

Accountability Brief

A Policy Brief on Greater Access to Defense & Justice.

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instruments are aimed at the curtailment of physical,

Prevalence of Sexual and Gender-Based Violence (SGBV) in Kano State, Nigeria

Introduction

Gender-based violence (GBV) affects different demographic groups. The vulnerable groups in society (namely, women, children, youth, elderly and the physically challenged) are disproportionately affected. GBV has devastating consequences at social, economic, and personal levels because of the physical injuries, psychosocial harm and general loss of productivity across different spheres.

There is a fairly robust law and policy regime on gender-based violence in Nigeria, but it is important to note that acts that constitute GBV are deeply rooted in cultural as well as social norms and the belief systems which emerge from them. They can only be renegotiated through sustained awareness, advocacy, coordinated monitoring and reporting of the implementation of existing frameworks to ensure the mainstreaming of gender sensitivity in all governance and development programming. This policy brief focuses on the situation in Kano State, the influence of public policy and social norms on GBV. The brief also proposes some policy recommendations for implementation by the government.

Background

Nigeria is a signatory to many international and regional instruments that seek to promote the well-being of citizens, especially women. These instruments are complemented by relevant legislations and policy documents at the Federal and state levels. Worthy of mention in this regards are the Constitution of the Federal Republic of Nigeria, the National Gender Policy, and the National Action Plan on United Nations Security Council Resolution (UNSCR) 1325. The

sexual and emotional violence and guaranteeing access to property, medical, educational, judicial and other rights to people in the society.

Sexual and Gender Based Violence (SGBV) is a serious public health concern and a human rights violation with negative consequences that impact people's lives, including those of women, girls, boys, the elderly and other demographic groups. SGBV also hinders the fight against the spread of HIV and improvements in sexual reproductive and child health. Nigeria has witnessed persistent armed conflicts and criminalities in the last decades resulting in a dramatic increase in the number of internally displaced persons (IDPs) streaming into Kano from the Boko Haram ravaged north-east Nigeria.

Located in the North-West geopolitical zone of Nigeria, Kano State was created on 27th May, 1967. It occupies an area of under 8,000 square kilometres and has an estimated population of near 13 million. About 9 million people live in the rural areas, while almost 5 million, representing 38 percent of the population, are women. Life expectancy in the state stands at 51 years for male and 53 for female, with a maternal mortality ratio of 1.023/100,000 and a delivery by health professional standing at 5.1 percent. Kano State is ranked as one of the states with high poverty rate and high level of unemployment among women and youth, which has serious implications on household well-being, in view of the strategic role of women in child upbringing.

Recent estimates reveal that there are over 2 million IDPs in the north-eastern part of the country, residing in camps or in host communities.ⁱ The disruption in the socio-economic lives of women and girls in this region places them at a high risk of all forms of abuse from the

insurgents, the security agents and other members of the community. Apart from the influx of the IDPs into the North-West geopolitical zone of Nigeria, the zone has continued to witness peace and security challenges relating to armed banditry, the farmer-herder conflicts, sectarian violence and terrorists' attacks by the Boko Haram Islamic sect. In fact, the sectarian content of the peace and security trends and dynamics in the zone has exacerbated the violent character of social interactions and exposes women to gender-based violence.

Objective

The objective of the research was to examine and determine the prevalence, pattern, determinants and social norms related to Sexual and Gender-Based Violence (SGBV) across Nigeria with particular focus on Kano State.

Sexual and Gender-Based Violence: Underlying Factors

Many Nigerian societies consider women and children to be weak and inferior, while the men are seen as decision-makers and the stronger specie. This belief is rooted in patriarchy where the power relations through customs, tradition, education, and the division of labour, determine what women shall or shall not do. This philosophical thought socialises women to remain silent and in most cases promotes inequalities between men and women.

1. Cultural and Religious Beliefs in Nigerian Societies

In many Nigerian cultures, women have inadequate legal protection because issues involving husbands and wives are considered "private" and hence, no one would like to interfere in private affairs of home. For instance, women are punished, beaten and even killed for supposed transgression. Some of them are raped, bathed with acid, neither leaving them with horrifying disfigurements and traumatic experiences with little or no form of neither protection nor counselling services. Even the customary laws have their limitations. Cases of dowry, inheritance, land ownership, religious beliefs, discriminate against women. Sexual and gender-based violence cases go unreported and under-reported in the country, for fear of stigmatisation and discrimination. In most communities in Nigeria, women have been socialised into a culture of "silence," even when they are violated and abused.

Sexual and gender-based violence is underreported for fear of discrimination and stigmatisation. According to the National Human Rights Commission, cases of domestic violence are "poorly" and "hardly investigated".ⁱⁱ

2. Lack of Voice and Representation for Abuse Victims

Given the patriarchal nature of the Nigerian society, the legislature is male-dominated at all levels because of the paternalistic character of the socio-political discourse, especially in northern Nigeria where women are considered and expected to play second fiddle. The 15-member Kano State Executive Council only boast of two Commissioners (the traditional Women Affairs and then Budget and Planning); while Kano State House of Assembly that consists of forty (40) members has no single woman. Although, a woman was appointed the acting Chief Judge of the Kano State High Court in 2015, but the underrepresentation of women in the state's governance structures and processes is obvious with men dominating the chairmanship and secretaries of virtually all the political parties in Kano State. This attitude is further extended in the levity with which relevant women protection international and domestic instruments are not ratified, domesticated and implemented.

The Mirabel Sexual Assault Referral Centre (SARC) in 2013 stated that when reports are made to the police about crimes dealing with sexual and gender-based violence, the police are reluctant to file charges, especially against perpetrators who are the victim's family member.ⁱⁱⁱ

The Executive Director of the Lagos-based Project Alert opines that due to "police insensitivity to and unprofessional handling of sexual violence cases, poor training and lack of logistics" there are low reporting rates for sexual and gender-based violence."^{iv} According to her, the greatest challenge is the poor response from the criminal justice system (police and courts) and the social service providers (hospital, social welfare) to victims and their families/friends.

In court proceedings, only reports from government hospitals are admitted in evidence in the courts, and there is a lack of forensic medical examiners to collect evidence in cases of sexual violence. The process to obtain a medical report in Nigeria is not victim friendly which makes it difficult for SGBV survivors to access justice.

Many women that have experienced sexual and gender-based violence do not often report to the police due to lack of trust in the force.

3. The Trends of Sexual Gender-Based Violence (SGBV) in Nigeria

Sexual and gender-based violence is a common practice in Nigeria. Data from the 2013 Nigeria Demographic and Health Survey (NDHS) shows that, among Nigerian women, nearly three in every ten women have ever experienced physical violence since age 15, and 7% have ever experienced sexual violence.

According to Lagos State Domestic and Sexual Violence Awareness Response Team (DSVRT), between January and September 2017, a total of 852 cases of domestic violence and related cases were recorded in the state. The report also revealed that, 95% of the perpetrators of sexual and gender-based violence are known to the victims.^v

In January 2016, NSRP reported 10 cases of SGBV in Rivers against children, with all incidences occurring in Obio/Akpor. The youngest victim was four years old.^{vi}

In Kano, Shauchi Police Station, a total of Eight hundred and eighty six (886) cases of sexual offences have been recorded from January 2016 till August 2017 (twenty months) with an seven hundred and fifty five (85.4%) of the victims being children under the age of 14. Of the 120 cases reported to the Public Defenders' Office 20 cases were SGBV related.

4. Position of the Law on Sexual and Gender-Based Violence in Nigeria

Although Kano State has passed an Anti-Rape Law prescribing 14 years imprisonment, there seems to be no recorded case of enforceability. Equally, the state has not yet domesticated nor passed critical gender protection instruments such as the Child's Right Act, Violence against Persons Prohibition Act (VAPP) and the innovative Administration of Criminal Justice Act, 2015. This being the case, existing legislation relating to gender-based violence are weak, outmoded and not up-to-speed with contemporary challenges. For instance, Section 281

(1) of the Penal Code applicable in northern Nigerian States provides that: "A man is said to commit rape who... has sexual intercourse with a woman in any of the following circumstances – (a) against her will; (b) without her consent; (c) with her consent, when her consent has been obtained by putting her in fear of death or of hurt; (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married; (e) with or without her consent, when she is under fourteen years of age or of unsound mind." This position is further reinforced with the adoption of Shari'a Criminal law with the passage of the Kano State Shari'a Courts Law 2000 and the Kano State Shari'a Criminal Procedure Code (Amendment) Law 2000.

Similarly, under the Penal Code, there is no offence of marital rape, provided the wife has attained the age of puberty. The criticism of the provisions on rape under both codes raises at least three issues: (1) the offence of rape is gender specific, as only men can commit the offence of rape; (2) the act amounting to rape is limited to penile penetration of the vagina; anal or oral sex, or penetration using objects or other parts of the body such as the tongue or finger, do not constitute sexual intercourse for the offence of rape; and (3) marital rape – both codes provide (with certain exceptions) that sexual intercourse between a husband and wife cannot constitute the offence of rape.

The Sexual Offences Bill 2013 that was passed by the National Assembly but never assented to by the President seeks to expand the definition of rape to cover both sexes. Under the bill, a woman is capable of committing rape because it provides that sexual assault occurred when there is non-genital penetration with mechanical objects or other parts of the body.

Similarly, the Violence against Persons Prohibition Act (VAPP) 2015 that is not yet domesticated by Kano State also expanded the definition of rape to include both sexes as capable of committing the offence of rape. Sadly, neither the Sexual Offences Bill nor VAPP addressed concerns about marital rape like the Lagos State Domestic Violence Law that takes sexual offences beyond unlawful

“carnal knowledge” and prepares the ground for future prosecution of marital rape. The absence of similar legislation in Kano State in the face of persistent prevalence of sexual and gender-based violence portend a tacit state condoning of these trend, which amount to violation of international human rights laws relating to women. Indeed, the Lagos State Protection against Domestic Violence Law (2007 seeks to “provide protection

against domestic violence and for connected purposes, which is salutary and commendable in strengthening existing structures and processes for gender equality and curtailment of violence against women. Kano State can learn from the Lagos State example to prevent and protect citizens from the prevalence of Sexual and Gender-Based Violence.

Policy Recommendations

To establish norms of acceptable and unacceptable behaviours and conducts in a society and create peaceful environment, it is necessary to enforce legislation on crime and violence. This should include strengthening institutional mechanisms and resources and increasing the human capacity needed to ensure enacted laws to protect people from sexual and gender-based violence and hold perpetrators accountable. A systematic form of raising awareness would also provide an environment that reinforces positive behaviours. Responding to SGBV violence will require strong policy responses. This paper proposes some of the following policy recommendations:

1. *Training of Police and Law Enforcement Personnel:* The urgent need for Partners-West Africa in collaboration with relevant stakeholders to put in place mechanisms for the training and retraining of policy and law enforcement personnel in Kano State, especially staff of Nigeria Police Force, the Judiciary, Ministry of Justice, Ministry of Education, Information, Human Rights defenders and Social workers to improve their understanding of and response to Sexual and Gender-Based cases.
2. *Encouraging Victims to Speak Up:* The Government in collaboration with strategic non-government organization should put in place machineries for strengthening and encouraging victims to speak up and report to appropriate security authorities to enhance care services.
3. *Accountability for Offence:* Recognising the negative impact of Sexual and Gender-Based Violence, the Kano State Ministry of Justice in collaboration with relevant desk in the State Ministries, Nigeria Police Force, Local Government Welfare Units and credible non-governmental organisation should strengthen

efforts to hold perpetrators of gender-based violence accountable for every act of violence.

4. *Database of Perpetrators:* There is an urgent need for State governments to establish data registers of perpetrators and address issues of SGBV.
5. *Network of Non-State Actors:* Partners-West Africa should initiate engagement aimed at the formation and/or strengthening of network of credible non-state actors to complement the commitment of the state in the prevention and response to sexual and gender-based violence issues.
6. *Social Media as Opportunity:* Relevant stakeholders working on sexual and gender-based violence need to explore the vast opportunities inherent in the social media in awareness creation and sensitisation, reporting and monitoring, and naming and shaming.
7. *Helplines:* There is need for the formation of a Coalition of State and Non-state actors to ensure the Monitoring and Evaluation of sexual and gender-based violence in all the 774 Local Government Areas in the country, through the establishing of *helplines* to enhance reporting of incidences of SGBV.
8. *Trauma Counselling Centres:* The Federal Government should establish Trauma Counselling Centres in all the 36 states. The establishment of such functional trauma centres will provide Counselling and healing services for SGBV survivors.
9. *Prevention:* Policy-makers, parliamentarians and civil society should build capacity to prevent and respond to sexual and gender-based violence and to raise awareness of the causes and consequences in Nigeria.

10. *Right to Psychosocial and Legal Assistance:* The Federal government should introduce a right to psychosocial and legal assistance to victims of
11. *Mandatory Psychiatric Examination:* Psychiatric examination for should be made mandatory

violence. This measure will safeguard the rights of victims and empower them in the context of court proceedings.
convicted SGBV perpetrators before release is highly recommended.

Conclusion

Sexual and gender-based violence (SGBV) is common among the populace across Nigeria. It is mainly linked with issues of culture, religious beliefs, ignorance/illiteracy and lack of capacity of institutions to handle the issues. Intimate partners and trusted are the main perpetrators of sexual and physical violence. There is an urgent need to roll out interventions that will protect women and girls/boys and prevent further acts of sexual violence in the country, with emphasis on Kano State. Necessary facilities for the management of sexual violence such as a written SGBV treatment protocol, rape treatment kit and post-exposure prophylaxis are lacking in many facilities and these should be made available.

Health seeking is low among women that experience sexual violence compared to other forms of violence. Enlightenment campaigns in the communities are needed to encourage SGBV victims to seek care and inform women about the SGBV survivor services available.

Addressing these issues would require framing public policies and strengthening existing laws that respond to the needs of SGBV victims. This should be done through consultative framework that brings on board all relevant stakeholders in the Security and Human rights sectors as well as making Traditional institutions and religious bodies become part of structures for fight against sexual and gender-based violence and promotion sustainable development and peace in Nigeria.

ⁱ https://reliefweb.int/sites/reliefweb.int/files/resources/DTMNigeriaRoundXIReportAugust2016_o.pdf [accessed November 17, 2017 @10:45am]

ⁱⁱ Dr. Chidi Odinkalu, then Chairman of Nigeria's National Human Rights Commission, keynote remarks at the opening of Mirabal Sexual Referral Centre - Lagos, on Monday 25 November, 2013 <https://www.premiumtimesng.com/opinion/150262-end-violence-women-chidi-anselm-odinkalu.html> [accessed November 17, 2017 @11:00am]

ⁱⁱⁱ https://www.ecoi.net/local_link/291839/412404_en.html [accessed November 17, 2017 @ 1:30pm]

^{iv} <https://www.vanguardngr.com/2013/06/domestic-violence-its-assuming-epidemic-proportions-effah-chukwuma/> [accessed November 13, 2017 @ 10am]

^v <https://www.vanguardngr.com/2017/09/domestic-violence-lagos-set-launch-short-code-report-cases/> [accessed November 27, 2017 @ 12:55pm]

^{vi} <http://www.nsrp-nigeria.org/wp-content/uploads/2016/06/VAWG-Monthly-Report-21-January-2016.pdf> [assessed November 30, 2017 @3:15pm]