

CONTEXTUAL CHALLENGES AND EXISTING OPPORTUNITIES FOR SURVIVORS OF VAWG DURING COVID – 19 PANDEMIC

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Abstract

Research indicates that violence against women and girls (VAWG) is one of the most widespread, persistent and devastating human rights violations in Nigeria today. It remains largely unreported due to the impunity, silence, stigma and shame surrounding it. Reports also indicate that these violence was on the increase during the COVID-19 lockdown. Women reported that they or women they know either experienced or were subjected to some form of physical and/or sexual violence by their intimate partner or non-partner. Lockdown was necessary to reduce the community spread of the Corona virus disease, but it also had serious psychological and socially disruptive consequences such as a surge in the cases of gender-based violence. This paper therefore attempts to understand the gender-based violence concept as an aspect of the COVID-19 lockdown, review the pattern of abuse, and the resultant psychological and social issues. It also attempts to create awareness by initiating a discourse urging for change in the response towards the victims of gender-based violence. The paper also examines the forms and prevalence of violence against women, the factors responsible for the increase in the violence against women during the COVID 19 pandemic, the legal consequences and implications of these acts of violence and the various strategies for managing such violence bearing in mind the Violence against Persons (Prohibition) Act (VAPP) and the need for States to adopt and enact similar law. The paper proceeded to proffer appropriate recommendations by stating that while pervasive, gender-based violence is not inevitable, it can and must be prevented. It further attempts to suggest measures to mitigate the issues arising out of gender violence during lockdown and suggested

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strategies to manage victims/survivors and concludes by advocating for the active involvement of the criminal justice system to punish perpetrators and bring to an end the cycle of all forms of abuse against women.

Keyword: women, abuse, violence, justice.

Introduction

At the heart of the 2019 Corona Virus Pandemic, the Nigerian State was confronted with a worldwide health emergency that had terrible social, economic, and political ramifications, culminating in the imposition of a national lockdown to halt the virus's spread in the country. Throughout the lockdown, there were reported and unreported cases of gender-based violence particularly against women such as rape, domestic or marital violence, intimate partner violence and parent-child abuse, amongst other forms of abuse. Despite the media's attention of publicizing acts of violence against women, there has not been a comparable response from appropriate authorities and government, given the casualness with which reported crimes are sometimes addressed.

With the declaration of COVID-19 as a global pandemic, there was a mounting pressure on governments to take measures to reduce the community spread of the disease. Hence, in the absence of a vaccine or effective treatment, going into quarantine/lockdown for varying periods of time was adopted as an option by most countries. This led to a drastic alteration in the day-to-day lifestyle of the citizens. Most people were made to work from home, and efforts were made to maintain social distances. These measures were crucial to the protection of healthcare systems. However, just like two sides of a coin, the positive efforts to tackle the COVID-19 pandemic had negative consequences associated with them such as the risk of losing jobs, economic vulnerabilities, and psychological health issues resulting from isolation, loneliness, and uncertainty, among others. A downside of the lockdown was the increase in cases of gender-based violence (that is frequently ignored) as women and girls were especially vulnerable to violence because of the inability to escape their abusers.

For instance, according to an article published in a national newspaper in Nigeria,² 48 per cent of Nigerian women experienced violence during the Covid 19 lockdown, which was a twofold rise in the cases of gender violence. Reports indicated that from 24 States in Nigeria, in the month of March 2020, a total number of 1,140 cases were reported, depicting a 56 per cent increase in just two weeks of lockdown.³ Some of these incidents of violence tragically resulted in the death of victims, the rape of children, including incestual rape. Unconfirmed figures of women and girls at risk of GBV in Nigeria are put at about 80 million, most of whom were placed under lockdown with potential abusers as a result of the covid-19 pandemic. Information from credible NGOs, government agencies and concerned stakeholders who were tracking incidents and reports of GBV within the covid-19 period indicated a significant rise. GRIP, a local based NGO in Ekiti State, South West Nigeria, was reported to have responded to 54 cases of gender based violence within thirty days of the lockdown, including a case of a woman who was a the verge of taking her life and those of her children due to frustration from domestic violence.⁴

In Sokoto State, the Commandant of the Hisbah Commission, in charge of the enforcement of Sharia law, confirmed a spike in the rate of sexual abuse including rape, harassment, exploitation and unwanted pregnancies associated with under aged girls during the lockdown.⁵ In the month of May, 2020, Miss Omozuwa Uwavera, a 22 year old student of University of Benin, went into a church in her neighbourhood to read her books in preparation for the resumption of school after the lockdown. She was attacked, raped and hit on the head with a fire extinguisher which led to her eventual death. The brutal killing of Omozuwa and the shooting to death of Miss Tina Ezekwe, a 16 year old bus passenger by a policeman trying to enforce covid-19 vehicle movement restrictions in Lagos was also reported.⁶

Stopping these acts of violence starts with believing survivors, adopting comprehensive and inclusive approaches that tackle the root causes,

² Okafor C. www.premiumtimesng.com assessed on 14/10/22

³ <https://www.ohchr.org>

⁴ Okafor C. www.premiumtimesng.com assessed on 14/10/22

⁵ *ibid*

⁶ *ibid*

transform harmful social norms, and empower women and girls. With survivor-centred essential services across policing, justice, health, and social sectors, and sufficient financing for the women's rights agenda, it is possible to see the end of gender-based violence in Nigeria. It is in recognition of this fact that the Nigerian Police provided phone numbers across the nation encouraging citizens to report various human rights violations including sexual and gender based violence. In addition, the International Federation of Women Lawyers (FIDA) also published directory of SGBV hotlines in its 32 branches across the country to respond to these cases.⁷ CLEEN Foundation also had a virtual public safety and security support project to address rights-based approach and misconduct by security operatives during the lockdown. Furthermore, the National Human Rights Commission and other Non-governmental Organizations (NGOs) launched various projects in response to human rights violations including Sexual and Gender Based Violence (SGBV) during the lockdown period.⁸ Despite these measures put in place by state and non-state actors, more still needs to be done to mitigate these forms of abuses.

Conceptualization of terms

Gender-Based Violence - is a form of violence targeting a person based on the gender of an individual. It is a complex phenomenon that includes combinations of sexual, physical, and emotional violence and neglect or deprivation. CEDAW (Committee on Elimination of Discrimination against Women) has defined gender-based violence as a form of violence that disproportionately affects women. Some common forms of gender-based violence include sexual violence, violence against women, domestic violence, and harmful traditional practices, such as female genital mutilation. For the present paper, the term gender-based violence has been used to denote different aspects of domestic violence against women and girls.

⁷ *ibid*

⁸ *ibid*

Domestic violence - is defined as the physical or mental assault of one member of the family by another member ⁹ i.e. where the victim and the perpetrator have some form of personal relationship or where they have had such a relationship in the past. The concept of domestic violence encompasses violence against women, child abuse, physical, psychological or sexual abuse.

Violence against women - is a violation of human rights and a form of discrimination against women, and includes all acts of gender-based violence that cause or are likely to cause physical, sexual, psychological, or economic harm or suffering to women, as well as threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life¹⁰.

Intimate partner violence - is a type of interpersonal violence which occurs between individuals. This type of violence takes into account acts of sexual violence, physical violence, emotional violence, psychological violence or pestering and stalking perpetuated by cohabiting partners or couples.¹¹ Although controversy exists as to whether it also involves violence occurring between persons who are dating or who consider themselves a couple but live in separate domiciles. In this context, it is limited to a form of violence among married couples who live together.

Child abuse - is any mistreatment or neglect that causes harm to a child 18 years old or younger. This includes sexual, emotional, and physical abuse, as well as neglect. The mistreatment is caused by an adult, often one with a role of responsibility in the child's life. The person responsible for the abuse may be a parent or family member.¹² It could also be someone acting as a caregiver or with authority in the Child's life, including a coach, teacher, or religious leader.

⁹ F. Yassin on domestic violence at <https://www.unwomen.org> assessed on 14/03/22

¹⁰ Council of Europe <https://www.coe.int> assessed on 20/03/22

¹¹ L.E.Saltzman, J.L. Fanslow, P.M. McMahon & G.A. Shelley, "Intimate partner violence surveillance" (2012) assessed at <https://www.scirp.org> on 22/03/22

¹² *ibid*

Violence against Women: Forms and Prevalence

Violence against women is real and occurs in different forms. It happens in both private and public spheres. It is widespread with a variety of persons in the roles of victims and perpetrators. It could be physical, sexual and psychological and could occur via deprivation, neglect and harmful traditional practices. It can happen at work, on the street, or at home¹³.

Battering and Torture - represents a major form of VAW in most countries with wife battering being the most common. Reports on beatings, torture, acid attacks and killing of women in the family or in relationships are regular features in the media and documented reports¹⁴. In reported cases, battering occurs due to several reasons like alleged disobedience to husband, asking a husband/partner about extra marital affairs, going out without partner/husband's permission and denying sex to husband/partner¹⁵. Unfortunately, there is no law in the Nigerian statutes that specifically deals with wife battery. What we have in place is law on common assault which makes physical battery of a woman by any man a crime as well as a tort. The battery of women especially wives by their husbands, continues to be a common feature in families in Nigeria and there are few instances where the perpetrators are prosecuted¹⁶.

Rape - is forced or non-consensual sexual intercourse exerted through fear, threats of harm, and actual physical force by a male counterpart¹⁷. Rape in this context is the sexual violation of women and girls against their will and consent. Many people believe that rape is a sexual act. Although it involves sexual act, it is motivated by the desire for power and control over another person, rather than by sexual attraction or the desire for sexual gratification¹⁸.

¹³ J.M. Nasir, "Women's Rights in Nigeria" in T. Muhammed & M.T. Ladan (eds) Individual Rights & Communal Responsibility in Nigeria, (2000) Abuja, National Human Rights Commission, p. 101

¹⁴ F.J. Ezeilo, "Women and Children's Rights in Nigeria, P. 3

¹⁵ A. Atsenuwa "Sexual Violence and HIV/AIDS: An intimate link" in The International Journal of Justice and Sustainability 2010 (Routledge & Taylor, UK) p. 97

¹⁶ J.M. Nasir, op cit. p. 109

¹⁷ Merriam-Webster dictionary, <https://www.merriam-webster.com> assessed on 17/03/22; <https://www.justice.gov> ; www.rape.org/facts-quotes.

¹⁸ A.O.Otaluka "Protection of Women under the Law" in women and Children under Nigeria Law, 2016 (Ibadan, Intec Printers Limited) p. 98

Rape also occurs when someone forces or tricks another person into unwanted sexual activity, even if actual physical violence is not involved¹⁹.

Incestuous abuse - results when a person has sexual relations with someone who is ineligible to be called a partner because of blood or social ties. It is now recognized as the most prevalent form of child abuse and as one with great potential for damage to the child. Traditionally, incest has been defined as sexual intercourse between persons who are blood relatives²⁰. Legally, socially, and morally, incest is viewed as sexual and social deviancy, especially when an older person sexually victimizes a child. Incestuous child abuse can include a wide range of sexual abuse including exposure for the purpose of making pornographic materials, group sexual activity with children, fondling, suggestive language, or intercourse.²¹

Factors responsible for the increase in the vulnerability of women and girls to violence during the COVID-19 Pandemic

Reports indicate that violence against women and girls (VAWG) is a pervasive issue that is occurring at alarming rates, with one in every three women globally having experienced physical or sexual violence committed by an intimate partner or non-partner at some point in their lifetime²². The high prevalence of violence against women is a multi-dimensional subject with many contributory factors, including the patriarchal constructions of gender roles within the society, poverty, unemployment, alcohol and substance abuse and increasing numbers of transactional sexual relationships²³. Also, unemployment, the lockdown sit at home order, economic insecurity, and stress were perceived to have led to a loss of power for offenders, which in turn aggravated the frequency and severity of their abusive behaviour. The health, economic, political and social crisis brought on by the COVID-19 pandemic as well as the necessary coping mechanisms, elevated the danger of violence against women significantly. Since its

¹⁹ ibid

²⁰ M.Frase "Unruly Practices: Power, Discourse and Gender" in Contemporary Social Theory, Cambridge: Policy Press, P.58

²¹ ibid

²² World Health Organization report 2021 assessed at <https://www.who.int> on 25/03/22; <https://www.britannica.com>

²³ ibid

outbreak, the COVID-19 pandemic intensified VAWG, particularly in the domestic sphere as a result of the underlisted:

Unemployment, Male Dominance And Dependence - contributed to the occurrence of VAW bringing about gender inequalities. This supports the World Health Organization's 2012 report which claimed that "gender inequalities increase the risk of violence by men against women", and the view of Eisenstein, who referred patriarchy to a sexual system of power in which the male possess superior power and economic privilege²⁴. So, economic dependence is a cause for the increase in domestic violence because during lockdown, more women who were in informal jobs got laid off and this led to them experiencing a greater impact as they became economically dependent on their male counterparts. This increased economic dependence not only increased their risk of gender-based violence but also made it difficult to leave their perpetrators.

Substance Abuse (Alcoholism) - alcoholism which is responsible for men's violent behaviours towards women tend to lead to a rise in gender-based violence. This seems to agree with Fraser's assertion that every category of aggression had a higher prevalence among people who were drunk.²⁵ Recent studies suggested that men under the influence of alcohol were more likely to misinterpret ambiguous or neutral cues as suggestive of sexual interest and to ignore cues that a woman was unwilling²⁶. Research showed that the sales of alcohol skyrocketed during the lockdown, leading to a rise of 55% in the consumption of alcoholic beverages. When under lockdown, women are in close proximity to male members with limited or no freedom to go out, thus leading to an increase in gender violence at home and the victims of these abuse may even be scared to visit hospitals for treatment of their injuries due to the fear of contracting the COVID-19 disease. Consequently, economic

²⁴ Z. Eisenstein "Our S/Exploitation; Our Solidarity" assessed at www.onebillionrising.org on 18/03/22

²⁵ M.Fraser op cit 70

²⁶ B.E. Hernandez-Truyol, "Conceptualizing Violence: Present and Future Developments in International Law: 2019, Panel 1: Human Rights and Civil Wrongs at Home and Abroad: Old Problems and New Paradigms: Sex, Culture and Rights: A Re/Conceptualization of Violence for the Twenty-First Century, 60 Alb. L. Rev. 607.

strain, substance abuse, and isolation all tend to increase the risk of domestic violence.

Poverty – has been identified as one of the contributory causes of violence against women. It has been argued that if a man could not exert economic authority over his partner, he would do so physically.²⁷ Living in poverty makes women particularly vulnerable to violence. Financial need sometimes compels women to accept income generating ventures that make them vulnerable to violence. Much of the violence experienced by women have been linked to the challenges that economic difficulties pose to men's roles as household heads. Men who perceive that they have failed as sole providers could take out their frustration on their women. The Covid-19 pandemic also increased economic vulnerabilities because of the rise in unemployment, or, in the risk of unemployment. Research linked economic insecurities to increased gender-based violence because economic insecurity was found to be linked to adopting poor coping strategies that are inclusive of substance abuse. These, in turn, have been found to be associated with various forms of gender-based violence.²⁸ Thus, increase in male unemployment can be associated with increase in interpersonal violence against women where an increase in women unemployment can be associated with a decrease in violence against them. Such an outcome could be because of male backlash resulting from feelings of emasculation and inadequacy at not being able to serve the role of a breadwinner of the family. It could also be because of the distorted power dynamics at home resulting in abuse and gender violence that escapes the scrutiny of anyone from outside. The problem of gender-based violence during the pandemic further worsened because the police were overwhelmed and unable to defend the victims.

Myths and Cultural beliefs – have also been identified as causes of violence against women. Research has shown that one of the possible factors underlying rape might be the general male population's continued acceptance

²⁷ M. Banwari "Poverty and Sexual Violence" assessed at <https://www.ncbi.nlm.nih.gov> on 20/03/22

²⁸ Renzetti CM. *Economic Stress and Domestic Violence*. Harrisburg, PA: VAWnet, a project of the National Resource Center on Domestic Violence/Pennsylvania Coalition against Domestic Violence (2019). Available at: <http://www.vawnet.org>

of rape myths. Rape myths are unsubstantiated cultural beliefs that could lead men to justify raping women. For example the belief that a woman's dress and behaviour could cause rape and the notion that in the majority of rapes, the victim is promiscuous or has a bad reputation is a myth. These rape myths are harmful because they allow men to deny, to tolerate or to excuse rapists' behaviour.

Culture is formed by the values, practices and power relations that are interwoven into the daily lives of individuals and their communities²⁹. In Africa for example, cultural practices have been weapons for enforcing women's obedience. Cultural practices and traditions have been used as defence and justifications for restricting women's human rights and for condoning violence against women.

Religious Practices - have been found to also condone violence against women when religion is misused to perpetuate women's vulnerability to victimization. For example, Christian evangelism emphasize wifely submission and hierarchical gender relations which encourages the clergy to counsel women to stay with their abusive spouses.

Social Learning - is another cause of violence against women. The social learning theory posits that humans learn social behaviours by observing others' behaviours and the consequences of those behaviours form ideas about what behaviours to adopt and try.³⁰ Male violence against women endures in human societies because it is modelled both in the individual's family and in the society in general. For example, the sons of men who were beaters are more likely to beat their wives or intimate partners.

Consequences of violence against Women and Girls

The consequences of violence targeted at women and girls include bodily injuries, mental health consequences, depression, suicidal attempts, sexually transmitted diseases, post-traumatic stress, unwanted pregnancies and even death. Sexual violence is detrimental to the individual, family and society. Victims' may become dysfunctional, psychologically traumatized,

²⁹ T. Akumadu, "The Women's Convention: Monitoring and Applicability in Domestic System" in *Journal of Human Rights Law and Practice*, vol. 10, No. 2, 2012.

³⁰ B.E. Hernandez-Truyol, *op cit*, 612

unproductive members of the society and anti-social. They also suffer psychological, behavioural and emotional disorders. Sadly, the victims do not often report these cases for fear of ridicule, exposure, stigmatization and embarrassment. Violence against women deprives the society of the full positive participation of the victims in all aspects of development, traumatizes the family members and the family being the unit of the society reflects and impacts negatively on the society.

The repetition of the pattern of aggravation can turn a woman into a fearful and confused person who lacks confidence, experiences feelings of helplessness and has difficulty making decisions. Violence against women is also an obstacle to development in the sense that women and girls are educated to view their own self esteem as linked to the ability to satisfy the needs and the desires of others and thus, see themselves diminished, her sexuality rendered a commodity, her work and characteristics devalued, her identity shaped by an environment that reduces her to her most biological functions and yet she is still blamed for deserving the abuse of men.

Legal Consequences and Implications of Violence against Women in the Nigerian context

In Nigeria, rules of procedures in courts are not friendly to female victims of violence especially, when it is in the form of sexual assault. Judicial and law enforcement officers, are not sensitized to issues of VAW or trained on how to respond to this issue. Many of them also operate from the prejudices and stereotypes of the male dominated society. The combined factors of economic vulnerability and financial dependence of the woman on the man, social and cultural practices that condone domestic violence, and lack of prosecution or punishment of perpetrators discourage victims from speaking out and seeking redress.³¹

Chapter 4 section 33-34 of the 1999 Constitution of the Federal Republic of Nigeria deals with the rights of all Nigerian citizens. It guarantees every Nigerian citizen basic and fundamental human rights. These include the right to life, dignity of human person, fair hearing, and freedom from discrimination and so on. In providing for these rights, the constitution

³¹ <https://www.amnesty.org> assessed on 28/03/22

makes no distinction between the rights of women and the rights of men but envisages the rights of every human being- man, woman and child in Nigeria. This provision of the Constitution is in tandem with the provision of the Universal Declaration of Human Rights (UDHR) which requires that human rights protection ensures the perseverance of human dignity, as stated under Article 1 to the effect that “all human beings are born free and equal in dignity and rights”.³²

Nigeria is signatory to several international treaties and conventions such as the one cited above and yet the Nigerian law does not expressly prescribe wife battery, but it however justifies and makes provision for reasonable chastisement of an erring wife. That is a contradiction in terms. The section which allows for the corporal punishment of a child, pupil, servant and erring wife states as follows:

‘Nothing is an offense which does not amount to the infliction of grievous hurt upon any person and which is done by a husband for the purpose of correcting his wife, such husband or wife being subject to any native law or custom in which such correction is recognized as lawful’.³³

Implicit in this law is the fact that once any native law or custom allows a husband to correct his wife by beating; he is at liberty to do so without fear of being accused of committing an offense punishable under the

³² See for instance the provision made under Article 3 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. It provides that: (a) every woman shall have the right to dignity inherent in a human being and to the recognition and protection of her human and legal rights; (b) every woman shall have the right to respect as a person and to the free development of her personality; (c) State parties shall adopt and implement appropriate measures to prohibit any exploitation or degradation of women; (d) State parties shall adopt and implement appropriate measures to ensure the protection of every woman’s right to respect for her dignity and protection of women from all forms of violence, particularly sexual and verbal violence. The above provisions are then amplified and given more legal force and meaning under Article 4 by enacting that every woman shall be entitled to respect for her life and the integrity and security of her person. All forms of exploitation, cruel, inhuman or degrading punishment and treatment shall be prohibited. And in this respect, State Parties agree to inter-alia take appropriate and effective measures to enact and enforce laws to prohibit all forms of violence against women including unwanted or forced sex whether the violence takes place in public or private.

³³ Section 55(1) Penal Code

law provided that the hurt he inflicts on his wife does not amount to grievous bodily harm. Pertinent questions arising from this law are what is the parameter for determining which hurt is grievous and which hurt is not? When does the beating of an erring wife become unreasonable? Is it only when she is admitted into the hospital?

A cursory look will show the discriminatory implications of this provision. The section suggests that the man is mentally superior to the woman because it is the mentally superior that corrects the mentally inferior and the section is meant for a person who cannot properly exercise his/her will e.g children and servants. The inclusion of women (wives) in this category is an eloquent testimony that women are relegated socially and even under the penal laws.

There is also the problem of corroboration and proof whereby Nigerian courts consider it unsafe to convict on the uncorroborated testimony of a child. This is because section 183(1) Evidence Act requires that the evidence of a child can be received by the court if the child possessed sufficient intelligence to justify reception of such evidence and if the child understands the duty of speaking the truth. Section 183 (2) equally allows a child to give an unsworn evidence where he does not understand the nature of an oath. A child who understands the nature of an oath is allowed to give sworn evidence. Though there is no statutory requirement that such evidence must be corroborated, but as a matter of practice, the judge must warn himself of the danger in convicting on the uncorroborated evidence of a sworn child. In essence, it must ask for corroboration of such evidence.

Under section 183 (3) Evidence Act, no person is liable to be convicted of an offence unless the unsworn testimony of the child is corroborated by some other material evidence in support therefore implicating the accused. Consequently, every unsworn evidence of a child must be corroborated. Again, Section 221 of the Criminal Code which deals with the defilement of girls less than 16 years of age provides that:

‘a person cannot be convicted of any of the offences.....
in this section upon the uncorroborated testimony of
one witness’.

In as much as it is conceded that in the interest of justice, corroboration of a sworn evidence of a child is necessary in order to prove that the child witness story is true and to convince the court that it is reasonably safe to act upon it in a criminal proceeding such as sexual assault of a girl-child, however, in cases of sexual abuse/ assault/violence which most likely takes place in private, there is need for the law to make an exception of these sections because the sections as they stand are quite difficult to fulfil in relation to a child's evidence (in this instance, the girl-child) in sexual assault and related matters. Consequently, a reform is accordingly advocated or required.

Furthermore, the law on rape gives only farcical protection to the woman and sometimes, exposes her to ridicule and indignity especially at the trial of her assailant. Rape is statutorily defined in section 357 of the Criminal Code as:

“unlawful carnal knowledge of a woman or girl, with or without her consent, or if the consent is obtained by force or by means of threat, intimidation of any kind, or by fear of harm
or by means of false and fraudulent misrepresentation as to the nature of the act or in the case of a married woman, by impersonating her husband.”

The offence is punishable with life imprisonment with or without whipping and the burden of proof requires corroboration. First, medical evidence from a doctor; secondly, corroboration from a witness. The evidence from medical doctors is relatively easier to obtain because it is expert evidence but the other is not easy to obtain because the act of rape like all sexual union is done in private and not in the full glare of the public or a third party. Therefore, in the absence of corroboration of the victim's evidence, the charge fails because of the difficulty of providing corroboration for the offence which naturally takes place in private. It is again humbly submitted that the requirement of corroboration is cumbersome to be proved by a rape victim who bears the onus of proof.

In addition, the corroboration needed in rape cases puts the victim at a disadvantage and there is no law relating to spousal rape as a man can be seen demanding for inordinate sex from the wife even if she is sick. Again, Section 357 Criminal Code should be read in conjunction with Section 6 of the Code where the latter excludes married women from being raped by their husbands on the grounds that by consenting to the marriage, she has consented to all sexual advances by her husband – voluntary or involuntary. Consequently, a husband cannot be guilty of raping his wife under our law. However, if the act of rape is viewed in terms of its exploitative and humiliating nature, then the law may be inclined towards safeguarding the dignity of married women.

Violence against Persons (Prohibition) Act in Nigeria

On May 25th 2015 the immediate past President of Nigeria, Goodluck Ebele Jonathan recorded a milestone when he signed into Law the Violence against Persons Prohibition Act, 2015. This brought to a successful conclusion the 14-year-long social and legislative advocacy championed by women's groups and gender activists towards the passage of this law that will protect women and girls from all forms of violence. This Act, according to its long title, is aimed 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.

This Act commendably covers most of the prevalent forms of violence that could be categorized into: Physical violence; Psychological violence; Sexual violence; Harmful traditional practices; and Socio-economic violence. Specifically, The VAPP Act comprehensively dealt with one of the most vexed forms of sexual violence, rape, from which existing penal laws protected only females and limited to vaginal penetration. It has expanded the scope of rape to protect males and to include anal and oral sex as well as protect the identity of rape victims.

The following are offences punishable under the Act: rape, inflicting physical injury on a person, female circumcision or genital mutilation, forceful

ejection from home, depriving a person of his/her liberty, forced financial dependence or economic abuse, forced isolation or separation from family and friends, emotional verbal and psychological abuse, harmful widowhood practices, abandonment of spouse, children and other dependent without sustenance, spousal/partner battery, indecent exposure, harmful traditional practices, political violence, and violence by state actors. Other innovations in this Act includes the prohibition and punishment for stalking, substance attack, criminalizing incestuous conducts, protection order for victims and persons under threat of violence, and compensation for victims of violence. It provided for a register for convicted sexual offenders, which shall be maintained and accessible to the public.

Importantly, the Act contains provisions on effective remedies, including the rights of victims to assistance. According to section 38 of the Act, “Every victim is entitled to receive the necessary materials, comprehensive medical, psychological, social and legal assistance through governmental agencies and/or non-governmental agencies providing such assistance.” Victims are entitled to be informed of the availability of legal, health and social services and other relevant assistance and be readily afforded access to them. Furthermore, it provides that: “Victims are entitled to rehabilitation and re-integration program of the State to enable victims to acquire, where applicable and necessary, pre-requisite skills in any vocation of the victim's choice and also in necessary formal education or access to micro credit facilities.” This Act, long overdue in coming, will unarguably bring succour and effective remedies to millions of victims who have suffered in silence without recourse to justice or rehabilitative- psycho-social support for their recovery and reintegration.

The Act affords access and better services for victims/survivors of violence, such as hotlines, shelters, legal advice, access to justice, counselling, police protection, and comprehensive health services. The only drawback in relation to this law is its limited application to the Federal Capital Territory, Abuja. This is as a result of the nature of Nigeria's federal structure and constitutional distribution of powers between the Federal Government and States of the Federation. It is expected that the 36 states of Nigeria will take

immediate and necessary action to adopt and enact similar law on Violence against persons.

Opportunities and Strategies for Survivors of Violence against Women and Girls

The phenomenon of VAW crises in Nigeria is one which has posed additional barriers to women and girls' access to crucial life-saving services such as counselling, justice resources, legal advice, sexual health and other critical medical assistance and shelter. When victim/survivors grow further isolated from aid and social support networks, the negative health and well-being impact worsens, and the odds of more severe violence is likely to increase. Therefore, the following opportunities and strategies are open and available to survivors of VAW and they are:

- a. Advocacy** - can be employed to change attitudes and policies. Specific issues such as human rights, peace and justice and the environment can be an area of focus. Advocacy is giving a voice to the people who were not heard before. For advocacy to be successful, key players should collaborate with a broader coalition of stakeholders such as the academic community, trade unionists, religious leaders and others. Key players working on ending violence against women through advocacy campaigns therefore need to lobby individuals and institutions that can facilitate the bending process such as the Federal, State, Local governments, the police, civil defence, religious and traditional rulers. This multidimensional approach to advocacy would help change existing cultural norms surrounding sexual violence, ultimately changing the way cases are handled along the path of justice.
- b. Lobbying** - which is a systematic informal effort to influence decision makers is another strategy key players can use. For instance, they can lobby government and policy makers to bring about positive changes in the society. Many women's rights activists have played important roles in lobbying governments to address VAW. Governments can assist NGOs in many ways such as, providing shelters for victims, setting up assistance programs in courts and police stations for victims.

- c. Raising awareness** - is another strategy employed by women's rights activists. They can use campaigns to spread the word on the unacceptability of VAW to stimulate change in societies. Women are made aware of their rights and services and remedies available to them. Campaigns can be through the media. This assists in highlighting the different aspects of the problem including their nature and the survivors' experiences, the services available to those who have experienced violence. Women's rights activists can facilitate awareness raising mechanisms through education, community mobilization and capacity building. They can use the media for public awareness on VAW. Raising awareness helps in changing perspectives, stereotypes, attitudes and encouraging dialogue and discussion of the issue and publicizing the services available to women who experience violence.
- d. Provision of services** - the importance of providing services for women experiencing violence cannot be overemphasized. For women who have experienced violence, the facilities and services provided by women's rights activists are very vital. When government services are inadequate or inaccessible, women's rights activists are able to provide support services by establishing and managing shelters, providing legal aid, counselling, running hotlines and providing medical and psychological assistance and support to women, and in some cases, their children. For some women, the services provided by these activists could be the only support available. Support services provided by women's rights activists give opportunity to women who have experienced or are experiencing violence to talk about their experiences. Emphasizing the crucial roles played by activists, it is noted that in just over three decades, women's organizations, singly and through their shared experience, have not only created diverse contexts in which women feel able to name and discuss experiences of violence, but also achieved widespread recognition for previously hidden, private and normalized practices.

Recommendations and Way Forward

- i. Expanding community partnerships and spreading awareness about the importance of reporting incidents of abuse are crucial to reducing the number of such cases lockdowns or not, and cultural dispositions that reinforce gender inequality should be transformed so that victims of violence and abuse will rightfully challenge trends that weaken profitable relationships between sexes.
- ii. Government should as a matter of urgency ensure stronger commitment to fulfilling her obligation to the International declarations against all forms of violence on women and amend section 55 (1) of the Penal Code as it pertains to women chastisement and also involve law enforcement agencies and the criminal justice system to tackle VAW and provide opportunities for victims to access justice against their violators..
- iii. Health professionals, media, and community efforts must be combined to effectively deal with the issue of gender-based violence. In addition, special health care facilities should be provided across the federation, with trained health care providers who can recognize the signs of violence and cater to the psychological, mental and emotional needs of victims of abuse.
- iv. There is also the need to have a trained multidisciplinary staff including psychologists, psychiatrists, and social and legal services to prevent acts of domestic violence and ensure accurate assessment of various domains of the abuse.
- v. Empowerment of women is an important strategy for curbing abuse. Women should first be empowered with education to enable them know their rights and how to exercise these. There is also a strong need to strengthen the helpline services which victims of gender violence can utilize without alerting their offenders.

Conclusion

The spread of corona virus created a myriad of problems for people to grapple with. In the absence of a vaccine and effective treatment for this virus, government was forced to impose lockdowns to reduce the spread of the

disease. However, this resulted in a paradox of social distancing, which included issues such as economic instability, mental health problems, and isolation. COVID-19 pandemic not only led to an increase in the cases of gender-based violence but also disconnected them from their support networks. To reduce the prevalence of the issue, it was crucial to acknowledge the extent of gender-based violence, reimagine government policies, and support networks to make it easier for the victims to access them and create awareness about the issue as well as the resources available to tackle it.

In the light of the above, this paper has brought to the fore the fact that violence against women is a common problem in Nigeria which was exacerbated by the Covid-19 pandemic. Yet, awareness of the extent and effects are not well known due to cultural constraints informed by gender inequality, privacy of intimate relationships and lack of access to justice for victims. To gauge the prevalence of the phenomenon and end the cycle of abuse, it is important to involve criminal justice systems to punish perpetrators of abuse, imploring that future studies and policy developments have the responsibility of putting an end to it. Also, community enlightenment is paramount in creating awareness on the ills of VAWG on individuals, family and community. Since numerous studies have shown that women and girls are major victims of domestic/interpersonal violence, sympathy, support, and services are necessary to curb the pervasiveness of VAWG in Nigeria. Furthermore, Nigeria has signed or ratified a number of international instruments establishing one form of legal human rights or the other without doing anything. Adoption and subsequent domestication of these treaties have remained elusive or the Achilles hills for the realization of effective women's rights as a global settled issue. Finally, some rights are inalienable as they attach to the human person and form an essential part of his/her human hood. To deny any human being such rights will be at best to distort his/her human hood and at worst to destroy that which is most essential to us as human beings – our humanity and dignity.