Curbing the Trend of Violence in the Nigerian Society: The Violence against Persons (Prohibition) Act, 2015

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Abstract. Violence exists throughout the world without respect for national, ethnic or cultural boundaries. Despite the number of Nigerians who experience violence, until recently there was no comprehensive Federal legislation in place to prevent this violence, protect survivors or punish perpetrators. The Violence against Persons (Prohibition) Act 2015 was thus welcomed with joy by the populace. This paper briefly examines the background history of the Act, its major provisions and what positive effect, if any, the Act has had on the perpetration and perpetrators of violence in the country. The writer also considers the factors militating against a successful implementation of the provisions of the Act. Some suggestions are made at the end of the paper. The writer concludes that among other factors, a change in people’s attitudes towards violence is paramount to a successful implementation of the Act.

Keywords: Act, Nigeria, persons, prohibition, violence

1. Introduction

All over the world, acts of violence are a daily occurrence. The rate of such occurrence varies from place to place. Nigeria, for example, is one of those places in which the rate is very high and thus a cause for grave concern. Not a single day goes by without the average Nigerian citizen getting to hear of an act of violence. Numerous legislation dealing with various forms of violence exist in the country. Prominent among these, and perhaps the latest of them all, is the Violence against Persons (Prohibition) Act, 2015.

The VAPP Bill is the result of a 14–year–long process of activism in the civil society that began at a legislative advocacy workshop on the violence against women in 2001 in Abuja. By the end of the workshop, participants agreed to form a coalition – the Legislative Advocacy Coalition against Violence against Women (LACVAW) – to pursue the goal of pushing for a National Bill prohibiting violence against women. The content of the Bill is home grown, reflecting the realities of violence in Nigeria today even as it incorporates provisions based on Nigeria’s commitment to international human rights principles. First presented to the House of Representatives in May 2002, the Bill on Violence against Women became a Bill on Violence against Persons in 2008 when it was harmonized with 8 other Bills on gender based violence in the National Assembly.

2. What is violence?

Violence has been defined as the use of physical force, usually accompanied by fury, vehemence or outrage; especially physical force unlawfully exercised with the intent to harm. Violence means physical force unlawfully exercised; an act tending to intimidate or overawe by causing apprehension of bodily injury. It also means using or threatening force, causing injury. It may be physical, emotional or mental and is caused by a person (or people) against others. It results in pain, injury, humiliation and/or degradation.
Violence is defined by the World Health Organization as "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation", although the group acknowledges that the inclusion of "the use of power" in its definition expands on the conventional meaning of the word. This definition involves intentionality with the committing of the act itself, irrespective of the outcome it produces. However, generally, anything that is excited in an injurious or damaging way may be described as violent even if not meant to be violent (by a person and against a person).

The UN Declaration on the Elimination of Violence against Women provides a good and comprehensive understanding of the concept when it defines violence [against women] as: “any act that results in, or is likely to result in, physical, sexual, or psychological harm or suffering [to women], including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or in private life.”

Such act includes physical, sexual and psychological violence such as domestic violence; burning or acid throwing; sexual abuse, caning, whipping, torture, including rape and incest by family members; female genital mutilation (FGM); feticide and infanticide; sexual slavery; forced marriage and forced pregnancy; honour killing; dowry – related violence; emotional abuse such as coercion and abusive language; and abduction of women and girls for prostitution.

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Violence and other forms of abuse are most commonly understood as a pattern of behaviour intended to establish and maintain control over family, household members, intimate partners, colleagues, individuals or groups while violent offenders are most often known to their victims (intimate or estranged partners and spouses, family members, relatives, peers, colleagues, etc.), acts of violence and abuse may also be committed by strangers. Violence and abuse are used to establish and maintain power and control over another person, and often reflect an imbalance of power between the victim and the abuser. Violence is a choice, and it is preventable. The roots of all forms of violence are founded in the many types of inequality which continue to exist and grow in society.

3. Forms of violence

Violence can be divided into three broad categories:

- self-directed violence
- interpersonal violence
- collective violence

Violent acts can be:

- physical
- sexual
- psychological
- emotional

Physical violence occurs when someone uses a part of their body or an object to control a person’s actions, often inflicting injury on the victim.

Thus, secret detention centers and other controversial practices used in the war against terrorism and other forms of criminalism are questioning and compromising the absolute prohibition of torture and all forms of cruel, inhuman or degrading treatment meted out to prisoners and victims alike. There is abundant evidence of all forms of dehumanizing torture going on in prisons, for example. Prisoners are subjected to chaining, beating, whipping, gruesome torture, solitary confinement, denial of food, harassments, verbal intimidation and threats, the use of leg chains, shackles and
forced labour, etc. Prisoners are also reported to be forced to sleep naked on wet floors or on soaked blankets. Most criminal convictions are based on confessions which were often extracted through torture. Torture continues to be widespread, particularly within the police institution. Torture as a technique of investigation has in the past been confirmed by members of the police force themselves. Policemen confirmed that in the absence of an efficient means of investigating crime, torture becomes the easiest method of extracting information from suspects. These practices persist in the police institution till today.

Psychological violence occurs when someone uses threats and causes fear in a person in order to gain control over that person. Inhuman and degrading treatment and torture often lead to the death, injury and incapacitation of the victims. in the Prison institution for example, prison officials, on the other hand, and other perpetrators of violence usually attribute the death and injuries sustained by the inmates to “natural causes” and “accidents.” Terrible working conditions exist for the staff of the prisons and so the disgruntled warders often express their displeasure at the system by unleashing violence on the inmates who in turn would prefer to lie low to avoid staking their necks.

Violence could also be sexual, emotional, spiritual and cultural. Governments regulate the use of violence through legal systems governing individuals and political authorities, including the police and military.

Nigeria has a long running/standing insecure environment. The entrenchment of democracy has not significantly reduced this practice. It appears the prolonged years of military dictatorship in Nigeria entrenched a culture of wanton disregard for human life, particularly on the part of security and law enforcement agencies. This attitude has largely remained unchanged. At the same time an environment of great inequalities between people may cause those at the bottom to use more violence in attempts to gain status.

4. Brief background history

Nigeria currently has disparate pieces of legislation, which do not address violence against women or gender-based violence uniformly across the country. A few states have passed legislation on domestic violence, harmful traditional practices or gender-based violence. A few others have attempted to do so unsuccessfully. Much of the existing legislation is out-dated, not sufficiently comprehensive, not specifically directed to the grave problem of violence and not adequately enforced. Until recently, there was no comprehensive legislation on violence at the national level.


Similarly, at the national level, the 1999 Constitution of the Federal Republic of Nigeria contains salient provisions which deal with the issue of violence. In this regard mention must be made of Section 34 of the Constitution which provides for and guarantees the right to dignity of every individual.

Apart from the nation’s basic law, there are other statutory enactments which address the problem of violence in Nigeria in different forms. The Criminal Code and Penal Code, for example, contain provisions which criminalize acts of violence directed at both males and females. Such acts of violence include assaults (like slapping or beating), manslaughter and murder. These offences attract punishments ranging from imprisonment for some number of years or imprisonment for life and even death sentence in case of murder.

The VAPP Act was a result of agitations for protection of persons against the different forms of violence. Violence, both at the home front and the larger society, is fast becoming a trend in the recent day Nigeria. Daily, we hear of someone killing or maiming someone else; or a
scorned lover pouring acid on an ex-lover; or someone being forcefully taken away from their family and loved ones. It was the need to protect citizens from violence such as these that led to the enactment of the VAPP Act, 2015. The Violence against Persons (Prohibition) Act is an improvement on the Penal and Criminal Codes in relation to violence.

The VAPP Act is an amalgamation of different bills, which sought to abolish all obsolete laws relating to matters such as rape and assault, and enact new laws on hitherto neglected areas such as domestic violence. It aims to improve upon similar provisions on violence as contained in Nigeria’s Criminal and Penal Codes. In part, initial delays stemmed from the gender-sensitive nature of earlier bills. Thus, it was initially focused on violence against women. Passage of this bill proved difficult for many years because of the heavily – masculine legislature’s bias against focus on women’s issues.

The Legislative Advocacy Coalition on Violence against Women (LACVAW), an umbrella body of various women’s and civil rights group, developed the Violence against Women Bill which was presented to the National Assembly in 2002. The Bill was later changed to the Violence against Persons (Prohibition) Bill, receiving much more support than had hitherto been the case. Following advocacy efforts by stakeholders, public hearings were held in March 2015, followed by passage by the Senate. Continued advocacy eventually culminated in Presidential Assent in 2015. The result of that activism was the signing into law of the Violence against Persons Prohibition Act on May 25, 2015, after more than ten years in the legislative process.

The Act was passed into law in a bid to eliminate violence in private and public life; prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.

5. Brief Review of the Contents of the Act

The enactment in 2015 of the VAPP Act can be said to be a measure in line with Nigeria’s international obligations under CEDAW and the Protocol to the African Charter.

The VAPP Act came into existence to address gaps that existed in the protections and remedies available to women who had suffered various harms as a result of violence meted out to them on account of their gender. In this regard, it provides a broad description of acts that may be described as violent.

The content of the Act is rich in its provisions as it covers most of the prevalent forms of violence in Nigeria today ranging from physical violence; psychological violence; sexual violence; harmful traditional practices; and socio-economic violence. Following are the major provisions of the Act.

Perhaps the most prominent provision of the Act is its expansion of the meaning and definition of rape and its prohibition thereof. The definition is improved upon under the VAPP which defines rape as the act of intentionally penetrating the vagina, mouth or anus of another person with any other part of his or her body or anything else; without the consent of the other person or where such consent is obtained by means of force, threats, intimidation, intoxication or fraudulent misrepresentation or impersonation of any sort.

Other existing laws had hitherto limited the scope of the law of rape to protect only females in relation to vaginal penetration without consent. By this definition, both males and females are protected against rape. The issue of rape being gender biased has been a jurisprudential issue in Nigeria for a while because our law, as it then was, did not recognize situations wherein a man would or could be raped.

The Act also recognized the fact that sex can no longer be limited to the primary sex organs and thus, expands the scope of rape to include anus and mouth. This is because it was difficult in times past, to bring an issue of forceful anal or oral sex under the umbrella of rape simply because such occasion was not envisaged or accommodated by our laws.

Section 5 of the Act prohibits and criminalizes ‘offensive conduct’. It provides that a person who compels another, by force or threat, to engage in any conduct or act, sexual or otherwise, to the detriment of the victim’s
physical or psychological well-being commits an
offence and is liable on conviction to a term of
imprisonment not exceeding 2 years or to a fine
not exceeding N500,000.00 or both. It is
submitted that this provision covers sexual
trafficking, among other similar offences.

The Act also prohibits and criminalizes female
circumcision and genital mutilation. These are
practices which are regarded as customs in many
traditional societies in Nigeria. under the Act,
any person who performs female circumcision
or genital mutilation or engages another to carry
out such circumcision or mutilation commits an
offence and is liable on conviction to a term of
imprisonment not exceeding 4 years or to a fine
not exceeding N200,000.00 or both. Also,
anyone who attempts to carry out the offence of
female circumcision or genital mutilation
commits an offence and is liable on conviction
to a term of imprisonment not exceeding 2 years
or to a fine not exceeding N100,000.00 or both.
Furthermore, a person who incites, aids or abets
or counsels another to commit the offence of
female circumcision or mutilation commits an
offence and is liable on conviction to a term of
imprisonment not exceeding 2 years or to a fine
not exceeding N100,000.00 or both.

6. Offences related to the family

There exist a wide range of such offences under
the VAPP. They include forceful ejection or
eviction from home by any marriage partner
which is prohibited. Consequently, any partner
who forcefully evicts his/her partner from his or
her home or refuses access commits an offence
attracting imprisonment not exceeding 2 years
or to a fine not exceeding N300,000.00 or both.
Section 12 of the Act also prohibits forced
financial dependence or economic abuse. The
abandonment of spouse, children and other
dependants without sustenance is also
prohibited. The Act goes further to prohibit
spousal battery, harmful widowhood practices
and incest.

The Act further makes provisions against
various forms of violence. It prohibits all forms
of violence by both State and private actors. The
Act defines political violence to mean ‘any act
or attempted act of violence perpetrated in the
course of political activities, such as
elections, and including thuggery, mugging,
use of force to disrupt meetings or the use of
dangerous weapons that may cause bodily harm or
injury’ and anybody found guilty of such, commits
an offence and is liable on conviction to a term of
imprisonment not exceeding 4 years or
to a fine not exceeding N500,000.00 or both.

Attack with harmful substances, damage to
property with intention to cause distress,
deprivation of liberty, forced isolation or
separation from family and friends, stalking and
intimidation are some of the other forms of
violence prohibited by the Act.

The Act provides for certain measures to protect
victims of any offence provided for under it. It
provides that no complainant of any offence under the Ac
t shall be expelled, disengaged, suspended or
punished in any form whatsoever by virtue of
the action of compliance with the provisions of
the Act. The Act also seeks to protect the dignity
and identities of victims of offences under the
Act. The Act makes provision for the number
and categories of persons that may be in court
during trial. It further empowers the Court
to hear proceedings in camera or to exclude any
person from attending such proceedings and
prohibits the publication of certain information
in relation to the trial. The Act also empowers a
judge to issue protection orders.

The Act provides, amongst others, that the court
shall award appropriate compensation to the
victims of offences under the Act as it may deem
fit. The Act also recognizes the important role of
international law. Section 38(1) provides that
victims of violence have the right to all remedies
allowed under international law. It is, however,
important to note that the provision of Section
38 would not preclude the requirement for
domestication of international treaties as
required by the Constitution of the Federal
Republic of Nigeria. What it does achieve is to
give further impetus to broaden the scope for
wide interpretation of the provisions of the Act,
particularly with respect to the rights and
entitlements of victims.
In every section where an offence is created, the Act also criminalizes an attempt to commit the offence. Such attempts usually attract lesser punishments than the substantive offences.

The VAPP bill is an amalgam of nine different bills before the National Assembly and it also seeks to abolish all obsolete laws relating to the subject matter such as rape, assault and others. It brings them into present realities. Where any of the provisions of the Act and any other provision on similar offences in the Criminal Code, Penal Code, Criminal Procedure Code or any other law, conflict, the provisions of the Act shall supersede the provisions of the other laws.

7. Two years down: how effective has the Act been?

The signing into law of the VAPP was greeted with great fanfare and jubilation. It was expected by all and sundry that acts of violence would soon become extinct in the country. But almost two years down the line, can we say violence has been greatly reduced or eliminated? Sadly, the answer is in the negative.

Recently, cases of every form of violence, both by State and non–State actors, have been on the increase. The situation has degenerated to a stage where no one feels secure in any part of the country. Tales of kidnappings, armed robberies, unlawful arrests, tortures and detentions, extra judicial killings, harassment, wanton destruction of lives, properties and means of livelihood pervade the land.

Apparently, the issue of the killer herdsmen/farmers clashes currently features most prominently on the national landscape. These herdsmen usually invade farmlands and have their herds eat up crops meant for human consumption and commercial purposes. It was recently reported by Mercy Corps that through clashes in the North-Eastern part of the country alone, Nigeria loses $14 billion annually to herdsmen/farmers clashes. These clashes usually arise from disagreement over the use of essential resources like farmlands, grazing areas and water. Arguments and clashes even arise from mundane issues such as the refusal on the part of the villagers to allow the herdsmen stay in the villages. These clashes thwart the country’s economic development to an enormous extent. According to the report, the average household affected by conflict today could see income rise by at least 64% and potentially 210% or higher if these conflicts were resolved. These clashes presently constitute one of the most threatening crisis in the country. The clashes, which presently occur nationwide on a regular basis and currently ongoing, have led to the complete razing of villages, farmlands, abandonment of homes, hunger and the current rises in the cost of basic food items and other consumables as the farmers no longer go to their farms for fear of being killed, maimed or sexually assaulted. The incidents, when reported to the relevant authorities, are usually swept under the carpet thereby encouraging the perpetrators to engage in further acts of violence. The wanton killing of peaceful demonstrators by the agents of the federal government while armed herdsmen who serially murder scores of citizens and ransack communities and farmlands are left to roam about freely shows some elements of selective justice and leaves a lot to be desired.

Sexual offences have also recently risen to alarming proportions. Babies are not even exempted as victims of such acts.

In all these, women bear a disproportional percentage of the negative consequences of the climate of violence. In addition to the issue of the poverty and economic imbalance in power relations between a man and a woman in the family, violence against women is driven by the patriarchal nature of the Nigerian society. For example, cultural and religious practices in Nigeria have tolerated and reinforced violence against women. We are not in doubt that the acts of violence against women militate to a great extent against the fundamental freedoms and growth of women in the society which calls for an end to it if we are to achieve equality and dignity for all human beings.

Of course, most Nigerians are aware of the menace of violations perpetrated against the
womenfolk, from the cases of the likes of Akolade Arowolo, who was sentenced to death and still awaiting execution, for allegedly stabbing his banker-wife Titilayo 76 times, leading to her death to the case of the almost 300 Chibok girls who were abducted by the Boko Haram with impunity.

Another important point of note is that, most perpetrators of these crimes in our society cut across class, status and religion and it has become a daily occurrence.

8. Possible challenges against its successful implementation

While the Act establishes an institutional framework, it does not address certain aspects that would permit effective implementation. For instance, the Act does not mandate the establishment of rape crisis centres. Given the paucity of these centres and the acute need for them, it would have been helpful for the Act to mandate the enforcement agency to establish such a centre with some basic requirements. While rape is punishable by life imprisonment in Nigeria, the tedious process of proving same, the shame of reliving the experience coupled with societal pressure to keep silent, victim blaming, and stigma, often dissuade women from reporting sexual violence. Also, the police have a habit of dismissing cases of domestic violence as a ‘family affair’ and are reluctant to intervene even where any of the parties has sustained serious injury.

Again, sexual trafficking involves involuntary servitude. It thrives and goes on with impunity because several countries do not have tough anti-trafficking legislation in place and even where there are legislations in place, such laws are often not enforced due mainly to very influential people involved in the disgraceful act.

A cursory look at some of the provisions of the Act raises potential concerns, for instance, the offence of abandonment which provides that a spouse can be charged with abandonment if he/she abandons the home and his/her responsibilities. It is a fairly common occurrence in Nigeria, to hear that a spouse (particularly a man) has abandoned his responsibilities in the home and absconded, in some cases even to an entirely unknown place. A challenge is how to locate the absconder. It is assumed that this provision of the law is to be put into operation only when the location of the absconder is known. But would a woman who seeks refuge outside the home in the face of domestic violence be accused of abandonment?

The response of government to reported acts of violence is usually slow and a lot of the time ineffective and gives the impression that violence is being encouraged by inaction and impunity. The Nigerian government has failed in its obligations both under international and domestic human rights laws to protect its citizens. Up till now, government has not demonstrated the political will to protect the citizens and bring the perpetrators of numerous acts of violence against them to justice.

Similarly, the Act does not provide for a compensation fund. Such a fund was provided in earlier versions of the Act. The aim of a compensation fund as envisaged by previous versions of the Act was to provide a means for rehabilitating survivors. No provision is made under the Act for a sponsor or source of the compensation fund. Where perpetrators are not persons of means, and this is so in a significant number of cases, it is essential for there to be resources for rehabilitation and treatment, as necessary and appropriate. Unfortunately, the Act does not provide for this, relying instead on the goodwill of service providers. This may not be a sustainable or effective approach in the long run, given that these service providers themselves often lack the means to assist victims and survivors. The Act does not specify a budget and source of funding for implementing the Act. This would have been helpful as it would give legal force to such budget. The insertion of clear sources of financing is not unknown to Nigerian legislation. Indeed, the National Health Act, which was signed only a few months before the VAPP Act makes clear provisions for funding from specific sources including government revenue. Be that as it may, it is critical for the Action Plan to clearly articulate a budget and the sources of funding for implementing the Act. Ideally, the legislation should mandate a budget. Establishing a budget line in the legislation would ensure sustainability.
Violence in many forms is preventable. There is a strong relationship between levels of violence and modifiable factors such as concentrated poverty, income and gender inequality, the harmful use of alcohol, and the absence of safe, stable, and nurturing relationships between children and parents. Strategies addressing the underlying causes of violence can be effective in preventing violence.

Moreover, it is important to recognize that legislation is only one instrument amongst others in eliminating violence against women. Legislation alone will not be sufficient to eradicate longstanding practices which are deeply rooted in customs. The practical difficulties encountered in the area of gender-based violence, including underreporting, stigmatization and re-victimization, poor follow-through and lack of political will, inadequate support services, poor referral systems, and limited availability of information on existing and available support and services, are not all solvable by reliance only on the enactment of legislation. Education and enlightenment are key to making laws like the VAPP Act truly effective. The National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP) is mandated to administer the provisions of the Act in collaboration with the relevant stakeholders. It is however doubtful if the NAPTIP is well equipped to undertake this responsibility in addition to its original duties as contained in the NAPTIP Act.

The VAPP Act currently has only a limited impact, in part because of its limited geographical reach. It is applicable only in the Federal Capital Territory and within Federal Courts. The Act needs to be adopted by the various States for it to be fully applicable nationwide. It is however sad to note that the VAPP Act which was signed into law since 2015 is yet to be domesticated across the thirty-six states of the Federation. The length of time it has taken LACVAW to get this far is an indication of how deeply violence, particularly violence against vulnerable persons, is entrenched in our society. It is also indicative of how long it takes to change policy. It might also equally indicate how long it might take for the thirty-six states of the Federation to adopt the same. Specific actions will need to be taken to move the law from words on paper to active implementation and protection of Nigerians.

9. Recommendations and Conclusion

The VAPP has potential, arguably, to transform the landscape of violence in Nigeria. A lot, however, depends on its being adopted and re-enacted by the various States and a strict implementation of the same. Advocacy to states to adopt the Act needs to commence in order to ensure country-wide implementation.

The Act contains a lot of provisions which serve to protect the rights of females, despite its gender-neutral language. Undoubtedly, this is as a result of its history as originally a law to protect women from violence. It thus goes a long way to ensure women’s rights are protected. Enforcement of the legislation must be taken seriously. Nigeria has a poor record on enforcement of extant law.

Violence in many forms is preventable. There is a strong relationship between levels of violence and modifiable factors such as concentrated poverty, income and gender inequality, the harmful use of alcohol, and the absence of safe, stable, and nurturing relationships between children and parents. Strategies addressing the underlying causes of violence can be effective in preventing violence. To eliminate violence therefore, we must take steps to eliminate the root causes of violence.

The 1948 Universal Declaration on Human Rights is instructive. Article 1 of the Declaration states that: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards another in a spirit of brotherhood.”

Although changing international and national laws are major steps towards punishing and ending violence, they cannot be successful without a fundamental change in people’s attitudes towards violence. Beyond laws, we have to get social sanction on the side of the victims.
Posterity demands effective implementation of the Act. The VAPP Act is not a new law. It is only novel because it is an amalgamation of so many offences relating to violence into one law.

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The Handbook for Legislation on Violence Against Women

