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COI QUERY

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COI QUERY RESPONSE – Nigeria

Sexual violence in the Edo State; prevalence, legal framework, state protection, and services available for survivors

1. Prevalence of sexual violence

Sources reported that sexual and gender-based violence remained ‘widespread’ in Nigeria.¹ During the COVID-19 pandemic and the implementation of respective restrictions, violence against women and girls was exacerbated in the country.² Reports of sexual violence and rape across Nigeria increased during the lockdown period, however rates of reporting and prosecution of cases remained at low levels.³

Reporting of cases of sexual violence was hindered by several factors, including the social stigma attached to sexual violence,⁴ the gaps in training and the treatment by front-line law enforcement officers to victims,⁵ the informal settlement of cases related to sexual offences outside the judicial system on several occasions under the suggestion of the police,⁶ and the prevalence of social and cultural beliefs and gender stereotypes negatively affecting women.⁷

In North-East Nigeria sexual and gender-based violence in the context of conflict continued at increased levels. Boko Haram and other armed groups engaged in ‘widespread’ gender-

¹ British Council, Impact Report – Rule of Law and Anti-Corruption in Nigeria: Tackling sexual and gender-based violence, 2023, [url](#), p. 2; Nigeria, NAPTIP, Violence Against Persons (Prohibition) Act 2015 Annual Report 2021, 9 February 2023, [url](#), p. vi; Initiative for Equal Rights (The), An Inclusive Study on Violence Against Women in Nigeria, July 2021, [url](#), p. 10

² Nigeria, National Human Rights Commission, 13 August 2021, [url](#), p. 7; Initiative for Equal Rights (The), An Inclusive Study on Violence Against Women in Nigeria, July 2021, [url](#), p. 11

³ Freedom House, Freedom in the World 2023 - Nigeria, 2023, [url](#); AI, Nigeria: A harrowing journey access to justice for women and girls survivors of rape, November 2021, [url](#), pp. ii, ix

⁴ Nigeria, NAPTIP, Violence Against Persons (Prohibition) Act 2015 Annual Report 2021, 9 February 2023, [url](#), p. 40; Netherlands (The), Ministry of Foreign Affairs, General Country of Origin Information Report Nigeria, January 2023, [url](#), p. 62; AI, Nigeria: A harrowing journey access to justice for women and girls survivors of rape, November 2021, [url](#), p. 19; Nigeria, National Human Rights Commission, 13 August 2021, [url](#), pp. 6, 12 – 13

⁵ British Council, Impact Report – Rule of Law and Anti-Corruption in Nigeria: Tackling sexual and gender-based violence, 2023, [url](#), p. 2; AI, Nigeria: A harrowing journey access to justice for women and girls survivors of rape, November 2021, [url](#), p. 32

⁶ AI, Nigeria: A harrowing journey access to justice for women and girls survivors of rape, November 2021, [url](#), p. 24; Nigeria, National Human Rights Commission, 13 August 2021, [url](#), p. 15; Initiative for Equal Rights (The), An Inclusive Study on Violence Against Women in Nigeria, July 2021, [url](#), p. 68

⁷ AI, Nigeria: A harrowing journey access to justice for women and girls survivors of rape, November 2021, [url](#), p. 17; Nigeria, National Human Rights Commission, 13 August 2021, [url](#), p. 15

based violence against women and girls, including rape and forced marriage.⁸ Sexual exploitation and abuse against women and girls particularly in IDP camps was also reported.⁹

2. Legal framework

Under the law, rape of women and domestic violence are criminalised, but not the rape of men; furthermore, spousal rape is not a crime.¹⁰ The federal law, 2015 Violence Against Persons (Prohibition) Act of Nigeria (VAPPA), under section 1 (2), provides the following sentences for persons convicted of rape:

‘A person convicted for an offence under subsection (1) [offence of rape] [...] is liable to imprisonment for life except –

- (a) where the offender is less than 14 years of age, the offender is liable to a maximum of 14 years imprisonment;
- (b) in all other cases, to a minimum of 12 years imprisonment without an option of fine; or
- (c) in the case of rape by a group of persons, the offenders are liable jointly to a minimum of 20 years imprisonment without an option of fine.’¹¹

According to the same law, the provisions of the VAPPA shall supersede any other provisions on offences of similar nature and specifically under:

- ‘(a) Criminal Code, Cap. LFN [Laws of the Federation of Nigeria], 2004
- (b) Penal Code, Cap. LFN, 2004
- (c) Criminal Procedure Code, Cap. LFN, 2004
- (d) any other law or regulation relating to any act of violence defined by this Act shall as the case may required be enforced or continue to be enforced by the provisions of this Act’¹²

The Child’s Right Act under section 31 notes on the offense of unlawful sexual intercourse with a child:

- ‘(1) No person shall have sexual intercourse with a child.
- (2) A person who contravenes the provision of Subsection (1) of this section commits an offence of rape and is liable on conviction to imprisonment for life’.¹³

The same Act also notes on forms of sexual abuse and exploitation against children:

⁸ USDOS, 2022 Country Report on Human Rights Practices: Nigeria, 20 March 2023, [url](#), p. 16; Netherlands (The), Ministry of Foreign Affairs, General Country of Origin Information Report Nigeria, January 2023, [url](#), p. 60; Freedom House, Freedom in the World 2023 - Nigeria, 2023, [url](#)

⁹ USDOS, 2022 Country Report on Human Rights Practices: Nigeria, 20 March 2023, [url](#), p. 16; Freedom House, Freedom in the World 2023 - Nigeria, 2023, [url](#)

¹⁰ USDOS, 2022 Country Report on Human Rights Practices: Nigeria, 20 March 2023, [url](#), p. 26

¹¹ Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#), p. 2

¹² Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#), p. 21

¹³ Nigeria, Child’s Right Act, 2003, [url](#), p. 25

‘(1) A person who sexually abuses or sexually exploits a child in any manner not already mentioned under this Part of this Act commits an offence.
(2) A person who commits an offence under subsection (1) of this section is liable on conviction to imprisonment for a term of fourteen years’.¹⁴

VAPPA includes the definition of sexual harassment as ‘unwanted conduct of sexual nature or other conduct based on sex or gender which is persistent or serious and demeans, humiliates or creates a hostile or intimidating environment and this may include physical, verbal or non-verbal conduct’.¹⁵

VAPPA also notes on the offence the act of coercion, as following:

‘A person who coerces another to engage in any act to the detriment of that other person’s physical or psychological well-being, commits an offence and is liable on conviction to term of imprisonment of 3 years.’¹⁶

According to the 2022 United States Department of State (USDOS) report on human rights practices in Nigeria, ‘no statutes prohibit sexual harassment’.¹⁷

In November 2022, the Government of Nigeria ratified the International Labour Organization (ILO) Violence and Harassment Convention of 2019 (No. 190).¹⁸ According to Human Rights Watch, Nigeria is the first country in West Africa to ratify this convention, which obligates the state to ‘provide comprehensive protections to ensure a world of work free from violence and harassment, including gender-based violence and sexual harassment’.¹⁹

In the Edo State, the VAPPA was adopted into law and subsequently the Violence Against Persons’ Prohibition Law (VAPPL) was enacted in 2019.²⁰ However, sources report that the law was not been fully implemented in practice in the state²¹, and in 2021 a new amended VAPPL was adopted, following a process of review and revision of the respective legislation.²² The amended VAPPL entered into force in January 2022.²³ It was reported that the new amended VAPPL includes provisions ‘for both legal and institutional mechanisms to combat violence

¹⁴ Nigeria, Child’s Right Act, 2003, [url](#), p. 26

¹⁵ Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#), p. 27

¹⁶ Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#), p. 3

¹⁷ USDOS, Country Report on Human Rights Practices for 2022 – Nigeria, 20 March 2023, [url](#), p. 29

¹⁸ ILO, Nigeria ratifies ILO conventions on occupational safety and health and on violence and harassment in the world of work, 8 November 2022, [url](#)

¹⁹ HRW, World Report 2023 - Nigeria, 12 January 2023, [url](#)

²⁰ WFD, Policy Brief: Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, 8 February 2022, [url](#), p. 12; Vanguard, Obaseki signs violence against persons bill into law, wife beaters to get 2 years jail term, 12 February 2019, [url](#)

²¹ WFD, Policy Brief: Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, 8 February 2022, [url](#), p. 12; Sun (the) (Nigeria), NAPTIP wants full implementations of VAPP law in Edo, 4 February 2021, [url](#)

²² Independent, Edo First Lady Presents Copies Of VAPP Law To State Judiciary, 3 February 2022, [url](#); News Diary, Edo Assembly passes violence against person’s amendment bill, 11 May 2021, [url](#)

²³ WFD, Policy Brief: Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, 8 February 2022, [url](#), pp. 10 – 12

against persons'.²⁴ Further information on the substance of the amendments could not be found among the sources consulted by the EUAA within the time constraints of this query.

3. State protection

Sexual violence and rape cases are underreported to authorities in Nigeria.²⁵

According to USDOS, sentencing in cases of sexual assault and rape were 'inconsistent and often minor'; explaining that because the federal law has not been adopted in all states, state law often prevails and has lower sentences. Southern states enacted laws that prohibit GBV (Gender-Based Violence); however, 'survivors generally had little or no recourse to justice'.²⁶ Police often refused to intervene or blamed the victim for the situation; in rural areas both police and courts were hesitant to act where the 'level of alleged abuse did not exceed local customary norms'.²⁷

According to a 2021 Amnesty international (AI) report on access to justice for survivors of rape in Nigeria, testimonies from NGOs and survivors described that police stations were not 'conducive for reporting rape'.²⁸

Examples of statistical reporting and convictions in the Edo State include:

- The government of Nigeria has a 'national gender-based violence dashboard' created in 2020, which tracks GBV cases in real-time across the country. Without providing a timeframe, the database [consulted on 31 July 2023] indicates that 1 036 cases of GBV were reported in the Edo State, of which 80.3 % were open and 19.7 % were closed. The monthly cases graph indicates approximately between 50-100 reported cases of GBV in the state per month.²⁹
- The 2015 VAPPA, under section 1 (4), notes that 'a register for convicted sexual offenders shall be maintained and accessible to the public'.³⁰ In September 2020, the Edo State government launched a Sexual Offender and Service Provider register,³¹ a database of all convicted sex offenders in the state.³² The Edo State's Sexual Offender Register also published the full details of the offenders, including the offenders' address, physical appearance, and criminal history,³³ and is linked to the National Sexual Offender Database, which is managed by the National Agency for the

²⁴ WFD, Policy Brief: Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, 8 February 2022, [url](#), p. 14

²⁵ Premium Times, Nigeria's sexual assault cases under-reported – Minister, 26 November 2020, [url](#); AI, Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria, November 2021, [url](#), p. ii

²⁶ USDOS, Country Report on Human Rights Practices for 2022 – Nigeria, 20 March 2023, [url](#), p. 26

²⁷ USDOS, Country Report on Human Rights Practices for 2022 – Nigeria, 20 March 2023, [url](#), p. 26

²⁸ AI, Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria, November 2021, [url](#), p. 3

²⁹ Nigeria, Federal Ministry of Women Affairs, National Gender Based Violence Dashboard [Filter: Edo State], n.d., [url](#)

³⁰ Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#), p. 2

³¹ Premium Times, Edo Govt launches sex offenders' register to name, shame rapists, 16 September 2020, [url](#)

³² HumAngle, Only 10 Out of 36 States In Nigeria Have Sexual Offenders Register, 19 March 2022, [url](#)

³³ HumAngle, Only 10 Out of 36 States In Nigeria Have Sexual Offenders Register, 19 March 2022, [url](#)

Prohibition of Trafficking Persons (NAPTIP) [NAPTIP is mandated by the VAPP Act as the regulatory and administrator body for the provisions of the Act].³⁴ According to the data provided by the website of the Sexual Offender Register of the Edo State, 139 cases of sexual offences were reported, 118 of the reported cases were in court, while 21 offenders were convicted.³⁵ However, the timeframe of the above-mentioned data was not noted in the source.

According to a research commissioned by Westminster Foundation for Democracy, a UK public body and democracy support organization and member of the European Partnership for Democracy (EPD), between January and March 2021, the enforcement of the VAPPL in the Edo State was hindered by several factors, including the low rate of convictions, the informal extrajudicial settlement of cases relating to sexual offences, and the prevalence of cultural and religious beliefs and gender stereotypes.³⁶

Examples of convictions of sexual offences in the Edo State, found among the sources consulted by EUAA within time constraints, include:

- According to media sources, in December 2022, an Edo State High Court in Auchi convicted three men on the counts of rape, kidnapping, attack with a harmful substance, inflicting physical injury, and unlawful trial by ordeal.³⁷ One of the defendants was sentenced to death, and the other two imprisoned for 4 and 19 years, respectively, without an option of fine.³⁸
- It was reported in December 2022, that the Edo State High Court in Auchi also convicted a man to 10 years imprisonment for the rape of a 12-year-old girl³⁹, under the Section 4 and 5 (1) of the Violence Against Persons (Prohibition) Law of Edo State of 2021.⁴⁰
- In July 2022, a magistrate's court in Benin, Edo State, convicted a man for the rape of a 15-year-old girl on the counts of unlawful abduction, and rape. The court sentenced the defendant to six months imprisonment with an option of 60,000 Nairas [approximately EUR 71] fine for the count of unlawful abduction, and to three years imprisonment without an option of fine for the count of rape.⁴¹
- In February 2022, an Edo State High Court sentenced a man to life imprisonment for the rape of an 8-year-old girl, under the charge of child defilement.⁴²

³⁴ Nigeria, NAPTIP, Nigeria Sexual Offender And Service Provider Database: Edo state, n.d., [url](#); HumAngle, Only 10 Out of 36 States In Nigeria Have Sexual Offenders Register, 19 March 2022, [url](#); WFD, Policy Brief: Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, 8 February 2022, [url](#), p. 13

³⁵ Nigeria, NAPTIP, Nigeria Sexual Offender And Service Provider Database: Edo state, n.d., [url](#)

³⁶ WFD, Policy Brief: Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, 8 February 2022, [url](#), p. 15

³⁷ Punch, Gang-rape: Edo man, friends bag death sentence, jail, 9 December 2022, [url](#); This Day Live, Man Sentenced to Death, Others Jailed for Rape in Edo, 9 December 2022, [url](#)

³⁸ This Day Live, Man Sentenced to Death, Others Jailed for Rape in Edo, 9 December 2022, [url](#)

³⁹ Daily Trust, Man, 61, jailed 10 years for raping 12-year-old girl, 12 December 2022, [url](#)

⁴⁰ This Day Live, Man Sentenced to Death, Others Jailed for Rape in Edo, 9 December 2022, [url](#)

⁴¹ Premium Times, Man jailed for raping 15-year-old girl in Edo, 2 July 2022, [url](#)

⁴² PM News, Edo man Ezemodhe bags life jail for raping 8-year-old girl, 13 February 2022, [url](#)

- In May 2021, a Magistrate Court in Oredo, Edo state, sentenced a man to 14 years imprisonment without an option of fine under the charge of raping a minor.⁴³

4. Services available to survivors

The National Human Rights Commission (NHRC), the responsible body concerning human rights in Nigeria, includes a Women, Children and Vulnerable Groups Department. The body carries a mandate on sexual violence, which is tasked to receive and document complaints, invite the complainant to verify the claims, to liaise with local authorities, refer complaints to relevant agencies, prepare reports on complaints, and to contribute to policy formation.⁴⁴ Services for survivors of sexual violence are offered through Sexual Assault Referral Centres (SARC), which include counselling, medical, forensic, legal as well as psycho-social support.⁴⁵ The first SARC was launched in the Edo State by its Governor on 16 September 2020, called the Vivian Centre,⁴⁶ which serves as a one-stop centre for response to sexual violence.⁴⁷ Moreover, the Sexual and Gender-Based Violence Response Team (SGBVRT) was formed by the Commissioner for Justice after a significant increase of sexual violence in the Edo State during the COVID-19 pandemic.⁴⁸ The Edo State Sexual Offender and Service Providers Registers, a 'register of reported, tried, or convicted cases of sexual violations or abuses in the state', was also established.⁴⁹ In addition to this, a Returnees shelter and a Sexual Assault Response Committee / Management Team were in function.⁵⁰

Multiple local news sources reported that several NGOs play an active role in documenting instances of sexual violence and in providing support to victims in the Edo State.⁵¹ For instance, the Global Women for Quality and Sustainable Development Initiative (GWSDI), a Non-Governmental Organisation (NGO), has commenced support for victims of sexual

⁴³ Nigeria, Federal Ministry of Information and Culture, No hiding place for sexual offenders, Edo First Lady vows, as man bags 14 years for rape, 11 April 2022, [url](#)

⁴⁴ Nigeria, NAPTIP, Violence Against Persons (Prohibition) Act 2015 Annual Report 2021, 9 February 2023, [url](#), p. 10-11

⁴⁵ Nigeria, NAPTIP, Violence Against Persons (Prohibition) Act 2015 Annual Report 2021, 9 February 2023, [url](#), p. 27

⁴⁶ British Council, Justice and Security, New SARC and related services launched in Edo State, September 2020, [url](#)

⁴⁷ WFD, Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, February 2022, [url](#), p. 13

⁴⁸ WFD, Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, February 2022, [url](#), p. 13

⁴⁹ Nigeria, Justice and Security, New SARC and related services launched in Edo State, September 2020, [url](#)

⁵⁰ WFD, Overcoming the Limitations to the Implementation of the Edo State Violence Against Persons Prohibition Law, February 2022, [url](#), p. 13

⁵¹ Premium Times Nigeria, GBV: Group identifies over 140 survivors in Edo for support—Official, 19 May 2022, [url](#); Supreme Magazine, Combating Gender Based Violence in Edo, 21 November 2022, [url](#); Nigerian Tribune, Church sets up gender-based violence desk in Edo, 29 November 2022, [url](#); Nigerian Tribune, WRAHP sensitises Edo residents against gender-based, sexual violence, 5 October 2022, [url](#); PM Nigeria, Edo: Stakeholders advocate continuous fight against GBV, [December 2022], [url](#); Punch Nigeria, Edo: 1,079 victims of trafficking, violence seek justice, 30 November 2022, [url](#); Punch Nigeria, Group tasks journalists on gender-based violence reportage, 22 February 2023, [url](#); British Council, Survivors of gender-based violence empowered in Edo State, October 2022, [url](#)

violence, through legal, medical, and social support.⁵² Over 200 survivors of GBV in Edo State have been provided support through this NGO between December 2021 and October 2022.⁵³

No further information could be found on support services available to survivors, specifically in the Edo State, among the sources consulted by EUAA within time constraints. However, the following information on treatment of survivors by the state in Nigeria may be relevant.

According to the 2022 USDOS report on human rights practices in Nigeria, ‘the government received support from donors to provide access to age-appropriate sexual and reproductive health services for survivors of sexual violence. Sexual violence survivors who sought and had access to care received HIV testing services, provision of post-exposure prophylaxis (within 72 hours), pre-exposure prophylaxis for clients without HIV, antiretroviral services for clients with HIV, provision of emergency contraceptives (within 120 hours), testing and treatment for sexually transmitted diseases, legal support where required, and other services, such as referrals for longer-term psychosocial support and economic empowerment programs.’⁵⁴

According to the UN Commission on the Status of Women, some victims of sexual violence ‘did not go to hospital due to fear of lack of professional care and financial support. Some prefer self-medications or traditional herbs etc. Some were wrongly diagnosed, resulting in future damage to the body’s reproductive organs’.⁵⁵

Confidential sources cited in the 2023 General Country of Origin Information Report by the Ministry of Foreign Affairs of the Netherlands, stated that ‘victims of gender-based violence and human trafficking depend almost entirely on the goodwill of their family and friends’. Other confidential sources from the same source depicted that ‘shelters often only take women in for a limited period of time and ‘only in cases of extreme vulnerability will they do so for a longer time period’.⁵⁶

AI reported that ‘testimonies of survivors reveal an inadequate number of shelters and sexual assault referral centres available across the country’. ‘Survivors and organizations working with them also highlighted the lack of protection and support (particularly medical, legal and psychosocial) for survivors from the authorities.’⁵⁷

Lack of funding for support services for victims was also reported as a factor hindering the reporting of cases of sexual violence was hindered by several factors.⁵⁸

⁵² Premium Times Nigeria, GBV: Group identifies over 140 survivors in Edo for support—Official, 19 May 2022, [url](#); Supreme Magazine, Combating Gender Based Violence in Edo, 21 November 2022, [url](#)

⁵³ Supreme Magazine, Combating Gender Based Violence in Edo, 21 November 2022, [url](#)

⁵⁴ USDOS, Country Report on Human Rights Practices for 2022 – Nigeria, 20 March 2023, [url](#), p. 29

⁵⁵ UN Commission on the Status of Women, Statement submitted by Adolescent Breast and Pelvic Cancer Awareness Initiative, 29 November 2021, [url](#), p. 2.

⁵⁶ Netherlands, Ministry of Foreign Affairs, General Country of Origin Information Report Nigeria, January 2023, [url](#), p. 64

⁵⁷ AI, Nigeria: A harrowing journey: Access to justice for women and girls survivors of rape in Nigeria, November 2021, [url](#), p. 3

⁵⁸ Nigeria, NAPTIP, Violence Against Persons (Prohibition) Act 2015 Annual Report 2021, 9 February 2023, [url](#), p. 40

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