

## Government Responses to Sexual and Gender-Based Violence in Nigeria: Gaps and Expectations

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### Abstract

Sexual and gender-based violence (SGBV) is any act that is carried out against a person's will and is driven by gender norms and unequal power relationships in society. SGBV is not only committed against women and girls; men and boys have equally been victims of such nefarious practices. However, women are more disproportionately at risk of exposure to the social menace compared to their male counterparts. Goal five of the Sustainable Development Goals (SDGs) emphasizes the need to promote gender equality and women empowerment. For this to be achieved, women have to be seen as people in their rights, rather than as objects of exploitation, marginalization, or abuse. In all spheres of their endeavor, women are exposed to SGBV, which is fast becoming a norm in different parts of Nigeria. Attempts by women who are victims of SGBV to cry out are constantly silenced by racial, cultural, or religious undertone or even direct oppositions, such that they are often tagged as disrespectful or anti-cultural. Although there are international conventions that protect the rights of women against SGBV, only about 22 African governments out of 54 countries in the continent have ratified the conventions, including Nigeria. However, in practice, not much has been achieved in the implementation of laws that protect women against SGBV. The failure of the government to enact or implement laws that protect women from perpetrators of SGBV abets the growing levels of the problem in Nigeria. The paper used secondary data sources to situate the trends of SGBV in Nigeria. The paper highlighted the strengths and failures of the protective, preventive and punitive measures of the government. The need to implement measures that protect the rights of women and girls and to ensure punitive measures against the perpetrators of the crime are implemented are recommended.

**Keywords:** *Government's responses, Sexual and Gender-Based Violence, Gender equality, Women empowerment*

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### **Background to the Study**

Globally, sexual and gender-based violence (SGBV) has been on the increase. Although SGBV is not gendered sensitive, the violation of human rights to protection from sexual-related abuse is more prevalent against women and girls as compared to their male counterparts. The mid-year report of the Gender-Based Violence subsector report (GBVIMS Mid-Year Report) for 2020 revealed that 99% of all cases of GBV affected women and girls (Daily Post, 2021) SGBV occurs in all societies, across social strata and development groups, globally. Globally, an estimated 1 in 3 women is said to have experienced physical or sexual abuse in their lifetime (World Bank, 2019).

The United Nations Violence against women as 'any act of gender-based violence 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'. The United Nations High Commissioner for Refugees (UNHCR), (2019) noted that SGBV could be physical, psychological, or sexual. It could take the forms of punching, hitting, choking, biting, kicking, pushing, or using weapons such as guns, knives, unwanted sexual comments, sexual advances, or the actual sexual act (Oladepo and Arunlogun, 2011). Violence against women is any form of violation that affects the dignity of a woman's personhood, mental or physical integrity, or freedom of movement through individual acts and societal oppression. It includes all the ways our society objectifies and oppresses women (Mboho and Udoh, 2018). Violence against women ranges from sterilization abuse, pornography, stalking, battery, and rape.

SGBV occurs in all spheres where women and girls engage with society, either in the social spaces for self-development or in the home, with perpetrators ranging from intimate partners, family relations and acquaintances, to strangers, who lure, or force, and abuse them. The poor attention paid to the exposure of women and girls to SGBV has continued to provide a thriving ground for social menace. In Nigeria, the slow pace of the legal system to address cases of SGBV, cultural and social enablers, especially the patriarchal system that limits women's ability and willingness to seek redress against acts of sexual and related abuses against them, the lack of trust of security operatives, as well as the endemic corruption of those saddled with the responsibility of protecting the sexual rights of women and girls, contribute to the growing cases of SGBV.

Although Nigeria is a signatory to international conventions that seek to protect the sexual rights of women and girls and have national legislation to the same effect. In practice, however, implementing the laws and bringing perpetrators of the crime to book, remain a major challenge in the fight against SGBV in the country. Hence, gaps exist in the responses of the government towards curbing the social menace, ranging from the slow speed of justice for victims, poorly implemented laws, and poor punitive measures against perpetrators of the crime, etc.

The paper notes that the growing rate of SGBV in Nigeria is engendered by the poor implementation of legislative procedures that protect the rights of women and girls, and the weak punitive measures that hardly serve as a deterrent for perpetrators of the act.

Hence, the main objective of the paper is to highlight how the Nigerian government is responding to incidences of SGBV and the gaps that exist in the measures taken by the government as well as the expectation that could help to curtail the menace that SGBV constitutes to the wellbeing of women and girls and the Nigerian society in general. Specifically, the paper highlights the prevalence of SGBV in Nigeria, the enablers of SGBV, the barriers to reporting cases of abuse by victims, the responses of the government in terms of legislation that protect the sexual rights of women and girls, and punitive measures that are implemented to curb the social mishap. The paper uses secondary data from the National Demographic Health Survey (NDHS), internet, articles, and publications, as well as personal observations of events of SGBV in the society, to situate SGBV vis-a-vis measures that are taken to address the crime in Nigeria, given the growing concerns of its prevalence in the recent times.

### **Prevalence of Sexual and Gender-Based Violence in Nigeria**

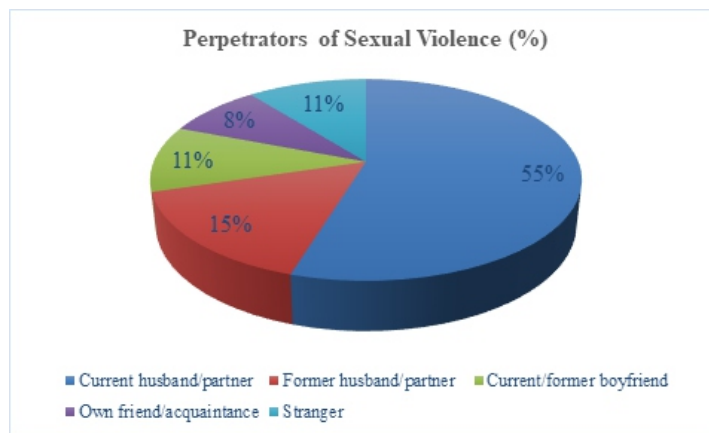
Sexual and gender-based violence is a global concern, occurring in all societies and in all spaces where women and girls interact and engage in their social, economic, political activities. In Africa, studies have reported that SGBV against women occurs mostly in the Eastern and Southern regions of the continent with a 30% and 25% prevalence rate respectively (Mulureh, 2019). Sexual violence against early adolescents aged 15 years and below is also at its peak in conflict and post-conflict countries such as the Democratic Republic of Congo, Mozambique, Uganda, and Zimbabwe (United Nations Populations Fund, UNFPA, 2021). In seven countries within the African sub-regions, 20% of girls aged 15-24 years were reported to have been victims of intimate partner violence (Saidi, Awori and Odula, 2008). World Health Organization (WHO, 2005) reported that in rural Ethiopia, 49% of ever-partnered women had experienced physical violence by an intimate partner while 59% had experienced sexual violence.

In Nigeria, the story is not different, given the high prevalence of SGBV in the country, as women and girls are daily confronted with the risk of being abused in all social spaces where they operate. Cases of domestic violence, sexual exploitation, forced or early marriage, rape of matured and minor girls and wife battery (Odimegwu, 2002; UNHCR, 2019) are fast becoming daily experiences of women and girls in Nigeria. Media reports and observations in Nigerian society confirm the growing cases of abuse that women and girls are exposed to. For instance, a report by Daily Post (2021) reveals that over 700 cases of rape were received by the Nigerian police between January and May 2020. In a similar report, The International Organization for Migration (IOM) Chief of Mission, while addressing newsmen in Nigeria reported that between 2019 and May 2021, 17,053 children were born in 18 Internally Displaced Persons (IDPs) camps in Borno State alone (Pulse Nigeria, 2021). These cases, when investigated might reveal that the women that birthed the babies would most likely be abused women, who are victims of conflicts in their communities and in a bid to survive the harsh conditions that exist in most of the IDPs Camps across the country, became objects of sexual abuse and exploitations.

Exposures to SGBV vary in Nigeria, depending on age, marital status, relationship status, geography, or workplaces, etc. For example, data on spousal violence showed that about 44% of women who are divorced, separated, or widowed have experienced SGBV, and 25% of married women, those living with their spouses have experienced sexual violence (Africa Renewal, 2019). Although SGBV against women is perpetrated by close relatives, abuse by strangers constitutes a high risk of exposure. A study by Fawole, Ajuwon, Osungbade and Fawega (2002) found that 19.7% of young female hawkers have experienced physical assaults, 36.3% had been victims of sexual harassment while 7.2% had been victims of emotional and psychological violence in Nigeria. The study also reported that 31.3% of civil servants had experienced battery, 42.5% of men had been perpetrators of wife battery (Fawole, et al 2002). Another study conducted by the Ministry of Women Affairs and Social Development and the UNFPA revealed that 28% of Nigerian women aged 25-29 had experienced some form of physical violence since age 15 (Africa Renewal, 2019).

The National Demographic and Health Survey (NDHS, 2018) report revealed Almost 1 in 3 (31%) of women age 15-49 have experienced physical violence in Nigeria, increasing from 28% in 2008 to 31% in 2018. SGBV is commonly perpetrated by spouses 55%, compared to cases that are carried out by strangers (11%) (NDHS, 2018).

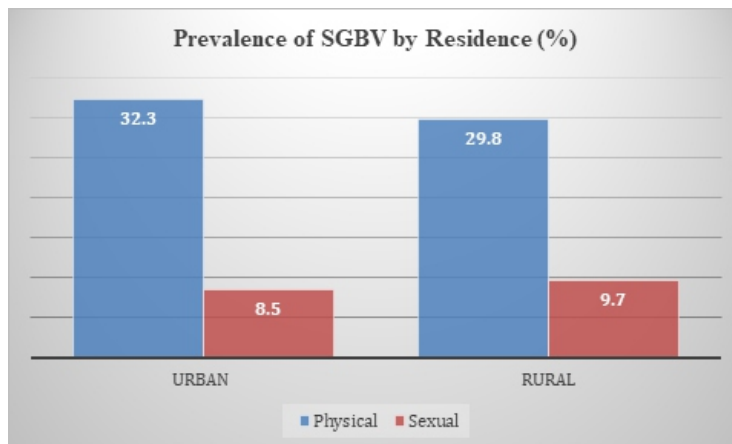
**Figure 1:** Prevalence of SGBV by Perpetrators in Nigeria



**Source:** Computed by the researcher from NDHS (2018)

Incidences of SGBV are higher in urban compared to rural areas in Nigeria. The NDHS (2018) revealed that 32.3% of women have been exposed to SGBV in urban areas compared to 29.8% in rural areas.

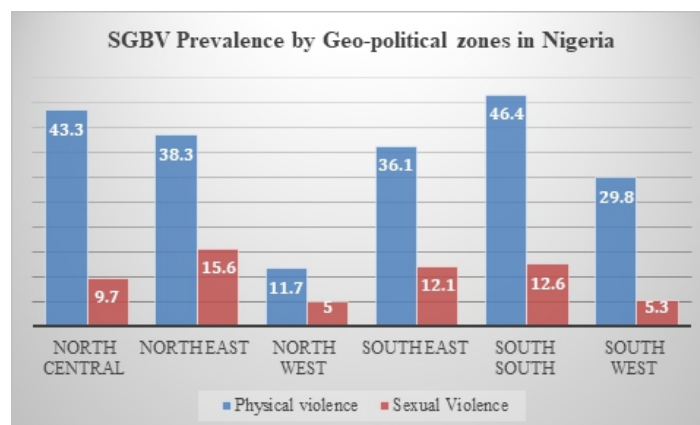
**Figure 2:** Prevalence of SGBV by Residence in Nigeria



**Source:** Computed by the researcher from NDHS (2018)

The NDHS report further revealed a disparity in prevalence across geo-political zones in Nigeria, with cases more prevalent in the south than the northern part of the country. Incidences of SGBV are as high as 46% in the South-south and as low as 11.7% in the North-west (NDHS, 2018).

**Figure 3:** Prevalence of SGBV by Zone in Nigeria



**Source:** Computed by the researcher from NDHS (2018)

A new twist to the incidences of SGBV in Nigeria is the growing cases of the social media role in engendering offline abuse of young women by perpetrators they encountered through the social media platforms. In the recent, growing cases of young women who lured from social media spaces to physical contact by strangers, on the grounds of relationships or promise of employment are becoming commonplace in Nigeria. For example, the pathetic incidence of a young graduate who was lured by a man with an online vacancy for employment, only for her to be raped, murdered and buried. The

young lady was said to have gone for a job interview but never returned alive (Premium Times, 2021). These shreds of evidence speak to the fact that SGBV in Nigeria affects women in all spaces where they engage in their daily activities, irrespective of their age, social status or relationships, and location.

### **Enablers of Sexual and Gender-based Violence against Women and Girls in Nigeria**

Sexual and gender-based violence in Nigeria thrives as a result of several societal factors, which are highlighted below.

#### **Conflicts and insecurity**

Protracted conflicts and insurgency have been identified as major contributors to incidences of SGBV in society. In Nigeria, the growing insecurity in the northern part of the country where Boko Haram terrorists, cattle rearers, and bandits are operating unhindered, is seriously contributing to the growing cases of SGBV. Women and girls in IDP camps, are seriously under threats of molestation, either willingly as a survival strategy, or exploited against their will. UNCHR (2019) reported that they are constantly exposed to physical assault, rape, survival sex, and sexual assault. Human Rights Watch (2016) reported cases of rape and sexual exploitation of 43 women and girls who were displaced from their communities and living in IDP camps in Maiduguri, Borno State by government officials. The UNCHR (2019) report also showed that between January to December 2019, there were over 1,000 cases of reported SGBV by internally displaced persons in Borno, Yobe, and Adamawa states in Nigeria. Abducted young girls and women by armed Boko Haram terrorists, bandits, etc., have been forced into marriages against their will. For example, some of the girls that were abducted from a secondary school in Chibok community in Borno state in 2014, were forced to marry the Boko Haram members and upon release, several of the young girls returned as nursing mothers. While such abductions have become frequent, with many of the young girls still in captivity, the actual situation of abuse they are exposed to can only be imagined.

#### **Socio-cultural Practices**

The socio-cultural environment in Nigeria is an enabler of SGBV. In many communities in Nigeria, cultural practices are placed over the wellbeing of individuals and members of the community, not minding the harmful implications of such practices. Socio-cultural practices such as child marriage, forced marriage, preference of male sex over the female child, male dominance (patriarchy) have seriously contributed to practices of female genital mutilation, which is seen as a cultural value, yet exposing the girl child to abuse, health challenges such as Vesico Vaginal Fistula (VVF) and other psychological traumas. Some of the socio-cultural practices that enable SGBV in Nigeria are identified.

##### **a. Patriarchy**

Nigeria has a strong patriarchal societal structure that encourages men to believe they are entitled to power and control over their partners (Ishola, 2016). Patriarchy is a form of social organization in which men dominate or rule over women. It is a belief pattern that views one sex (female) as inferior and thus deserves inferior treatment. This patriarchal

societal structure encourages men to believe they are entitled to power and control over their partners. In Nigeria, like most patriarchal societies, it is believed that the husband is the head of the household and wives must respect and be submissive to their husbands, and where wives disrespect their husbands, the husbands have the right to discipline their wives. Ahmad, Riaz, Barata, and Stewart (2004) affirm that the ideology of patriarchy encourages and justifies male domination of women. They also noted that women in patriarchal settings have come to condone and stick to patriarchal norms and values, some have come to accept spousal abuse and do not necessarily label such acts as violence. The United States State Department (2014) cited in Independent Advisory Group on Country Information (IAGCI), (2015), report on Nigeria revealed that federal laws exist that allows men to discipline their wives using physical means, provided such means do not lead to injurious cases of loss of sight, hearing, speech or threat to life. Where such laws are in place, men will continue to see women as objects of abuse.

#### **b. Cultural beliefs and myths**

Chiazor, Ozoya, Udume and Egharevba (2016), also observed that cultural beliefs and myths about sex among some ethnic groups in Nigeria have sustained abuse against women and girls. They noted that many ethnic groups in Nigeria believed that without pre-marital sex, boys are likely to have small testicles, difficult erections, and not being able to perform sexually well when married. This belief has pushed many boys to sexual exploitation and harassment of young girls. Garland and Blyth, (2005) also noted that the superstitious belief that having sex with a virgin is a cure to HIV/AIDs in some societies has contributed to the abuse of young girls. An example of this is the case of a 66-year-old man who raped an 8year old girl in Asaba, Delta State, Nigeria in 2016, believing that sleeping with a virgin can remedy his health condition (Chiazor et al, 2016).

Aluko (2015), noted that societal belief that the female gender is weak and inferior have further contributed to abuses and violation of women and girls right. Aluko corroborated further that it is often believed in African societies such as Nigeria, that husbands have the right to beat their wives over domestic issues such as burning food, arguing with him, coming out late or going out without permission, or neglecting the children. However, prejudice exists against a woman beating her husband. It is regarded as taboo in Nigerian cultures.

#### **Socio-economic deprivations**

Socio-economic deprivations such as low income to meet family or individual needs, poverty, etc. Women with low income, who cannot meet their basic needs are easily exposed to sexual violence or exploitation (Fawole and Dagunduro, 2014). Women in IDP camps, women in sex work, and those working in entertainment sectors are exposed to sexual assaults in their bid to derive means of livelihood. In addition, intimate partner violence is also triggered when the woman is perceived by the man to contribute little to the family's upkeep. For example, in June 2021, there was a case of a man who beat his wife to death over failure to give him the sum of N2,000 (Vanguard, 2021). The place of socio-economic deprivations as a driver of SGBV was supported by Denny and Ibrahim,

(2012), who noted that economic violence in homes contributes to domestic violence when a woman fails to contribute to the family's upkeep.

### **Religion**

Religion in Nigeria is also contributing to creating an environment that breeds SGBV. People often hide under the guise of culture and religion to justify acts of intimate partner violence. One can hear people making statements like “it is our culture”, “the African culture allows it”, “the Bible says a woman should be submissive, and if she is not, she should be beaten”, “a foolish woman breaks her home” and so on (Ishola, 2016). Religion is an immaterial aspect of culture, immaterial because it is intangible but exists to shape human behaviour and social relationships that exist among members of the society. Religious values serve as a great force in the symbolic and subjective sphere, and the assumed inferiority of women is sometimes enabled by religion in the form of symbolic violence which is further enforced through social representations (Tomato, 2004) cited in (Krob and Steffen, 2015). According to Akangbe (2020), religious institutions often appeal to battered women to continue to endure and stay in abusive relationships and try to be better wives, learn to forgive and forget, this they claim send a subtle message to perpetrators of intimate partner violence that their efforts to control their wives or girlfriends are justified because they experience first-hand the admonition for women to be submissive.

Religion also teaches and infers that women are weaker vessels and play second fiddle in the marriage partnership, since the woman is taught to be subservient to the man; she accepts violence as part of her obedient obligation to her husband. Christian women in abusive relationships for instance find it harder to divorce their abusive partners as compared to non-Christian women because the Christian woman sees marriage as “made sacred by God”. Leaving such a relationship causes feelings of guilt within the woman (Akanbe, 2020). Revolting or resisting such harsh treatments is seen as disrespectful or even ungodly. Hence, women in abusive relationships, in their interpretation of religious beliefs that expect submissions to their spouses from them, continue to endure harsh and violent treatments from their husbands as a form of submission.

### **Behavioral Tendencies**

Poor behavioral tendencies like indecent dressing, drinking, and smoking are also contributing to incidences of SGBV in Nigeria. Indecent dressing among women and girls that expose their body to the public have also contributed to SGBV among women and girls. Dresses that reveal their body curvatures often create erotic thoughts for the male gender and may trigger lustful thoughts which may result in rape. Opara (2005), opined that the practice of indecent dressing among young females and women triggers sexual violence against them in society. Ayogu (2011), also attributed women and girls' exposure to SGBV to provoking inscriptions on their clothing.



### **Barriers to Reportage of Sexual and Gender-Based Violence in Nigeria**

The UN Women (2020), report indicated that less than 40% of women who experience violence report it or seek support. Given the widespread and growing prevalence of SGBV in Nigeria, the menace is becoming well reported, whether formally or informally. Although in many cultures and religious settings in Nigeria, cases of SGBV are still shrouded in doubts, as perpetrators are either protected or the victims, out of fear of stigmatization, choose to remain silent over abusive exposures. Unless cases of abuse are adequately reported, ensuring that the practice is curbed will be difficult. Even when victims may want to report such cases, the social context or prevailing environment significantly contributes to the poor reportage of SGBV. Hence, the religious, cultural, legal, and political environment affects how victims respond to sexual abuse.

#### **Religious Barriers**

Religion preaches the culture of patience and forgiveness. Religion also teaches that God is the only avenger of sin and no sinner will go free without being punished by God. These beliefs have culminated in the failure of some SGBV victims to report their cases to appropriate authorities. For instance, Simister and Kowalewska (2016), noted that Christians encourage those who suffer violence to wait, pray, endure and continue to be helpmates to their abusive partners.

#### **Social Stigmatization**

Studies have shown that one of the factors that discourage victims from reporting rape cases and other violations of human rights is the social embarrassment it brings to them and their families. Incidences of SGBV are hardly reported due to stigmatization. Cravens, Whiting, and Aamar (2015) opined that the social stigma and castigations that accompany reportage of SGBV by societal members pose as a discouragement to many victims, who hide the violence they experience in the cloak of silence.

#### **Cultural Barriers**

Wirtz, Perrin, Desgropes, Phipps, Abdi, et al (2019), noted that in some climes the community believes that women or girls are often the cause of sexual violence. They are often blamed to the extent that the family and community may reject and abandon such female victims. Women and girls are expected to exercise caution by limiting their movement and their relationship with men to prevent males from assaulting them as it is believed that men usually have a high urge for sex and when they are tempted they might not be able to control themselves. This existing cultural notion often discourages victims from reporting when abused. Wirtz, et al., (2019), also note that the need to protect the family's name by preventing it from social embarrassment often discourages victims from reporting cases of abuse. This implies that the priority to protect the family name reduces the importance of seeking justice and protecting the woman or girl-child rights.

#### **Lack of Public trust of law Enforcement Agencies**

The poor reportage of cases of rape in Nigeria has been attributed to a lack of public trust of security personnel, who have also been accused of abusing women. The failure of the

judicial system to protect the profile and image of victims who report cases of abuse is also a contributor to the stigmatization of rape victims, therefore serving as a discouragement for other victims. Cases of women who were raped by security personnel in detention were reported by Amnesty International. IAGCI (2015), also reported that rape cases in Nigeria are hardly investigated and that sentences against offenders are few and inconsistent, thereby discouraging victims from seeking redress. Police extortion and absence of trust in the judicial process, and in some instances, police officers have been accused of raping women, which further creates a discouragement for reporting (Human Rights Watch, 2016; British Broadcasting Corporation, BBC, 2020). UNFPA (2019), also pointed out that women are often reluctant to report violence cases to the police because they are blamed by security agents as the causes of abuse against them.

### **Government's Responses to Sexual and Gender-Based Violence in Nigeria**

In line with international conventions and charters, several legislative measures have been promulgated and implemented in several countries to protect the sexual rights of women and girls globally. The Nigerian constitution, the Criminal Code Act, Violence against Persons Prohibition Act, and the National Gender Policy contain protective clauses against SGBV. the government's stance and efforts towards curbing the menace of SGBV in terms of prohibiting laws and punitive measures are outlined.

### **Conventions and Legislations Against Sexual and Gender-Based Violence in Nigeria**

The persistent abuse against women and girls is a global concern that has led to international efforts to curtail the menace. Formulation of global norms and standards that protect the right of women and girls form part of the efforts of the global governments. These global norms and standards are sets of social constructions that serve as strategic intents towards ending SGBV.

One of the global declarations that protect the rights of women and girls is the 1979 Convention on the Elimination of all Forms of Discrimination against Women. The convention supported an international bill that describes the rights of women (United Nations Women Report, 2019). The 1993 World Conference on Human Rights also recognizes violence against women as a human rights violation and canvassed for the appointment of the special rapporteur on violence against women in the Vienna Declaration and Programme of Action (United Nations Women Report, 2019). This declaration was the first international instrument that explicitly addresses violence against women providing a framework that regional, national, and local authorities can key into to end violence against women and girls (United Nations Women Report, 2019). Similarly, the 1995 Beijing Platform for Action also provided a framework for governments across all levels to respond to violence against women and girls (United Nations Women Report, 2019). The Convention on Elimination of all forms of Discrimination addresses all forms of human rights violations and women's basic rights of equality (United Nations Women Report, 2019).

In Africa, the effort to end women and girls abuses is enshrined in the Africa Charter on Human and peoples Rights on the Rights of Women also called Maputo Protocol. This charter adequately outlined the social and economic rights of women and girls and also protects women and girls from all sorts of social and economic inequality. This Charter was endorsed by the Assembly of Heads of State and Government of the Organisation of African Union in its 31st ordinary session held in Addis Ababa, Ethiopia in June 1995 and came to effect in the year 2005. As of 2020, 49 countries of the African Union have adopted the African Charter on women's and girls' rights. Nigeria is a signatory to this charter (Okongwo, 2021)

Nigeria is a signatory to the international conventions against SGBV. Nigeria ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1985 and the Nigerian 1999 constitution also prohibits discrimination against sexual offenses (IAGCI, 2015). Several laws have also been formulated to protect women from violations of their rights in Nigeria. One of such laws is section 357 of the Criminal Code Act, CAP 77, LFN, (1990), which states that “Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or using false threats or intimidation of any kind, or by fear of harm, or employing false or fraudulent representation as to the nature of the act, or in the case of a married woman, by impersonating her husband, is guilty of an offense called rape” (Musbau, 2013). The law criminalizes rape and provides penalties for jail terms. Women and girls are also protected under the Violence against Person Prohibition Act, (2015), which prohibits female genital mutilation, female circumcision, forced ejection from home, and harmful widowhood practices and battery.

The Violence against Persons Prohibition Act was passed into law in 2015, prohibits among others, violence against women and girls (IAGCI, 2015). The right of women and girls is also protected under National Gender Policy in Nigeria. The goal of the policy is to integrate women into national development and remove all forms of discrimination against women and girls in Nigeria (the Federal Republic of Nigeria, 2006). Some states in Nigeria have also formulated strict laws against SGBV especially rape to curb its surge within their territories. Prohibiting laws exist in states like Lagos, Cross River, Ebonyi, Jigawa while Enugu, Bayelsa Edo, and Delta States have also enacted laws against female genital mutilation (Aluko, 2015).

### **Punitive Measures against Perpetrators of Sexual and Gender-Based Violence in Nigeria**

Narratives from Nigeria on the punishment of perpetrators of SGBV against women and girls have been limited. In most cases, perpetrators of the crime tend to disappear, with no arrest and no punishment meted on them, and even when some are arrested, very little is heard about the justice given against them, with unending lawsuits that discourage victims and casts doubts on the credibility of the judicial system in bringing about the justice they deserve.

The persistence of SGBV in Nigeria has been tied to inconsequential punishment for perpetrators, the slow dispensation of justice in trial cases of SGBV (Daily Post, 2021). In April 2021, the Minister of Women Affairs reported that only 11 out of over 3,000 reported cases of SGBV reported in six states were prosecuted in Nigeria, and in the Federal Capital Territory, while a total of 444 SGBV cases were said to be reported, about 443 of such cases were still unaddressed by the judiciary, citing bottlenecks as reasons (Daily Post, 2021). Corruption in the country has also been identified as a major contributor to the growing rate of SGBV. For instance, government officials in the SGBV response team pointed to the corruption of security operatives as a contributory factor to the poor punitive process of perpetrators of the crime, noting that the security personnel prevents such cases from going to trials (Daily Post, 2021).

This, however, does not mean that punitive measures have not been meted on perpetrators. The problem is that compared to the spate of occurrence of SGBV, implementation of punitive measures has been low. CNN Africa (2018), reported the case of a Nigerian Professor who was caught in the act of requesting sex in exchange for good grades and was sentenced to two years imprisonment. BBC Africa (2019) also reported cases of academia who were caught on camera harassing female students for marks in Nigeria and Ghana. The lecturers, upon investigation and confirmation of committing the offenses, were suspended by their institutions. Premium Times (2021) also reported the case of a man who raped 2 minors and was sentenced to 12 years imprisonment.

The Arrest of eleven men who raped a 12-year old girl as well as the perpetrators of a brutal rape and consequent murder of a 22-year old university student were also arrested in Nigeria in 2020 (Ipas, 2020). While many of these arrests permeate media reports, a critical issue is, given the slow pace of justice in the judicial system in Nigeria and corruption that permeate the system, there is hardly any evidence that such punitive measures are serving as a deterrent to prospective perpetrators of such crimes.

### **Gaps in Government's Responses against Sexual and Gender-Based Violence in Nigeria**

Despite the legislations that exist against SGBV and measures being taken by the government to curb the social menace in Nigeria, obvious gaps exist.

Firstly, the legal system in Nigeria operates opposing laws that hamper the fight against SGBV. The customary and religious systems in Nigeria operate laws that are contrary to the federal laws such that measures taken against perpetrators of SGBV are localized based on the customary or religious setting in which the offense is committed. Nigeria, as is presently constituted, is divided along a majority Muslim north and a largely Christian south. Three legal principles are operated along these divides; the south operates based on a Criminal Code, while the north applies the Penal Code and Shari'a law (Chiazor et al, 2016). In Northern Nigeria, for example, Section 55 of the Penal Code is based on punitive philosophy rather than a criminal legal procedure that allows a husband to discipline his wife. Once a woman is married, she is culturally expected to endure whatever condition

comes her way in her matrimonial home. Section 282 of the Penal Code states that “Sexual intercourse by a man with his wife is not a rape if she has attained puberty” (Olurounbi, 2013). This appears to justify early marriage for girls just attaining puberty, a practice that is prevalent in northern Nigeria.

The acceptance of child or early marriage poses a social and health challenge for the immature girls who become victims of Vesico Vaginal Fistula (VVF), a situation where there is an abnormal opening that connects the vaginal to the urinary bladder, resulting in the continuous involuntary discharge of urine into the vaginal vault. Unsurprisingly, cases of VVF are prevalent in the North due to this act of abuse, encouraged by the penal code. United Nations Children's Fund (UNICEF, 2018) reported that Nigeria accounts for an estimated 22 million child brides, representing 40% of all child brides in the African region. The practice of child marriage also implies a denial of social development for the girl child, who is made to go into early marriage, at a time when she is supposed to be exposed to education for a better future. The different legislations that operate in the North and South imply a disregard for the attainment of full maturity of 18 years before marriage, and other developmental pursuits, as entrenched in the constitution. This suggests that the constitution is in support of early child marriage and where this is the case, the fight against SGBV will continue to prove difficult.

Secondly, the adoption of the Violence Against Persons Prohibition Act (2015), has only been adopted by 16 of the 36 states in the country (Ipas, 2020), and most states that have adopted such laws hardly implement them. For instance Amnesty International (2017) reported that most of the laws against SGBV in Nigeria are only applicable in the Federal Capital Territory, hence, failing to protect the rights of women and girls across board.

Thirdly, the legal framework in Nigeria is biased towards the patriarchal system that traditionally defines Nigerian society. The law places more credibility on the testimony of men compared to that of women (IAGCI, 2015). Where this is the case, biases are observed in the dispensing of justice along gender lines. For instance, different penalties are meted out for sexual assaults such that women suffer more penalties than men, even when the same offenses are committed (IAGCI, 2021).

Fourthly, the prioritization of some violations of laws against SGBV over others, depending on the sex of the perpetrator, environment where the crime is committed, or on religious grounds, poses a challenge to the effectiveness of government responses to SGBV. For instance, when wife battering is seen as a less serious offense compared to rape, punitive measures will not achieve the desired effect. Also, Section 55 of the Penal Code that supports wife-beating, provided it doesn't lead to injuries, encourages perpetrators of such crimes in the society as long as it does not cause grievous hurt on the wife (Aluko, 2015). This suggests that Nigerian law practiced in some parts of the country attached less seriousness to wife battery.

Finally, there is poor enforcement of punitive measures that have been outlined for perpetrators of SGBV. The lack of proactiveness of the enforcers of these laws have led to the inconclusiveness of several cases of SGBV in Nigeria. In addition, while the penalty for rape in Nigeria is up to 14 years, this is hardly the case in most SGBV where perpetrators, who are unfortunate enough to get the jail term are only jailed for a few years, in some cases, as low as 2 years (BBC, 2020). Human Rights Watch (2016) also queried that the government's efforts towards protecting the rights of displaced women and girls are limited as sanctions against abusers, including camp leaders, vigilante groups, policemen, and soldiers were hardly implemented.

Hence, one can safely say that changing the narratives of SGBV will require the provision of a safe and credible environment for women to freely express themselves, not only by the enactment of laws that protect the rights of women but also the follow-through to ensure that such laws are carried to the letter as well as purging the law enforcement system that is also abetting the crime against women in distress (Balogun, 2021).

### **Conclusion**

Although there has been a consistent outcry from all quarters of the Nigerian society on the need to address the prevalence of SGBV in Nigeria, the government's responses have shown limited performance in curbing the crime. This is evident in the growing cases of women and girls who are exposed to sexual and related cases of violence, from their homes to the spares where they carry out their socio-economic activities. The socio-cultural, religious, and socio-economic factors contribute to the growing cases of SGBV in Nigeria. Reporting of sexual and related abuses by victims has been hampered by the poor public trust in the formal legal system, the religious and cultural institutions that expect women to be on the receiving ends of abusive behaviours, especially in cases of intimate partner violence and social stigmatization of victims of abuse. On a general note, government laws and punitive measures to address SGBV have been poorly implemented. Unless the myriad of identified lapses that are hindering the efforts of the government towards protecting women and girls from the perpetrators of SGBV are addressed, SGBV will continue to cause a serious menace to the social wellbeing of women and girls in Nigeria.

Hence, the following are expected from the government towards protecting women and girls from SGBV.

- i. Gaps in the laws that prioritize one offense over another and placing less punishment on select offenses over others should be addressed, as this will help to check acts of violence that perpetrators deem unoffensive, either on cultural or religious grounds.
- ii. Specialized courts should be created that should be saddled with the responsibilities of handling SGBV related cases, given the slow pace of judgment and other barriers that permeate the formal legal system in Nigeria.
- iii. Government should also formulate laws that protect the confidentiality of victims who report cases of assault to reduce stigmatization and increase reports to formal structures.

- iv. Centres for reporting cases of SGBV should be established across all local government areas to fast-track processes of access to justice.
- v. To address the menace that SGBV poses to the Nigerian society in recent times, attention should not only focus on the traditional spheres where the crime is most prominent in the past but also, the new dimension that the social media spaces are introducing to SGBV in Nigeria need to receive proactive measures to curb the new narrative of luring women from online spaces to offline spaces for abuse and exploitation.

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