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JUSTICE DEFERRED: CONFRONTING SEXUAL AND GENDER BASED VIOLENCE, STIGMA, AND SYSTEMIC FAILURE IN NIGERIA

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ABSTRACT: Sexual and Gender-Based Violence (SGBV) remains endemic in Nigeria despite the passage of the Violence against Persons (Prohibition) Act 2015 (VAPP) and widespread domestication at state level. The problem persists and yet underreported due to pervasive cultural norms, social stigma, institutional incapacity across the justice chain, and a legal framework that seems not to have adapted to emerging forms of violence, such as digital SGBV. This paper examines how cultural narratives seem to silent reporting SGBV offences. It also addresses how police and the courts fail to deliver timely redress, and how new technologies create new harms with inadequate remedies. This paper argues that justice for survivors is denied not because of an absence of law, but because of three interlocking failures, namely, pervasive social stigma, institutional incapacity across the justice chain, and a legal framework that has not adapted to emerging forms of violence, such as digital SGBV. The aim of this paper is to examine the legal framework, social and institutional response to SGBV in Nigeria and to identify emerging frontiers. To interrogate the objective of the paper the following research questions are asked, namely, to what extent have the VAPP Act 2015 been effective in prevention, prosecution, and providing victim support in Nigeria. What are the structural, cultural, and institutional factors that perpetuate SGBV across diverse context in Nigeria? Drawing on doctrinal approach to legal research writing, the paper embarked on critical analysis of some relevant statutes, and case law remedies. Based on the critical analysis, some findings are recorded in this paper. The paper concludes with some recommendations and also points out that meaningful progress require moving beyond legislation to implementation, to redress pervasive cultural norms and stigma, and emerging digital SGBV offences.

KEYWORDS: Access to Justice, Digital SGBV, Sexual and Gender Based Violence, Stigma, VAPP Act 2015.

INTRODUCTION

Sexual and Gender Based Violence (SGBV) is perpetrated against victims by persons who are closest to them such as husbands, fathers, care givers and in some cases teachers. This act usually causes trauma for victims and leaves an indelible mark on them. Sexual and Gender-Based Violence (SGBV) in Nigeria is both a public health crisis and a human rights violation.[1] Data from the United Nations Women and the Nigeria Demographic and Health Survey indicate that 1 in 3 women have experienced physical or sexual violence in their lifetime. Yet conviction rates remain below 3% for reported cases.

In 2015, Nigeria passed the Violence against Persons (Prohibition) Act (VAPP) to provide a comprehensive legal response. Thirty-five states of

1 Section 36 (1) to (12) of the Constitution of Federal Republic of Nigeria 1999.

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the federation have since passed various versions of the law. On paper, Nigeria now has one of the most progressive SGBV legal frameworks. However, like other similar legislations, the problem with the law is its implementation.

Survivors face stigmatization that discourages reporting and the police lack adequate training and forensic capacity. There are little or no specialized courts on SGBV offence as such these cases suffer from backlogs, since the court files are over loaded with cases. There is also the challenge of emerging frontiers, such as cyber stalking, cyber-bullying, non-consensual sharing of intimate images and online harassment. Unfortunately, existing laws on SGBV offences does not make adequate provisions for these emerging challenges.

This study adopts a doctrinal research methodology to critically analysis of primary and secondary legal materials, including statutes, judicial decisions, academic commentary, policy documents, and international instruments. The primary sources examined include Nigerian laws such as the 1999 Constitution, the Violence against Persons (Prohibition) Act 2015 (VAPP), the Criminal Code[2] and Penal Code,[3] and the Child Rights Act 2003 (CRA), while international and regional treaties such as the Convention on Elimination of Discrimination against Women (CEDAW),[4] the Convention on the Rights of a Child (CRC),[5] and the Maputo Protocol,[6] were equally assessed.

The paper is divided into six broad parts beginning with introduction in part one. This is followed with clarification of concepts and theoretical framework in part two. Part three reviews the legal framework, while part four analyses the current frontiers of SGBV, and systemic failures are interrogated in part five. The paper finally concludes with its findings, recommendations and conclusion in part six.

2. CONCEPTUAL CLARIFICATION AND THEORETICAL FRAMEWORK

2.1 Defining SGBV in Nigeria

Sexual and Gender based violence refers to any harmful act that is perpetrated against a person's will and that is based on socially ascribed (gender) differences between male and female.[7] It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty, whether occurring in public or in private life.[8]

Sexual assault, particularly rape, is a serious form of SGBV that is grossly underreported in Nigeria.[9] Victims face stigma, victim-blaming, and a justice system that is often re-traumatizing. Until recently, Section 357 of the Criminal Code and Section 282 of the Penal Code had very narrow definitions of rape, limited to vaginal penetration and excluding male victims. They also contained a controversial spousal exemption, implying that a husband could not be guilty of raping his wife.

The VAPP Act 2015 has expanded the definition of rape to include non-consensual sexual penetration of any kind and removed gender limitations. It also abolished the spousal exemption, recognizing marital rape as a criminal offence. Again the Act defines violence to include physical, sexual, psychological, and economic harm. It also criminalizes harmful traditional practices. Beyond this, digital SGBV has emerged as a critical frontier. This includes image-based abuse, and cyber stalking.

2.2 Feminism

The etymology of the word feminism is 'femina', a Latin word meaning 'woman', which originated in 1937.[10] Feminism is the concept of reducing gender discrimination, feminization of poverty, early marriage and childbirth, upholding women's rights and incorporating women to be full members of the

[2] Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004

[3] Penal Code (Northern States) Federal Provisions Act 1960

[4] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979

5 Convention on the Rights of the Child, 1989

[6] Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003

7 Madu Vivian C, An Overview of the Impact of Sexual and Gender-Based Violence on Mental and Reproductive Health: Examining the Legal Framework, with a View of Bringing Perpetrators to Justice, *UCC Law Journal*, (2021) (1) (2) 315

8 See Gender Dimensions of Criminal Justice Responses to Terrorism in Nigeria, UNODC Workshop, p. 23, 2017

9 ibid

10 Javeed Amad Raina, 'Feminism: An Overview' *International Journal Research* (2017) (4) (13) 3372

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society. A feminist is someone that provides vision for the struggle to achieve gender equality, equal economic participation, religious tolerance and political freedom.[11] Also, feminism is the struggle for women emancipation and liberation.[12] The feminist theory is a sociological theory which analyses the position and state of women and men in the society, with the aim of utilizing that knowledge to better the lives of women.[13] Also, through feminism, the experiences of women are considered and explained and recommendations are made on how to improve those experiences. It captures the rejection of women oppression and fights for total freedom from all forms of oppression. According to Tong and Botts, feminism is the worldwide movement which strives to raise the status of women politically, socially and economically as well as fight gender inequalities in all areas of the societal life.[14] Feminism did not gain widespread acceptance until 1970s although, Katherine Hepburn speaks of the feminist movement in 1942.[15] Many people do not specifically self-identify as 'feminist' but actually practice feminism for various reasons. In the basic form, some women do not consider themselves as feminist because they do not share all feminist ideology and do not support gender equality.[16]

For the purpose of this study, the term feminism describes movements with the objectives of establishing equal rights and legal protection for women and men, most especially bringing women into having equal rights with the men in the society. Olufemi, considers feminism to be a work for justice.[17] It is the idea which opposes unequal treatment towards women,[18] and comprises the basic ideas of equality, justice and freedom. The evolution of feminism can be divided into three waves. The first wave was in the 19th and early 20th centuries, the second wave was in the 1960s and 1970s, and the third started in the 1990s.[19]

Feminism has reshaped various perspectives in the society ranging from norms to law. Activists have campaigned for wide range women's rights[20] among which are: proprietary rights, labour and employment rights as well as political rights. They have also campaigned for bodily integrity and self-actualisation, reproductive and abortion rights, the protection of women and girls against sexual and domestic violence, equal pay at workplace as against gender pay gap and gender-oriented discrimination. Situations in history that have allowed for male dominance constitute the foundation for gender disparity in employment, education, politics, and human rights in general.[21] The trend of feminism increased in 1960s with the emergence of the civil rights movement in the United States (US) and the collapse of European colonialism in Africa, Latin America and some parts of Asia.[22] Subsequently, women in the third world and former European colonies promoted

11 Ibid.

12 Clifford Meesua, 'Gender Inequality and its Challenge to Women Development in Nigeria: The Religious Approach' *Unizik Journal of Arts and Humanities* (2017) (18) (2) 432.

13 Ibid.

14 Rosemarie Tong and Tina Fernandez Botts, Feminist Thought: A More Comprehensive Introduction, (Routledge 2019) 23.

15 Janet Thumim, 'Miss Hepburn is Humanized: The Star Persona of Katharine Hepburn' *Feminism Review* (1986) 24, 77.

16 Maartje Van den Dungen Meijs, Kate A. Ratliff, and Joris Lammers, 'The Discrepancy Between How Women see themselves and Feminist Predicts Identification with Feminism' (2017) 77 (5-6) 1.

17 Felicity Adams and Lola Olufemi: 'Feminism, Interrupted: Disrupting Power', Feminist Legal studies <https://doI.org/10.1007/s10691-020-09430-6> accessed 30 August 2026.

18 Fathimah Dayaning Pertwi, A. Surajat, D. Kumalasari, Heri Retnawati, S. P. Waspada, S. K. Dossayeva and G. K. Kassaymova, 'Gender Equality in Feminism' Bulletin of National Academy of Sciences of the Republic of Kazakhstan, (2019) 5(381) 112.

19 Janet Thumim, 'Miss Hepburn is Humanized: The Star Persona of Katharine Hepburn' *Feminism Review* (1986) (24), 77.

20 Ibid.

21 Emeke Chegwe, 'A Gender critique of Liberal Feminism and its impact on Nigerian Law' (2014) (14) (1) 67

22 Ibid.

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new phases of feminism, criticising the Western feminists to be ethnocentric.[23]

2.3 Access to Justice

Having a law on paper is not justice. Justice only happens when a survivor can actually use the law to get protection, remedy and accountability. The proponents of the theory on access to justice ask three important questions on availability, accessibility, and effectiveness of law. For instance, does law and services exist, can survivors physically, financially, and socially access the provisions of the law, and do the law and its enforcement deliver safety, conviction and repair. The justice system must be available, affordable, and non-discriminatory. When the procedure required by law to arrest, investigate and prosecute a case of SGBV is cumbersome this becomes a barrier on access to justice. There are several reports that police demand money to investigate cases reported to them. Equally there are no free legal aids for victims who cannot afford to pay for the services of a lawyer and even when there are legal aids these are usually located in state capitals which are far and inaccessible to rural women. And even where there is legal representation victims face cross-examination that re-traumatizes them. The court process takes too long, from investigation to arrest and prosecution can take an average of three to seven years, all of these factors hinder access to justice.

2.4 Stigma as Structural Barrier

Stigma operates at individual, family, and community levels. There have been cases were fathers, uncles and close relatives living within the same home have taken sexual advantage of their daughters, cousins, relatives or domestic helps. In some instances even when the mother of the victim is aware of the fact that her husband is taking sexual advantage of their daughter she is unable to report or take appropriate action because of the stigma associated with such conducts. Some of the barriers that impair wife's from taking appropriate action is when they are financially dependent on their husband for financial support and the thought of the fact that if their husband is found guilty and sentenced to jail she will lose her bread winner and her home. It is in contemplation of such circumstances that government has established Sexual Assault Referral Centres (SARCs) and shelters, unfortunately these centres are inadequate and there is low awareness of the existence of these centres. Another structural barrier associated with stigma that women face is that of societal and cultural barrier, most Nigerian women will not want the society to blame them as the one who sent their husband to jail, her husband's relatives will equally oppress, reject and stigmatize her and her children.

Survivors of SGBV offences are often blamed, ostracized, or pressured into out of court settlement, especially when the perpetrator of the SGBV offence is a family member. On the part of the family or community, there is usually the challenge of stigmatization when a victim of rape is known this is also another reason why families will rather prefer not to pursue the case in court so as to protect the image of the victim hence they will rather settle the case out of court.[24] Often times the victim of rape is usually blamed for being at the wrong place or dressing inappropriately hence are accused as the one who induced the perpetrator to rape her. For this reason there is often lack of support from investigators.

Religious and cultural narratives frame SGBV as a family matter rather than a crime. Witnesses are afraid to testify in court because they are often labelled as birds of the same feather with the victims and there are no adequate support for witness protection hence they are afraid of disclosing their identity to the perpetrator in court. These are some of the reason why SGBV offences are under-reported.

2.2.1 THEORETICAL FRAMEWORK

The paper adopts the feminist legal theory, which argues that law reflects and reproduces gendered power. It also uses Access to Justice theory which requires that law should not be available but that law should be effective, affordable, and non-discriminatory.

2.2.2 Feminist Legal Theory

23 Ibid.

24 Wemmers, Restorative Justice for victims of Crime: A Victim Oriented Approach to Restorative Justice International Review of Victimology, 2002, p. 9.

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Feminist legal theory argues that the law itself, how it is written, interpreted, and enforced, reflects and reproduces patriarchal power.[25] Feminist theory on sexual and gender based violence argues that SGBV is not about individual, "bad actors" but rather it is rooted in power, gender inequality, and social structures. Men as a group use violence, such as rape, assault, harassment, FGM, intimate partner violence to maintain dominance over women. They see violence as systemic, not incidental. The goal is to keep women subordinate in family, economy, and politics.[26] For Mackinnon, rape is not about sex, it's about power and domination.[27] Some feminist, argue that the problem of SGBV results from discrimination in laws, education, policing, and courts.[28] When police demand bribes, court delay cases, or laws are not implemented, the state itself perpetuates violence and this amounts to a systemic failure. SGBV results from unequal laws, policies, and access, not from biology. And it is for this reason that feminist advocates pushed for the enactment of the VAPP Act, Sexual Offender's Registers, and SARC's. They argue that once laws and institutions re fixed, SGBV will reduce. Unfortunately the VAPP Act did not address deep cultural norms and stigma.

Some feminist theories[29] consider economic dependence as a problem. Poverty, unemployment, and bride price can trap women in abusive relationship. A poor woman in an IDP camp in Borno faces different risks than an elite woman in Lagos. This explains why reporting of SGBV offences differs by region, why persons with disabilities, and male survivors are often ignored, and why systemic failure happens. Justice fails most for poor women, rural women, IDPs, and those facing digital SGBV where law hasn't caught up yet. Feminist argue that stigma silences survivors. Culture labels SGBV as family matter to protect male reputation and community honor. Feminism also centers survivor's voices not just as victims but as advocates pushing legal and social change. Feminist theory frames SGBV as a political issue of power and inequality, not just a criminal issue. So the solution has to be legal, cultural and institutional.

Feminist theories have been shaped overtime by different thoughts and opinions and it has raised deep political, socio-economic and legal questions. The theory shows that although the society accords certain privileges to both genders, there appears to be an imbalance between the privileges accorded men and those accorded women in the society. This imbalance is largely in favour of the male gender. The paper suggests that the Nigerian government should put in place the appropriate measures to ensure that relevant national laws on women are in agreement with the international instruments ratified by the country in relations to protection of women's rights and fundamental freedoms.

The Constitution prohibits any form of restriction or discrimination on the bases of ethnicity, sex, religion or political opinion. However, the rights of women are usually trampled upon in various families, labour/employment and customary law and practices. Issues surrounding succession rights, right to work, widowhood, education, political and civil rights, betrothal and marriages, have often constituted areas of discrimination for women in Nigeria.[30] Most cultures in Nigeria do not uphold the rights as accorded to women by international instruments[31] and local laws including the constitution of Nigeria.[32]

Feminism should not focus solely on improving the status of women but should align with the UN's

25 Adetutu Deborah Aina-Pelemo, Jesutoye Testimony Adeboye, Women's Right and Feminism under the Law in Nigeria, <https://www.researchgate.net/publication/Obafemi Awolowo University-OAU-journal> accessed 30th August 2026.

26 Abdullahi Garba, 'Gender Discrimination and Feminism in Nigeria' *International Journal of Economics, Commerce and Management* (2015) (3) (7) 754

27 Catharine Mackinnon, Sexual Harassment of Working Women: A Case of Sex Discrimination (1979)

28 Sussan Brownmiller, 'Early Feminism Themes in French Utopian Socialism: The St. Simonians and Fourier' *Journal of the History of ideas* (1982) (43) (1) 96.

29 Gloria Steinem, The City Politic: Feminism (1971, New York Magazine)

30 Ghazali Bello Abubakar, 'Condition of Women in Nigeria: Issues and Challenges', *Arts and Social Sciences Journal* (2017) 8 (4) 2

31 International Covenant on Economic, Social and Cultural Rights

32 Chapter 2, 1999 Constitution of the Federal Republic of Nigeria

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standard which is equality for women and men.[33] Nigerian feminist movement must identify that not only women suffer prejudices, but that men are also victims of the social and legal lapses caused by the society's restricted protection. Government, individuals and international bodies should openly support the feminist movement in the struggle for equality. It should be noted that the movement has influenced and improved the standard and enjoyment of human rights, hence, feminist should not be regarded as 'men haters' as the movement is also opened to men who will align with the basic principles of each section of the movement. It has been clearly stated that both genders suffer various types of prejudice thus, and as such people should be treated based on individuality, merit and not gender views. In order to change the orientation of the society towards women, the researchers recommend a revisit and review of some national legal provisions like the customary laws, Penal code law and Sharia laws that directly and indirectly violate the rights of women. Also, necessary measure should be put in place by the government in order to see that all national laws are in agreement with international instruments ratified in relations to protection of women's rights.[34] Women organizations regulatory and non-governmental bodies should sensitize people on the purpose of feminism to avoid the abuse and or misconstruction of the concept. Government can as well work hand-in-hand with the community heads and religious leaders to see that barbaric cultures and customs are absolutely prohibited from the society through diverse educational methods, such as, organizing seminars, workshops, and training etc. Women need to be educated of their basic rights in order to break the barrier of ignorance and silence when such rights are violated and to encourage them to seek redress through appropriate means.

2.2.3 Access to Justice Theory on SGBV in Nigeria

Access to justice theory argues that justice in Nigeria is denied against victims of SGBV offences because the bridge between law and survivor is broken. Fixing the law without fixing police, courts, cost, stigma, and services keeps survivors outside the justice system. Access to justice for victims of sexual and gender-based crimes is crucial to protect and assist survivors, and to prevent its recurrence. Sexual and gender-based violence (SGBV) remains among the most serious threats to the safety and security of those affected by displacement and conflict.[35]

Failure to investigate and prosecute sexual violence and the inability of victims to seek and achieve redress erode confidence in law enforcement actors and the judiciary. This in turn prevents victims from coming to a sense of resolution with what has happened to them and moving forward with their lives.[36] Justice can mean different things to different people; it is therefore important to listen to those who are seeking it and be responsive to their needs. There is often a sense that the best form of justice is one that is formally delivered. This may, however, not be the preferred option for all SGBV victims, as some may prefer to seek justice through more traditional or informal mechanisms. Meaningful outcomes of justice for victims can be punitive (bringing perpetrators to justice and recognizing SGBV as a crime), restorative (allowing reintegration within their families and communities with a sense of dignity) and/or transformative (providing society with a clear message regarding gender equality and equitable justice).[37] While it is the responsibility of States to prevent and investigate acts of SGBV, punish perpetrators and provide fair and effective remedies to victims, international actors have a crucial role to play.

33 Article 3, Universal Declaration of Human Rights (UDHR) 1948

34 Foluke O. Dada, 'The Justiciability and Enforceability of Women's Rights in Nigeria' *Global Journal of Human, Social Science* (2014) (14) (5) 54

35 Omotola S.J, Combating Poverty for Sustainable Human Development in Nigeria: The Continuing Struggle, *Journal of Poverty*, (2008) (12)(4) 496 in Aghedo and Osumah The Boko Haram Uprising: How Should Nigeria Respond?3rd World Quarterly Journal (2012) 853

36 Hester M and Lilley SJ, Rape Investigation and Attrition in Acquaintance, Domestic Violence and Historical Rape Cases, *Journal of Investigative Psychology and Offender Profiling*, (2017) (14) (2), 175

37 Kim M. E, Transformative Justice And Restorative Justice: Gender-Based Violence And Alternative Visions Of Justice In The United States, International Review of Victimology, (2021) (27) (2), 162–172. https://doi.org/10.1177/0269758020970414

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As part of its international protection mandate, UNHCR assumes a supportive role, assisting States in meeting their international legal responsibilities and satisfying the requirements of the rule of law, and ensuring that all persons of concern have access to existing justice mechanisms. UNHCR and its partners have a key role to play at the global, national and local levels in understanding and helping to address the many obstacles refugee, internally displaced and stateless victims of SGBV face in accessing justice. Giving SGBV victims a voice, restoring their dignity, securing a remedy for the serious violation of their rights and ensuring their perpetrators are brought to justice must be a priority for all UNHCR operations worldwide.

Discriminatory practices and dismissive attitudes towards SGBV may often prevail in practice. Public information and training sessions on SGBV and human rights within refugee internally displaced and stateless communities can serve to challenge negative attitudes, which can dissuade women from talking about or reporting SGBV incidents, let alone pursuing justice. UNHCR's[38] activities can take a variety of forms, from legal aid for victims to working with communities and supporting the authorities. At the national level, for instance, persons at risk and victims of SGBV can be supported and become aware of the possibilities offered by the legal system and how to access them, as well as of victims' rights and where to seek support.[39] UNHCR and partners may need to provide legal and sometimes material or logistical support to those victims who wish to pursue formal justice, and follow up on their cases with the local police and courts to ensure that their rights are promoted and protected throughout the legal process.

Exploring possibilities of engaging with traditional justice systems may also help to challenge and reduce discrimination or further abuse. Local actors, including women's groups and associations, play an important role in advocacy, awareness-raising and the provision of legal and other support to victims. Local organizations often have a solid, hands-on understanding of the realities faced by SGBV survivors and how justice systems function in practice, and can usefully inform UNHCR's work. Key areas of involvement include: promoting gender-sensitive laws and policies; creating safe and supportive protection environments for SGBV survivors; promoting gender-sensitive law enforcement and justice institutions, in which women are adequately represented; and facilitating women's access to legal support and justice systems.[40] The challenges faced by SGBV survivors in pursuing justice are well known. There are numerous projects and initiatives that directly or indirectly address these, but there is a need for a greater, more consistent and specific emphasis on improving access to justice for SGBV survivors and combatting impunity for perpetrators. This is a multifaceted task, which can only be tackled through effective partnerships at local, national and international levels.

3. LEGAL FRAMEWORK

The enactment of the Violence against Persons (Prohibition) Act (VAPP) 2015 marked a watershed moment in Nigeria's legal history. For the first time, a single law codified multiple forms of SGBV and provided comprehensive protection and remedies. The Act criminalizes psychological, economic, and sexual abuse; prescribes stiff penalties; and empowers victims to seek protective and compensation orders. The Child Rights Act 2003 (CRA) and state-level laws further strengthen protection for minors against child marriage and harmful practices such as Female Genital Mutilation (FGM).[41]

3.1 Constitutional and Statutory Framework

The Constitution prohibits slavery, servitude, forced or compulsory labour, inhuman and degrading treatment.[42] It also prohibits discrimination,

38 UNHCR, Access to Justice for victims of sexual and gender-based violence, https:www.ohchr.org, accessed 30 August 2026.

39 Marianne Hester et al , What Is Justice? Perspectives of Victims-Survivors of Gender-Based Violence, Violence against Women (2025) (31) (2) 570, https://journls.sgepub.com, accessed 30 August 2026

40 Westmarland N, McGlynn, C, and Humphreys C, Using Restorative Justice Approaches to Police Domestic Violence and Abuse, *Journal of Gender-Based Violence* (2018) 2(2), 339

41 Sections 21 to 25 Child Rights Act 2003.

42 Section 34 Constitution of the Federal Republic of Nigeria 1999

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including on grounds of sex that is gender.[43] The Constitution further prohibits the unlawful deprivation of one's personal liberty.[44] An aggrieved person is entitled to seek redress for alleged contravention of his/her fundamental rights by applying to High Court of State which shall have jurisdiction to hear applications on fundamental human rights issues.[45]

Despite the provisions of the constitution and VAPP Act, domestic violence persists as one of the most pervasive yet underreported forms of gender-based violence in Nigeria. It includes physical assault, psychological abuse, sexual violence, and controlling behaviour occurring within intimate or family relationships. Sadly cultural norms and social stigmas have contributed to the normalization of domestic violence, particularly against women, often under the guise of maintaining family unity or disciplining a spouse.

The VAPP Act criminalizes various forms of domestic violence, including emotional, verbal, and psychological abuse. Section 19 of the Act specifically prohibits spousal battery and provides for protective measures such as restraining orders and shelter for victims.

Meanwhile Section 32 of the CRA provides that a person who sexually abuses or sexually exploits a child commits an offence and is liable on conviction to imprisonment for a term of fourteen years. Recognising that forced marriage, negatively impacts on reproductive, psychosocial and general health, economic and social rights of women and girls, the CRA and the Child Rights Laws of states further strengthen protection for minors against child marriage and harmful practices such as FGM.[46]

Notably the VAPP Act criminalizes rape, sexual assault, and harmful practices. As at 2025, 35 states out of 36 states of Nigeria have domesticated the VAPP Act. The Act deals with rape more comprehensively than existing criminal laws, which limit rape to penal penetration of a female vagina. It broadens the definition and expanded the scope of rape to protect males and to include anal and oral penetration with any part of the body or thing. It contains provisions to protect the identity of raped victims, and grants protection orders and compensation for victims of sexual violence,[47] Section 1 of VAPP Act provides;

(1) A person commits the offence of rape if:
(a) he or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else;
(b) the other person does not consent to the penetration; or
(c) the consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false or fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.

Meanwhile the relevant provision under the Penal Code that provides for SGBV offences is Section 282(1) which provides that …

(1) A man is said to commit rape when, save in the case referred to in subsection
(2) 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 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 to be lawfully married;
(e) with or without her consent, when she is under fourteen years of age or of unsound mind.

Accordingly, one of the ingredients that the court will have to establish in order to sustain a conviction of rape under Section 282 of the Penal Code is that the woman was not the wife of the accused. The elements of the offence of rape under the Penal Code are further established in the case of ***Ezigbo v***

43 Section 42 Constitution of the Federal Republic of Nigeria 1999

44 Section 35 Constitution of the Federal Republic of Nigeria 1999

45 Section 46 Constitution of the Federal Republic of Nigeria 1999

46 Sections 21 to 25 CRA 2003

47 See sections 28 and 30 of VAPP Act.

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the State.[48] The offence of rape under Section 283 of the Penal Code is punishable with imprisonment for a term which may extend to fourteen years and a fine.[49] Rape and sexual harassment leads to increase vulnerability to sexually transmitted disease, unsafe abortions and reproductive health challenges.

Considering that there are emerging trends around the issue of SGBV which involves offences around digital innovations, the constitutional provisions that guarantees the right to privacy; is quite instructive.[50] Hence it is unlawful for anybody to upload private intimate images or video of anyone. In the same vein section 24[51] of the cybercrimes (Prohibition, Prevention etc) Act criminalizes cyber stalking.

Remarkably, the Administration of Criminal Justice Act (ACJA) contains provisions that consider gender specifics. For example Section 9 (3) of the Administration of Criminal Justice Act (2015) provides that;

> Where it is necessary to search a suspect, the search shall be made decently and by a person of the same sex unless the urgency of the situation or the interest of due administration of justice makes it impracticable for the search to be carried out by the person of the same sex.

Similarly, section 17(1) of the ACJA 2015 has incorporated electronic recording of statement of suspects during investigation. The Evidence Act has equally incorporated electronic evidence in the case of prosecution.

3.2 International Obligations

Nigeria is a signatory to certain Conventions and Protocols as such the country is obligated to account for SGBV offences. The Committee on the Elimination of Discrimination against Women (CEDAW), provides that the States have the responsibility to exercise due diligence to prevent, investigate, prosecute and punish state actors and non- state actors, in line with the convention.[52] Under international law, SGBV is recognised as a violation of the rights of women. SGBV comes in many forms, including mental, physical and psychological.[53]

Interestingly, violence against women has been classified as a form of discrimination against women which in turn is prohibited under Nigerian law[54]and International Human Rights law.[55] International humanitarian law prohibits sexual violence. Sexual and gender-based violence offences were not among the offences envisaged by the international conventions and protocols against terrorism until very recently.[56] The Rome Statute recognises rape, sexual slavery, forced prostitution, forced pregnancy and forced sterilization as crimes against humanity. Sexual and gender-based violence offences have however, since the first cases before the International Criminal Tribunal for the Yugoslavia (ICTY) and the International Criminal Court (ICC), been addressed by international criminal justice.[57] Rape and enslavement as war crimes and crimes against

48 (2012) LPELR-S 35/2010

49 Okonkwo C.O, Sentencing for Rape: The *State v. Bolivia Osigbemhe*, HAU/10C/79 (unreported), *The Nigerian Law Journal*, (1980) (11) 123.

50 Section 37- 46 Constitution of the Federal Republic of Nigeria 1999.

51 Cybercrimes (Prohibition, Prevention etc.) Act 2015

52 Recommendation No. 28 on the Core Obligations of State Parties under Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment .

53 Dobash, R.P., Dobash, R.E. Cavanagh K and Lewis, R. Separate and Intersecting Realities: A Comparison of Men's and Women's Accounts of Violence against Women (1998) (4) 391.

54 See section 42 of the 1999 Constitution Federal Republic of Nigeria.

55 Article 1 of the Rome Statute provides that the ICC "shall be complementary to national criminal jurisdictions." To give effect to this principle, the ICC may only exercise jurisdiction where a state is "unwilling or unable" to genuinely carry out the prosecution of an international crime within the Court's jurisdiction.

56 See UN Security Council Resolutions dealing with terrorism.

57 Art. 17 of the Rome Statute

For a discussion of the principle of complementarity in relationship to the Democratic Republic of Congo, Uganda, and Kenya, see Open Society Justice Initiative, Putting Complementarity into Practice: Domestic Justice for International Crimes in DRC, Uganda and Kenya (New York Open Society Foundation 2011)

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humanity have been prosecuted in numerous cases before the ICTY and ICTR.

Victims of crime are entitled to remedies, such as restorative justice including perpetrators being prosecuted before the criminal justice system. Under domestic and international legal framework there is the question of what punishment will be most appropriate for a particular offence. Further questions arise as to under what law should an offender be prosecuted in order to obtain adequate sanctions and bring justice to victims of sexual and gender based offences, beyond justice there should be provisions for reparations, such as monetary compensation, medical, psychological and social care should be provided for victims.[58]

4. THE FRONTIERS OF SGBV IN NIGERIA

4.1 Traditional Forms

Harmful practices like FGM[59] and forced marriage persist in some states. It is no wonder then that the VAPP Act criminalizes FGM under Section 6, providing penalties for both practitioners and accomplices. Some states, such as Ebonyi, have passed specific laws banning FGM, and awareness campaigns by Non-Governmental Organisations (NGO) have contributed to a gradual decline in its prevalence. Nevertheless, enforcement remains weak, and many procedures are carried out in secret, sometimes by health professionals, in violation of medical ethics.

The persistence of FGM is largely driven by socio-cultural norms and inadequate public education. Victims rarely report incidents, and perpetrators are seldom prosecuted. Therefore, efforts to eliminate FGM must combine legal enforcement with comprehensive community-based education and engagement with traditional and religious leaders.[60]

4.2 Digital SGBV: The New Frontier

With over 120 million internet users, Nigeria has seen a raise in image-based abuse and cyber stalking. Section 24 of the Cybercrimes Act is rarely used for the prosecution of SGBV offences. Victims have little recourse and platforms often fail to take down content. Recalling the case of Comfort Emmanson who on the 10th of August 2025 boarded an Ibom air flight from Uyo to Lagos this was a case of abuse on the internet space. Emmanson allegedly refused to switch off her mobile phone before the flight's take off. The airline said the matter escalated on arrival at Lagos, with allegations of assault on crew members. Emmanson was subsequently arrested and charged to an Ikeja Magistrate court,[61] and remanded at Kirikiri prison. However, what sparked public outrage was the circulation of a video online wherein Emmanson was being forcefully removed from the aircraft by aviation security officials. In the video footage she appeared partially stripped of her clothes during the removal from the flight. This act was condemned as degrading and humiliating, the striping of a passenger in public and filming the ordeal for circulation was publicly condemned as highly unprofessional, inhumane and unlawful. Although she was subsequently discharged of all the 5 charges levied against her there is no record that Emmanson sued and got compensation for sexual harassment, and cyber bullying. In my humble opinion the case of Emmanson should ordinarily qualify for public interest litigation wherein the Nigerian Bar Association or any of the NGO's should have instituted an action on her behalf and get compensation from Ibom airline, which would have served as a deterrent against future unprofessional behavior.

4.3 SGBV during armed Conflict

During armed conflicts villages are invaded,[62] people are kidnapped and the women among those kidnapped are used as sex slaves, forced into marriage to combatants, and are sexually exploited,

58 Rome Statute of the International Criminal Court, adopted July 17, 1998 (entered into force July 1, 2002) ("Rome Statute") available at http://untreaty.un.org/cod/icc/statute/romefra.htm.

59 Madu Vivian C, Socio-Cultural Practices Harmful on Female Reproductive Health: A case against Female Genital Mutilation, *Journal of Law, Policy and Globalization*, (2020) (100) 72.

60 Nigeria Federal Ministry of Health, National Policy & Plan of Action for the Elimination of Female Genital Mutilation in Nigeria (2021–2025) (UNFPA Nigeria 12 August 2022) pg.6 https://nigeria.unfpa.org/sites/default/files/pub-pdf/fgm_national_policy_and_plan_of_action_nigeria.pdf accessed 27 April 2025.

61 *D.P.P v Emmanson* (Ikeja Magistrate Court, Lagos State, 2025) (unreported).

62 Nnam M.U, *et al,* The Use of Women and Children in Suicide Bombing by the Boko Haram Terrorist Group in Nigeria' (Elsevier 2018) 42, 35

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others who escape kidnap end up displaced. Many of the displaced persons live in Internally Displaced Persons camps (IDP) were survival is extremely difficult.[63] At the IDP camps women, girls and children are sexually exploited,[64] and some have to give out their bodies to security personnel's just to get food,[65] some others face other forms of sexual exploitations.

The UN special repertoire reports that rescued women who got pregnant during the period of captivity face stigmatization from their community as they reject their children as products of bad blood. Unfortunately no existing legislation has made any provisions for children born under these circumstances and their mothers.[66]

Access to justice is usually inhibited during armed conflict as victims are usually displaced from their homes. Under these extreme circumstances it is almost practically impossible to prosecute offenders, as victim are often not able to provide the essential ingredients required by the prosecutor to secure conviction of the offenders, hence government should provide restorative justice for such victims.

5. SYSTEMIC FAILURE ACROSS THE JUSTICE SYSTEM

Systemic failure refers to the inability of state institutions to prevent, investigate, prosecute, and remedy SGBV. It includes police bias, judicial delay, lack of victim support, and data deficits as explained below.

5.1 Reporting and Policing

The Nigeria police force lacks gender desks in many stations. Victims often face difficulties reporting cases due to fear of reprisal, economic dependence, and police indifference. Where cases are reported, delays in investigation and prosecution and lack of support services further discourage victims from pursuing justice. Police often discourage victims from reporting, and survivors report that the police demand for money before they agree to investigate. There is also the problem of prosecutorial delays which undermine public trust in the system. Despite these challenges, the increasing activism by civil society organizations and strategic litigation are beginning to shift public perception as well as legal accountability.

5.2 Prosecution and Judiciary

The burden of proof lies on the prosecution. The fact that SGBV offences are not reported or under-reported does not also help the case of the prosecution. Where the evidentiary proof is lacking the prosecutor may request for further investigation. Will power should also be exercised and followed up where further investigation is required. Where sufficient evidence is lacking, a good case may be lost. Where prosecutorial skill is lacking, good cases are equally lost.

Law enforcement agencies, in many instances, lack the training and sensitivity required to handle SGBV cases. Victims are often discouraged from reporting, and those who do are sometimes subjected to secondary victimization by police officers or medical personnel. Conviction rates are low due to poor evidence and witness intimidation. Moreover, the lack of forensic facilities, poor investigation techniques, and a weak prosecutorial system further weaken the chances of securing convictions.

Remarkably in ***Ogunleye v. State***[67], the Supreme Court upheld the conviction of the appellant for the rape of a minor. The court held that the lack of consent was evident, and medical evidence corroborated the victim's testimony. This case reaffirmed the principle that the victim's testimony, if credible, can be sufficient for a conviction even in the absence of multiple witnesses or direct corroboration.

In the same vein, courts are often overburdened as cases take between three to seven years to conclude. Moreover only few states have special SGBV courts coupled with the delays in the judicial process

63 Mgbeahurike I.A and Chinda O, Implication of Internal Displacement on Nigeria's National Security: Law, Security and National Development, (Nnamdi Azikiwe University, 2017), 454

64 Onapaja O and Uzodike B, Boko Haram Terrorism in Nigeria. African Security Review 21:3, 24-39

65 Njoku E.T and Akintayo J, Sex for Survival: Terrorism, Poverty and Sexual Violence in North-Eastern Nigeria *South African Journal of International Affairs*, (2021) (28) (2) 285

66 UNHCR, Access to Justice for Victims of Sexual and Gender-Based Violence, https:www.ohchr.org, accessed 30 August 2026.

67 (1991) 3 NWLR (Pt 177) 1

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which discourage victims from pursuing justice. Worse still, access to legal aid and psychosocial support services in some rural or low-income areas is almost non-existent.

5.3 Victim Support Services

Nigeria's ratification of key international treaties such as CEDAW, CRC, and the Maputo Protocol demonstrates a formal commitment to aligning domestic legislation with international human rights standards. These instruments offer a framework for interpreting domestic obligations and monitoring state performance on SGBV-related issues.

The expanded definition of rape under the VAPP Act and the abolition of the marital rape exemption reflect a growing legal recognition of gender-sensitive justice. The establishment of Sexual Assault Referral Centres (SARCs) and family courts in some states also shows progress toward supporting survivors and ensuring access to justice. Unfortunately, Sexual Assault Referral Centres (SARC's) exist in only 20 states. Shelters are few and underfunded and legal aid is also limited.

Legal reforms have not kept pace with deeply-entrenched cultural and religious norms that tolerate or even justify gender-based violence. In many Nigerian communities, domestic violence is considered a private family matter, and women who report such abuse may be blamed for it or unequivocally stigmatized. Thus, factors such as patriarchal attitudes, financial dependence, and fear of reprisal often prevent women from speaking out. Similarly, religious and traditional leaders, who wield significant influence in many communities, may also resist state intervention in matters of personal or family law. For example, early marriage[68] is sometimes defended on religious or customary grounds, even when it contravenes statutory provisions. A pertinent illustration is the case of ***Mohammed Alhaji v. Fatima Mohammed***[69], where the Upper Area Court in Gombe State reportedly validated a marriage involving a minor under Islamic personal law, notwithstanding the prohibitions contained in the Child Rights Act.

Furthermore, illiteracy and lack of awareness of legal rights mean that many victims do not even realize that what they are experiencing is unlawful. Therefore, without sustained public education campaigns, as well as grass root engagement, legal protections will remain largely theoretical for a significant segment of the Nigerian population.

6. FINDINGS, RECOMMENDATION AND CONCLUSION

6.1 Findings

The paper finds that despite enacted legislations for the protection of victims of SGBV offences and prosecution of perpetrators, the crime remains under reported because of cultural norms and the fear of stigmatization. The paper finds that existing legislations used to prosecute perpetrators of SGBV offences did not make adequate provisions for emerging frontiers such as SGBV committed during armed conflicts and digital SGBV offences. Other key challenges remain, such as lack of funding for SGBV units even where they exist. Non-uniform state laws and absence of a national database remains a challenge. During the cause of this research it was found that a major significant issue in sexual assault cases is the difficulty of obtaining admissible evidence for prosecution. The burden of proof is high, often requiring corroborative evidence and medical reports, which are not always accessible. To address this, Sexual Assault Referral Centres (SARCs) have been established in some states, providing medical, legal, and psychosocial support, though coverage is still inadequate. Out of the 36 states of the federation, only about Seventeen (17) of these states have established SARC within their jurisdictions, and there are just about 29 centres in all.[70]

The burden of proof lies on the prosecution. The fact that SGBV offences are not reported or under-reported does not also help the case of the prosecution. Where the evidentiary proof is lacking the prosecutor may request for further investigation. The prosecution should exercise due diligence and follow up where further investigation is required. Where sufficient evidence is lacking, a good case

68 Daniel Ogunniyi, 'The Challenge of Domesticating Children's Rights Treaties in Nigeria and Alternative Legal Avenues for Protecting Children' *Journal of African Law* (2018) (62) (3) 447

69 (Upper Area Court, Gombe State, 2015) (unreported)

70 Her Story Our Story Nigeria, Directory of Sexual Assault Referral Centers (SARCs) in Nigeria (November 2020) https://www.herstoryourstory.ng/wp-content/uploads/2020/11/new-SARCs-directory-Nov2020.pdf accessed 27 April 2025.

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may be lost. Where prosecutorial skill is lacking, good cases are equally lost. It is good practice to weigh the possible defence that may be presented by the defendant to know whether the prosecutor has a good case.

6.2 Recommendation

Having espoused…

a. Nationwide Domestication and Harmonisation of Laws

The domestication of the VAPP Act and the CRA across all 36 states and the Federal Capital Territory should be made a national priority. There should be harmonisation between federal, state, customary, and religious laws, particularly where conflicting legal regimes dilute statutory protections. In this regard, deliberate efforts must be made to sensitise state legislatures on the importance of these laws, through pressure from civil society, the media, and international partners should be channelled towards enforcing compliance.

b. Institutional Strengthening and Capacity Building

Law enforcement agencies, judicial officers, social welfare departments, and healthcare providers should undergo specialised training on handling of SGBV offences, especially on human rights approach, victim support, and trauma-informed approaches. This will help to eliminate secondary victimisation and improve case handling. Moreover, the establishment of specialised SGBV units within the police, dedicated courts, and gender desks in state ministries will enhance institutional response and co-ordination. Judicial officers should be equipped with gender sensitivity toolkits and case-handling protocols.

c. Expansion and Strengthening of Survivor Support Services

Access to comprehensive survivor services must be scaled up nationwide. This includes the establishment and funding of more Sexual Assault Referral Centres (SARCs) and shelters in both urban and rural areas. Furthermore, the services rendered by these Centres should cover medical care, psychosocial support, legal aid, and safe housing, and collaborations with NGOs and community-based organisations should be formalised through public-private partnerships, while ensuring victim confidentiality and non-discrimination.

d. Community Engagement and Behavioural Change Campaigns

It goes without saying that the SGBV laws alone cannot bring about change without societal re-orientation. The government should therefore invest in nationwide public awareness campaigns that challenge harmful gender norms, myths about rape, and the normalisation of sexual assault and domestic violence within the family. Such campaigns should be tailored to local contexts and must be implemented in collaboration with traditional rulers, religious leaders, and community influencers, especially in regions resistant to reform. The use of mass media, drama, school curricula, and social media can also promote gender equality and zero tolerance for violence.

e. Judicial Activism and Strategic Litigation

Courts must adopt a progressive and rights-based approach in SGBV-related cases. Thus, the judiciary can play a pivotal role by issuing declaratory judgments, setting binding precedents, and expanding the interpretation of constitutional guarantees of dignity, privacy, and freedom from discrimination. In the same vein, lawyers and civil society actors should engage in strategic litigation to test the limits of the law, challenge discriminatory practices, and push for systemic reforms. This can include filing public interest litigation to enforce the domestication of laws or hold negligent state actors accountable.

f. Data Collection, Monitoring, and Research

There is a dire need for reliable and disaggregated data on SGBV in Nigeria. Government agencies, in partnership with research institutions and civil society, should establish a national SGBV database for tracking prevalence, prosecution rates, and outcomes of SGBV-related cases in real time. Additionally, monitoring and evaluation frameworks should be built into every SGBV intervention, and findings made therefrom should inform policy formulation. Also, gender audits of laws, budgets, and programmes should be conducted periodically to ensure inclusivity and accountability.

g. International Cooperation and Funding

Nigeria should strengthen its partnerships with international development agencies, including UN Women, UNICEF, and donor agencies, to be able to access technical expertise, funding, and policy support. The government must also strive to honour

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its reporting obligations under international treaties such as CEDAW and the Maputo Protocol, and implement recommendations issued by treaty-monitoring bodies. The above recommendations offer a holistic roadmap for transforming Nigeria's response to SGBV as they highlight the importance of an integrated approach that unites legal reform with institutional readiness, cultural change, and survivor empowerment.

6.2 Conclusion

This paper has discussed SGBV and its attendant ills in the society, it highlighted the various legal frameworks that dwell on SGBV as well as Sexual and gender-based violence offences and how it disproportionately affects women and children. States are under obligation to bring to book those perpetrating SGBV crimes. When investigating and prosecuting sexual and gender-based offences, investigative and prosecutorial teams should adopt a human rights-based and victim-cantered approach, use multi-disciplinary, coordinated and gender-sensitive approach; and focus on offender accountability while bearing in mind international best practices.

Domestically Nigeria has enacted some legislation such as the Violence against Person's Act (VAP), the Administration of Criminal Justice Act amongst others, however these laws have not provided adequately for emerging frontiers such as cyber stalking and cyber bullying. Although the VAPP and ACJA provide stiffer punishment for the perpetrators of SGBV and for compensation and restorative justice for victims, the challenge however, preventing victims from accessing these remedies are embedded in cultural practices, stigmatization and ignorance of the available remedies. The UN[71] advocates for the rights of victims to equal and effective access to justice and effective remedies including reparations. Women must be facilitated to access justice and redress mechanisms as rights holders by training them to know the legal rights and remedies available to them. This can be done by the various women non-governmental organizations in collaboration with the Ministry of Women Affairs as government alone cannot possibly be able to reach out to every nook and cranny of the country. The UN urges states to ensure that women and girls have equal protection under the law and equal access to justice. This requires sensitization of victims to know their rights, accessible medical mechanisms and justice, and gender responsive personnel and procedures. Nigeria does not lack SGBV laws; it lacks political will, resources, and cultural change. Until stigma is dismantled and institutions are reformed, justice will remain delayed and denied.

71 UN Security Council Resolution 1820

REFERENCES

1. Abdullahi Garba, 'Gender Discrimination and Feminism in Nigeria' International Journal of Economics, Commerce and Management (2015) (3) (7) 754
2. Adetutu Deborah Aina-Pelemo, Jesutoye Testimony Adeboye, Women's Right and Feminism under the Law in Nigeria, <https://www.researchgate.net/publication/Obafemi Awolowo University-OAU-journal> accessed 30th August 2026.
3. Catharine Mackinnon, Sexual Harassment of Working Women: A Case of Sex Discrimination (1979)
4. Clifford Meesua, 'Gender Inequality and its Challenge to Women Development in Nigeria: The Religious Approach' Unizik Journal of Arts and Humanities (2017) (18) (2) 432.
5. Craig A and others 'Human Aggression'(Department of Psychology, Iowa State University, Ames, Iowa 50011-3180) available at <arjournals.annualreviews.org> (accessed on 13 July 2022)
6. Daniel Ogunniyi, 'The Challenge of Domesticating Children's Rights Treaties in Nigeria and Alternative Legal Avenues for Protecting Children' Journal of African Law (2018) (62) (3) 447
7. Dobash, R.P., Dobash, R.E. Cavanagh K and Lewis, R. 1998. Separate and Intersecting Realities: A Comparison of Men's and Women's Accounts of Violence against Women' 4, p. 391.
8. Emeke Chegwe, 'A Gender critique of Liberal Feminism and its impact on Nigerian Law' (2014) (14) (1) 67
9. Fathimah Dayaning Pertwi, A. Surajat, D. Kumalasari, Heri Retnawati, S. P. Waspada, S. K. Dossayeva and G. K. Kassaymova,

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'Gender Equality in Feminism' Bulletin of National Academy of Sciences of the Republic of Kazakhstan, (2019) 5(381) 112

10. Felicity Adams and Lola Olufemi: 'Feminism, Interrupted: Disrupting Power', Feminist Legal studies <https://doI.org/10.1007/s10691-020-09430-6> accessed 30 August 2026.
11. Foluke O. Dada, 'The Justiciability and Enforceability of Women's Rights in Nigeria' Global Journal of Human, Social Science (2014) (14) (5) 54
12. Garcia-Moreno and others 2006 in Mary V and others *'Effects of Domestic Violence on Students: A Case Study of the University of Fiji Students' available at*< www.researchpublish.com> (accessed on 13 July 2022)
13. Gender Dimensions of Criminal Justice Responses to Terrorism in Nigeria, UNODC Workshop, p. 23, 2017
14. Ghazali Bello Abubakar, 'Condition of Women in Nigeria: Issues and Challenges', Arts and Social Sciences Journal (2017) 8 (4) 2
15. Gloria Steinem, The City Politic: Feminism (1971, New York Magazine)
16. Hester M and Lilley SJ, Rape Investigation and Attrition in Acquaintance, Domestic Violence and Historical Rape Cases, Journal of Investigative Psychology and Offender Profiling, (2017) (14) (2), 175
17. Janet Thumim, 'Miss Hepburn is Humanized: The Star Persona of Katharine Hepburn' Feminism Review (1986) (24), 77.
18. Javeed Amad Raina, 'Feminism: An Overview' International Journal Research (2017) (4) (13) 3372
19. Kim M. E, Transformative Justice And Restorative Justice: Gender-Based Violence And Alternative Visions Of Justice In The United States, International Review of Victimology, (2021) (27) (2), 162–172. https://doi.org/10.1177/0269758020970414
20. Nnam M.U, et al, The Use of Women and Children in Suicide Bombing by the Boko Haram Terrorist Group in Nigeria' (Elsevier 2018) 42, 35
21. Njoku E.T and Akintayo J, Sex for Survival: Terrorism, Poverty and Sexual Violence in North-Eastern Nigeria South African Journal of International Affairs, (2021) (28) (2) 285
22. Maartje Van den Dungen Meijs, Kate A. Ratliff, and Joris Lammers, 'The Discrepancy Between How Women see themselves and Feminist Predicts Identification with Feminism' (2017) 77 (5-6) 1.
23. Madu Vivian C, Socio-Cultural Practices Harmful on Female Reproductive Health: A case against Female Genital Mutilation, Journal of Law, Policy and Globalization, (2020) (100) 72.
24. Marianne Hester et al , What Is Justice? Perspectives of Victims-Survivors of Gender-Based Violence, Violence against Women (2025) (31) (2) 570, https://journls.sgepub.com, accessed 30 August 2026
25. Mgbeahurike I.A and Chinda O, Implication of Internal Displacement on Nigeria's National Security: Law, Security and National Development, (Nnamdi Azikiwe University, 2017), 454
26. Okonkwo C.O, Sentencing for Rape: The *State v. Bolivia Osigbemhe*, HAU/10C/79 (unreported), *The Nigerian Law Journal*, (1980) (11) 123
27. Onapaja O and Uzodike B, Boko Haram Terrorism in Nigeria. African Security Review 21:3, 24-39
28. Omotola S.J, Combating Poverty for Sustainable Human Development in Nigeria: The Continuing Struggle, Journal of Poverty, (2008) (12)(4) 496 in Aghedo and Osumah The Boko Haram Uprising: How Should Nigeria Respond?3rd World Quarterly Journal (2012) 853
29. National Institute of Mental Health (NIMH) available at < https://www.nimh.nih.gov/news/research-highlights/2022/low-motivation-for-social-bonding-may-signal-behavior-problems-in-early-childhood> (accessed on 10 August 2022)
30. Nigeria Federal Ministry of Health, National Policy & Plan of Action for the Elimination of Female Genital Mutilation in Nigeria (2021–2025) (UNFPA Nigeria 12 August 2022) pg.6 https://nigeria.unfpa.org/sites/default/files/pub-pdf/fgm_national_policy_and_plan_of_action_nigeria.pdf accessed

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31. Nigeria: Women and the Boko Haram Insurgency, accessed on http.//www.crisisgroup.org
32. US National Institute of Mental Health (NIMH),< https://www.nimh.nih.gov/funding/grant-writing-and-application-process/research-on-the-mental-health-consequences-of-violence-and-trauma>
33. Rosemarie Tong and Tina Fernandez Botts, Feminist Thought: A More Comprehensive Introduction, (Routledge 2019) 23.
34. Sussan Brownmiller, 'Early Feminism Themes in French Utopian Socialism: The St. Simonians and Fourier' Journal of the History of ideas (1982) (43) (1) 96.
35. Vivian C Madu, An Overview of the Impact of Sexual and Gender-Based Violence on Mental and Reproductive Health: Examining the Legal Framework, with a View of Bringing Perpetrators to Justice, UCC Law Journal, 1(2), 2021, 315-350.
36. Wemmers, Restorative justice for victims of crime: a victim oriented approach to restorative justice International Review of Victimology, 2002, p. 9.
37. Westmarland N, McGlynn, C, and Humphreys C, Using Restorative Justice Approaches to Police Domestic Violence and Abuse, Journal of Gender-Based Violence (2018) 2(2), 339
38. Gender Dimensions of Criminal Justice Responses to Terrorism in Nigeria, UNODC Workshop
39. Arowolo v. State (2012) Unreported, Lagos High Court
40. D.P.P v Emmanson (Ikeja Magistrate Court, Lagos State, 2025) (unreported).
41. Ezigbo v State (2012) LPELR-S 35/2010
42. Mohammed Alhaji v. Fatima Mohammed (Upper Area Court, Gombe State, 2015) (unreported)
43. Ogunleye v. State (1991) 3 NWLR (Pt 177) 1
44. Article 1 of the Rome Statute
45. Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women.
46. Article 4 (c) of the Declaration on the Elimination of Violence against Women
47. International Covenant on Economic, Social and Cultural Rights
48. Convention on the Rights of the Child, article 19 (1).
49. Cybercrimes (Prohibition, Prevention etc.) Act 2015
50. Article 3, Universal Declaration of Human Rights (UDHR) 1948
51. UN Security Council Resolution 1820.
52. UNHCR, Access to Justice for Victims of Sexual and Gender-Based Violence, https:www.ohchr.org, accessed 30 August 2026.
53. Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), 2003
54. Section 17(1) of the ACJA 2015
55. Section 1 of VAPP 2015
56. Sections 28 and 30 of VAPP Act.
57. Section 357 of the Criminal Code
58. Section 282(1) of Penal Code
59. Section 8 (2) of the TPAA 2013
60. Section 34 Constitution of the Federal Republic of Nigeria 1999.
61. Section 35 Constitution of the Federal Republic of Nigeria 1999.
62. Section 36 (1) to (12) of the Constitution of Federal Republic of Nigeria 1999.
63. Section 42 Constitution of the Federal Republic of Nigeria 1999.
64. Section 46 Constitution of the Federal Republic of Nigeria 1999.

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