoting equality.

The human rights framework places a strong emphasis on female empowerment and women's right to freely engage in all facets of life without facing violence. It guarantees that when creating policies and initiatives, women's opinions are heard and their experiences are considered. Additionally, it enables the creation of focused interventions that cater to the unique requirements of women who experience various types of discrimination and highlights how crucial it is to involve communities including women in the planning and execution of preventative and response measures. This perspective also guarantees that women have access to legal remedies, such as filing reports of abuse, obtaining restraining orders, and receiving support services including counseling, medical attention, and legal aid. It further ensures that justice systems are responsive to the needs of women and hold perpetrators accountable.[106]

[105] Andreu-Guzman (n.89) 94.
[106]UN Women, 'Adopting a Human Rights-Based Approach,< https://www.endvawnow.org/en/articles/304-adopting-a-human-rights-based-approach.html> accessed 29 July 2025.

In a nutshell, using a human rights approach to VAW is critical for developing a solid legal and moral foundation, advancing gender equality, empowering women and providing access to justice and comprehensive support services.

7. **Conclusion**

A significant way to remedy the problem of violence against women in Nigeria is to consider it from a human rights perspective. This approach not only uphold the dignity and rights of women, but also influences all stakeholders involved in guaranteeing these rights, fostering a culture of accountability and respect. In order to facilitate prompt victim reporting and specialized investigations of violence against women, it is recommended that the government set up a dedicated reporting desk in each police station across the federation, and implement aggressive and continuous public awareness campaigns that inform women and girls of their rights, question social norms, and foster a culture of support for survivors. This would not only lessen the prevalence of violence against women, but also encourage a more comprehensive awareness of human rights in Nigerian culture.