

VIOLENCE AGAINST PERSONS (PROHIBITION) ACT, 2015, NIGERIA

Legislation online: <http://www.refworld.org/docid/556d5eb14.html>

Synopsis by Women's Aid Collective (WACOL):

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 has 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 contained provisions on effective remedies, including the rights of victims to assistance. According to section 38, "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 programme 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 succor 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 36 states of Nigeria will take immediate and necessary action to adopt and enact similar law on Violence against persons.

WACOL, as a foundation member of the Legislative Advocacy Coalition on Violence against Women (LACVAW) has been involved since inception, especially through the contributions of its founding director Joy Ngozi Ezeilo in the drafting and follow-up social and legislative advocacy towards the passage of the law on violence against persons. At the Public Hearing organized by the Senate of the National Assembly on 2nd March 2015, WACOL submitted comprehensive memoranda to the Senate Committee on Judiciary, Human Rights and Legal Matters, making a strong case for the immediate passage of the law, including suggestions for its expansion. Further WACOL organized on October 23, 2014 a Mock Tribunal/Court on Sexual and Gender Based Violence right inside the parliament in collaboration with the National Assembly Women Affairs Committee and Ipas. The Mock Tribunal/Court was used to spotlight cases of gender based violence in Nigeria and raise the voices of victims and survivors towards urgent action in enacting protective laws, especially the passage into law of the Violence Against Persons (Prohibition) Bill.

