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Research Paper

### Breaking the Silence, Building Justice: Reforming Nigeria's Response to Sexual Violence

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#### Abstract

The article addresses the urgent need to reform Nigeria's criminal justice system to be positioned to combat sexual violence and promote inclusive national development. An estimated two million girls and women are raped in Nigeria annually, yet survivors are typically stigmatized, discriminated against, and face systemic barriers to accessing justice. Using doctrinal legal analysis, the paper contrasts and compares the main legal frameworks, the Criminal Code, Penal Code, and the Violence Against Persons (Prohibition) Act (VAPP) 2015, with state laws, exposing significant gaps and loopholes, such as narrow definitions of rape, uneven enforcement, and inadequate accountability. Although some states have domesticated the Child Rights Act and the VAPP Act, protection remains patchy nationwide. This paper calls for the harmonization of legal frameworks, the removal of spousal rape exemptions, and the passage of comprehensive sexual violence legislation. It also calls for the provision of survivor support services, such as shelters, counseling, and legal aid, and a national sex offender registry with accelerated prosecution timelines. Bringing Nigerian laws into line with Sustainable Development Goal 5.2 and democratic ideals is crucial for ensuring justice, promoting gender equality, and fostering equitable and sustainable development.

**Keywords:** Access to Justice, Criminal Justice Reform, Nigeria; Sustainable Development Goals (SDGs)

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## I. Introduction

Sexual violence is a human rights violation that also impedes the attainment of gender equality and sustainable development goals in Nigeria.<sup>1</sup> A new system announced by the Nigerian government in collaboration with international partners reveals that over two million women and girls are raped annually in Nigeria.<sup>2</sup> Nevertheless, the estimates may not reveal the real face of this crisis because underreporting is rampant due to systemic barriers, fear of reprisal attacks, and ingrained social stigmas.<sup>3</sup> Sexual violence survivors are discriminated against, blamed, and sidelined from the machinations of justice processes in ways that leave victims of such a heinous crime hopeless; a painful problem that is common within Nigeria, triggering systemic barriers to human rights protection, gender equality promotion, and achievement of sustainable development goals.<sup>4</sup>

Nigeria has recently, through the collaboration between its government and international partners, come up with estimates that will revise future estimations; more than 2million females, women and girls are being raped in Nigeria every year.<sup>5</sup> But the estimates may not reflect the true nature of the problem, given that tens of thousands of cases go unreported each year due to systemic barriers, fear of reprisal attacks, and deep-rooted social taboos.<sup>6</sup> Survivors of sexual violence have long been subject to discriminatory, victim-blaming, and dismissive treatment through judicial processes, denying them access to justice. In most cases, perpetrators of such crimes go scot-free and with impunity, and this perpetuates a culture of impunity. It also undermines confidence in the judicial process. The failure of the criminal justice system to effectively address matters of sexual violence in Nigeria has dire implications, not just for victims, but also for broader concerns of democratic governance, peace, and inclusive development.<sup>7</sup>

Despite some progress in legislative reforms, shown by the VAPP Act of 2015, Nigeria's legal framework is still broken, outdated, and inconsistently applied across most states. The Criminal Code in southern Nigeria and the Penal Code in northern Nigeria offer narrow and outdated definitions of rape.<sup>8</sup> They also exclude basic protections, such as

<sup>1</sup> Nduka et al., "Prevalence and Correlates of Economic Abuse Among Married Women in a Nigerian Population," *Journal of Interpersonal Violence* 39, no. 3-4 (2024): 811-27, <https://doi.org/10.1177/08862605231198244>.

<sup>2</sup> Musa et al., "Early Marriage and Teenage Pregnancy: The Unspoken Consequences of COVID-19 Pandemic in Nigeria," *Public Health in Practice* 2 (2021), <https://doi.org/10.1016/j.puhp.2021.100152>.

<sup>3</sup> Fawole and Abosede T Dagunduro, "Prevalence and Correlates of Violence against Female Sex Workers in Abuja, Nigeria," *African Health Sciences* 14, no. 2 (2014): 299-313, <https://doi.org/10.4314/ahs.v14i2.4>.

<sup>4</sup> Ubom et al., "Prevalence and Determinants of Intimate Partner Violence in Pregnancy: A Multicentre, Binational Study," *BMC Pregnancy and Childbirth* 25, no. 1 (2025), <https://doi.org/10.1186/s12884-025-07177-z>.

<sup>5</sup> Oluwakemi Odeyinde, "Gender Equality and Sustainable Development: Evaluating the Effectiveness of Nigerian Laws and Practices to Guarantee the Woman's Human Right," *Journal of Sustainable Development Law and Policy* 12, no. 2 (2021): 398-420, <https://doi.org/10.4314/jsdlp.v12i2.10>.

<sup>6</sup> Ajide, Juliet U Elu, and Gregory N Price, "Is Female Genital Circumcision a Driver of Income Inequality in Sub-Saharan Africa? Evidence from Nigeria," *Journal of Interdisciplinary Economics* 37, no. 1 (2025): 112-28, <https://doi.org/10.1177/02601079231162467>.

<sup>7</sup> Adaobiagu Nnemdi Obiagu, "Do Women's Education and Economic Empowerment Reduce Gender-Based Violence in Nigeria?," *Journal of International Women's Studies* 25, no. 4 (2023), <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85161578726&partnerID=40&md5=07c8a657915f2f06a607fa228d49ff74>.

<sup>8</sup> Brown et al., "Associations between Intimate Partner Violence and Women's Labor Market Outcomes in Nigeria," *Global Health Research and Policy* 9, no. 1 (2024), <https://doi.org/10.1186/s41256-024-00362-1>.

recognizing marital rape. By contrast, the VAPP Act stipulates a more survivor-friendly and broader definition of sexual offenses; yet its application has not been duly realized throughout the federation, resulting in jarring inconsistencies in legal protection and access to justice. In most of the states, survivors must navigate a bewildering multitude of competing legal systems, including statutory, customary, and religious laws inscribing patriarchal interests, and thereby derogating gender equality and the foundations of human rights.<sup>9</sup>

The imperative of reform is highlighted by the intersection of sexual violence prevention and international development agendas. Specifically, Sustainable Development Goal (SDG) 5.2 calls on all states, including Nigeria, to "eliminate all forms of violence against all women and girls in the public and private spheres. "Sexual Violence not only breaks the promise of Gender equity, but this is because in the absence of a decent legal infrastructure that protects the identity and rights of victims and gets the wrongdoers punished, our dream for an equal and democratic society will not see the light of full. This makes legal reform more than just a matter of criminal law; it is an imperative also for human rights, for establishing public confidence, and national progress.

Review of the literature demonstrates pioneering advancements in addressing both institutional and legal mandates on sexual violence in Nigeria. Other scholars have demonstrated the gaps in Nigerian criminal law that do not adequately cover new manifestations of gender-based violence and some complications due to plural legal systems, for example. Njoku and Akintayo illustrate the ambiguity of the definition of rape under the Criminal Code,<sup>10</sup> Obiagu tackles the challenge of prosecuting sexual violence under Sharia court systems.<sup>11</sup> Human rights organizations at the international level have also noted discrepancies in the domestication of treaty obligations, including those under CEDAW, by various levels of government in Nigeria.<sup>12</sup> Our results notwithstanding, criminal-justice reform is a glaring shortfall in linking the reduction of inequality with developmental goals such as SDG 5.2. Most scholarships present legal reform and development policy as distinct, but this characterization overlooks the relationship between the two. This article seeks to bridge that divide through a feminist and development-oriented critique of Nigerian criminal law, besides proposing tangible reforms to advance justice and promote inclusive development. The broad research problem to which this study is a response is the gaps and inefficiencies in the Nigerian criminal justice system in its ability to respond to sexual violence effectively.

This paper examines the systemic failures of the criminal justice system in Nigeria in securing the rights and well-being of survivors of sexual violence and how the harmonization of the country's policies, as well as legislative reforms, can enhance this. In response to these questions, the current study takes a doctrinal legal research methodology, undertaking an in-depth and analytical review of statutory law, case law, and legal doctrines across various Nigerian legal regimes. The study is also augmented through a review of secondary sources,

<sup>9</sup> Nesongano et al., "The Impact of Sexual Violence on Female Labour Force Participation: The Case of Hurungwe and Zvimba Districts, Zimbabwe," *Cogent Social Sciences* 8, no. 1 (2022), <https://doi.org/10.1080/23311886.2022.2031435>.

<sup>10</sup> Njoku and J Akintayo, "Sex for Survival: Terrorism, Poverty and Sexual Violence in North-Eastern Nigeria," *South African Journal of International Affairs* 28, no. 2 (2021): 285–303, <https://doi.org/10.1080/10220461.2021.1927166>.

<sup>11</sup> Obiagu, "Do Women's Education and Economic Empowerment Reduce Gender-Based Violence in Nigeria?" *Journal of International Women's Studies* 25 no. 4 (2023) <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85161578726&partnerID=40&md5=07c8a657915f2f06a607fa228d49ff74>.

<sup>12</sup> Nduka et al., "Prevalence and Correlates of Economic Abuse Among Married Women in a Nigerian Population."

such as academic journal articles, reports by human rights organizations, as well as policy documents on the subject matter under consideration. In this regard, the study endeavors to point out substantive and procedural gaps in the law while making normative suggestions for the purposes of informing reform.

This study adopts a doctrinal approach to law to critically analyze Nigeria's policy and legislation relating to sexual violence. This approach is appropriate because, overall, the eventual goal is to establish the substantive and procedural effectiveness of contemporary laws, identify legislation and enforcement lapses, and propose reforms that are compatible with Nigeria's constitutional needs, international treaties that it has signed, and universal development aspirations. Reference is purely to the Nigerian statutory legislation, that is, the Criminal Code, Penal Code, Violence Against Persons (Prohibition) Act 2015, and Child Rights Act 2003, besides associated state laws. This is debated within the context of constitutional protections, besides international responsibilities of Nigeria through the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Sustainable Development Goal 5.2, which demands an end to all forms of violence against women and girls.

Such secondary sources as peer-reviewed research articles, reform commission documents, and statistical data from reputable bodies like the National Bureau of Statistics and UN Women provide an empirical foundation and uncover real-world challenges that are faced by survivors, enforcement bodies, and courts. A comparative element is also integrated, where Nigerian laws are contrasted with contemporary forms of legislation and international benchmarks of best practices elsewhere. The comparative approach pinpoints reforms that are both effective in practice and adaptable to fit Nigeria's specific socio-cultural environment. Methodologically, research is grounded on survivor-centricity, which guides how provisions of laws and their application obstruct victims' experience of justice, security, and rehabilitation. In an interplay between doctrinal, empirical, and comparative research, the study provides a broad, contextual assessment of Nigeria's criminal justice response to sex crimes and identifies reform agendas for promoting gender justice, democratic governance, and sustainable, equitable development.

## 2. Finding and Analysis

### 2.1. Contextualizing Sexual Violence in Nigeria

Sexual violence in Nigeria is not an isolated problem. It is a deeply rooted issue connected to historical, cultural, and structural inequalities.<sup>13</sup> It is a form of gender-based discrimination, propelled by patriarchal institutions, social silence, and legal lacunae that have been consolidated over decades. While current discourse increasingly construes sexual violence as a human rights violation, in Nigeria, it is still normalized in most communities, especially where it takes place within domestic or marital relations. What emerges is a society in which systemic deficiencies, cultural opposition, and suppression of the voices of survivors corrode the promise of the law to protect.<sup>14</sup>

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<sup>13</sup> Aastasia J Gage and Nicholas J Thomas, "Women's Work, Gender Roles, and Intimate Partner Violence in Nigeria," *Archives of Sexual Behavior* 46, no. 7 (2017): 1923–38, <https://doi.org/10.1007/s10508-017-1023-4>.

<sup>14</sup> Linos et al., "Predictors of Help-Seeking Behaviour among Women Exposed to Violence in Nigeria: A Multilevel Analysis to Evaluate the Impact of Contextual and Individual Factors," *Journal of Epidemiology and Community Health* 68, no. 3 (2014): 211–17, <https://doi.org/10.1136/jech-2012-202187>.

**Figure 1:** Structural and Cultural Pathways Sustaining Sexual Violence in Nigeria



**Source:** Author's conceptual synthesis

The incidence of sexual violence in Nigeria has been reported by government agencies, international bodies, and local pressure groups, although the actual extent is masked by underreporting.<sup>15</sup> Social stigma is perhaps the most effective silencer of disclosure, with survivors expecting harm to their reputation, rejection by their families, and public humiliation. In most cultures, a survivor who reports rape is likely to be received with suspicion instead of sympathy, and perpetrators are protected by cultural norms that justify or trivialize their actions. This stigma is compounded by economic dependency. Most women lack the means to access legal recourse or leave violent situations. Consequently, they tend to stay trapped in cycles of violence.<sup>16</sup>

Cultural and religious norms also strongly affect how sexual violence is viewed and whether survivors feel inclined to seek justice. In some areas, sexual violence is seen as a private issue to be settled within the family or community, instead of a crime that requires state intervention. Traditional dispute resolution mechanisms usually put reconciliation or payment of compensation to the survivor's family before the punishment of the perpetrator.<sup>17</sup> While such mechanisms are sometimes justified as preserving communal harmony, they too often involve impunity and deny the survivor their rights to justice and redress. In religious courts, particularly in northern Nigeria, interpretations of rules of evidence can create almost insurmountable barriers to the prosecution of sexual offenses, particularly where

<sup>15</sup> Natasha F De Veauuse Brown et al., "Sexual Violence Experience Among Nigerian Girls and Young Women: What Are the Roles of Early Sexual Debut, Multiple Sex Partnerships, and Traditional Gender Role Beliefs?," *Journal of Interpersonal Violence* 37, no. 5–6 (2022): NP2747–67, <https://doi.org/10.1177/0886260520945676>.

<sup>16</sup> Akintayo Olamide Ogunwale Frederick Olore Oshiname Folakemi Ajagunna, "A Review of the Conceptual Issues, Social Epidemiology, Prevention and Control Efforts Relating to Rape in Nigeria," *African Journal of Reproductive Health* 23, no. 4 (2019): 108–23, <https://doi.org/10.29063/ajrh2019/v23i4.13>.

<sup>17</sup> Adetola I Ogunjimi et al., "Experience-Based Perception of Vulnerability Factors to Child Sexual Abuse by Health Care Professionals in Nigeria: A Qualitative Approach," *Journal of Interpersonal Violence* 36, no. 23–24 (2021): 11435–60, <https://doi.org/10.1177/0886260519897329>.

corroboration by multiple witnesses is insisted upon. Such requirements not only conflict with modern human rights standards but also subject the survivor to re-victimization by making them relive their ordeal with no prospect of justice.<sup>18</sup>

The Nigerian criminal justice system's structural weaknesses entrench these barriers. Law enforcement agencies are often not prepared to handle cases of sexual violence with the sensitivity and urgency they demand. Survivors who report to the police are often confronted with disbelief, procedural delays, or demands for unofficial payments to proceed with investigations. In some instances, cases are quietly dropped, especially where perpetrators are influential or have links with law enforcement officials.<sup>19</sup> The fact that most jurisdictions lack specialized units means that survivors are processed through generic police structures that lack training in trauma-informed approaches, leading to further psychological trauma. For cases that reach the courts, the dragged-out nature of trials and the intimidation survivors face when cross-examined are among the reasons why attrition rates are high and deter others from pursuing justice.<sup>20</sup>

Health and support services for survivors are also lacking. Most of the country is without available medical facilities capable of conducting forensic examinations in a timely fashion, a step toward obtaining evidence for sexual violence cases. Where such facilities are available, survivors are occasionally required to pay for medical reports, providing another barrier for the poor.<sup>21</sup> There are limited psychological counseling services, and there are few shelters, run mostly by non-governmental organizations with limited resources.<sup>22</sup> This lack of a countrywide network of support for survivors is indicative of the overall failure to make combating sexual violence a policy priority.

The legal framework has an uneven history of achievement and persistent gaps. The Violence Against Persons (Prohibition) Act, enacted in 2015, was a step in the right direction towards a broader definition of rape and other sexual crimes, including bringing in consent as the constitutive element of the crime and acknowledging male survivors. Because of Nigeria's federal administrative system, however, the VAPP Act is only applicable in the Federal Capital Territory unless domesticated by each state. Some states have domesticated the Act, but others are still governed by old Criminal Code or Penal Code laws. These provisions narrowly define rape as penile penetration of the vagina without consent, and the Penal Code explicitly

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<sup>18</sup> A Gbemileke and O Oladepo, "A Five-Year Analysis of Police Records on Sexual-Related Offences in Lagos State, Nigeria," *African Journal of Biomedical Research* 18, no. 2 (2015): 109–21, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84938240836&partnerID=40&md5=fddedd59a40fa9e2923444651704d5fd>.

<sup>19</sup> Oladepo, OB Yusuf, and Arulogun, "Factors Influencing Gender Based Violence among Men and Women in Selected States in Nigeria," *African Journal of Reproductive Health* 15, no. 4 (2011): 78–86, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-84861675674&partnerID=40&md5=d6c2dec04751c0be4a50a6266b6233a4>.

<sup>20</sup> Abubakar Muhammad Jibril and Bello Rabiu Abdulmudallib, "Hybridizing Due Diligence : Governing Human Rights Risks in Nigeria 's Informal Economy Through Ground-Up Governance," *BUSINESS AND HUMAN RIGHTS LAW & POLICY* 1, no. 2 (2025), [https://doi.org/10.1353/arw.2011.0026>.Gyau](https://doi.org/10.1353/arw.2011.0026).

<sup>21</sup> Olutoyin Opeyemi Ikuteyijo et al., "Health Providers' Response to Female Adolescent Survivors of Sexual and Gender-Based Violence and Demand Side Barriers in the Utilization of Support Services in Urban Low-Income Communities of Nigeria," *Healthcare (Switzerland)* 11, no. 19 (2023), <https://doi.org/10.3390/healthcare11192627>.

<sup>22</sup> Adesuwa Noma Olueddo Wilson Akhiwu, Ivy Nneka Umanah, "Sexual Assaults in Benin City, Nigeria," *TAF Preventive Medicine Bulletin* 12, no. 4 (2013): 377–82, <https://doi.org/10.5455/pmb.I-1303366742>.

excludes marital rape. The Child Rights Act, which criminalizes child sexual abuse, faces the same partial adoption and uneven enforcement challenges.<sup>23</sup>

This creates a confused patchwork of legislation, whereby the rights and options available to survivors are based on the state where the offense took place. A victim in one state may enjoy the advantage of a more inclusive legal definition of rape, availability of protective orders, and access to psychosocial treatment, while another victim in another state may be hindered by archaic legal regimes and the absence of support infrastructure. These inequalities reinforce the constitutional right to equality before the law and perpetuate a reality where offenders take advantage of jurisdictional gaps to escape justice. Sexual violence in Nigeria also reflects broader socio-economic inequalities. Poor rural women and girls, internally displaced women, or women of minority ethnic groups tend to be more vulnerable as a result of poverty, limited education, and less access to legal redress.<sup>24</sup> Displacement due to armed conflict in the northeast has produced situations in which women and girls are exposed to greater risk of sexual exploitation, even at the hands of their protectors. In such contexts, law enforcement and judicial authorities are either not present or are significantly weakened, and recourse to the law is effectively non-existent.

The economic costs of sexual violence are real but routinely ignored in policy debates. Victims can suffer from lost earnings, disruption in education, and chronic health effects that hinder their ability to contribute meaningfully to the economy. This erosion of human potential has knock-on effects for communities and the country, decreasing productivity, heightening dependency ratios, and entrenching poverty cycles. Framed through the lens of sustainable development, the prevalence of sexual violence appears not just as a moral and legal emergency but also as a structural obstacle to economic growth and social stability.<sup>25</sup>

The Nigerian state has at least rhetorically committed to international human rights obligations that demand effective action to stem sexual violence. Treaties such as the Convention on the Elimination of All Forms of Discrimination Against Women and the Protocol to the African Charter on the Rights of Women in Africa obligate Nigeria to protect women from violence and provide effective remedies. But the gap between commitment and action is stark. Reporting mechanisms are weak, data collection is fragmented, and compliance monitoring is irregular. Without an integrated national strategy, progress is heavily dependent on the political will of respective state governments, and the results are patchy.<sup>26</sup>

Civil society organizations have played a critical role in agitating for change, raising awareness about the problem, and providing direct services to survivors. For instance, the #SayNoToRape campaign has brought public awareness of the problem to an unprecedented level, compelling lawmakers to enact stricter legislation and provide more funding. Such initiatives are, however, faced with entrenched social attitudes, resource constraints, and sporadic pushback from conservative quarters. Moreover, the space for civil society to effect systemic change is truncated without complementary state action, particularly in the areas of law enforcement training, judicial reform, and public health services. Tackling the environment

<sup>23</sup> Onifede Wusu et al., "Incidence and Correlates of Husband-Perpetrated Rape Among Currently Married Women in Nigeria," *Journal of Interpersonal Violence*, 2024, <https://doi.org/10.1177/08862605241286444>.

<sup>24</sup> Nalah Augustine Bala, Azlinda Azman, and Paramjit Singh Jamir Singh, "The Impact of Gender Discrimination and HIV Stigma on Women Living in North Central Nigeria," *Cogent Social Sciences* 8, no. 1 (2022), <https://doi.org/10.1080/23311886.2022.2027612>.

<sup>25</sup> Njoku and Akintayo, "Sex for Survival: Terrorism, Poverty and Sexual Violence in North-Eastern Nigeria."

<sup>26</sup> Leonard Ogbonna Ajah et al., "A 20 Year Retrospective Study of Rape Pattern in Ebonyi State, South-East Nigeria," *Heliyon* 8, no. 2 (2022), <https://doi.org/10.1016/j.heliyon.2022.e08894>.

of sexual violence in Nigeria must therefore be engaged with a sensitivity to its complex nature. It is informed by a combination of cultural attitudes, legal pluralism, institutional weaknesses, and socio-economic inequalities. Any attempt at criminal justice reform must grapple with this complexity, with the understanding that legislative change will be insufficient.<sup>27</sup> Legal reforms must be followed through with social and institutional changes that confront patriarchal norms, build law enforcement capacity, enhance survivor support systems, and guarantee equal application of rights across the federation. In the absence of such comprehensive intervention, the underlying drivers of sexual violence will persist, and the aspirations of justice for survivors will remain unfulfilled for many Nigerians.

This contextual analysis reinforces the contention that sexual violence is both a cause and a result of gender inequality and that its continuance sabotages the democratic and developmental potentials of the Nigerian state. The reform of the criminal justice system to tackle sexual violence is thus not a standalone policy imperative but a necessity for constructing an equitable and sustainable society. As will be shown in the next section, a critical review of Nigeria's current legal frameworks discloses both the gains that have been achieved and the pressing lacunae that need to be addressed if Nigeria is to fulfill its obligations under national and international law, including its commitments to the Sustainable Development Goals.

## 2.2. Critical Analysis of Legal Frameworks and Persistent Gaps

Nigeria's legal framework for dealing with sexual violence is a product of colonial history, post-independence reform, and more recent rights-based legislation inspired by international human rights standards. Although much progress has been made on some levels, the framework remains fragmented, unevenly applied, and in many ways inadequate to protect survivors or hold perpetrators to account. A close look at the main statutory mechanisms and their day-to-day operation discloses systemic fault lines beneath the prevalence of sexual violence.<sup>28</sup>

The Criminal Code, operative in the southern states, defines rape narrowly as unlawful carnal knowledge of a woman or girl against her will, necessitating proof of penile penetration of the vagina. The definition cannot accommodate sexual violence that is not vaginal penetration and completely excludes male survivors. The definition also cannot accommodate non-penetrative acts, digital penetration, or sexual violence with objects as constituting rape, but rather reduces them to lesser offenses that carry lower punishment. The focus on showing resistance to proving a lack of consent, while not specifically articulated, is usually inferred in court interpretations. This sets up a standard of proof that cannot be met by survivors who were incapacitated, threatened, or forcibly subdued.<sup>29</sup>

<sup>27</sup> Ubom et al., "Prevalence and Determinants of Intimate Partner Violence in Pregnancy: A Multicentre, Binational Study."

<sup>28</sup> Ruth Owusu-Antwi et al., "Prevalence of Gender-Based Violence and Factors Associated with Help-Seeking among University Students in Sub-Saharan Africa," *Women's Health* 20 (2024), <https://doi.org/10.1177/17455057241307519>.

<sup>29</sup> Dny Franck A Tiwa, "Institutional Distrust Trap: An Analysis of the Effect of Public Distrust in the Nigeria Police Force," *Policing and Society* 34, no. 8 (2024): 846–60, <https://doi.org/10.1080/10439463.2024.2341121>.

**Table I.** Comparison of Key Nigerian Sexual Violence Laws

Law	Year Enacted	Definition of Rape / Sexual Offense	Marital Rape Recognized?	Male Survivors Recognized?	State Applicability	Support Services Mandated
Criminal Code	1990s (various amendment s)	Vaginal penetration without consent; limited scope	No	No	Southern states	Limited / mostly procedural
Penal Code	1960s (Northern states)	Vaginal penetration without consent excludes non-penile acts	No	No	Northern states	Limited; mostly procedural
Violence Against Persons (Prohibition) Act – VAPP	2015	Broad definition including consent; covers sexual harassment, assault	Not explicit in all states	Yes	The Federal Capital Territory requires state domestication	Some protective orders, counseling is not universal
Child Rights Act	2003	Criminalizes child sexual abuse; includes exploitation	N/A	N/A	Requires state domestication	

**Source:** author's analysis, 2025

The Penal Code, applicable in northern states, has even more limiting provisions. Although it criminalizes rape, it expressly excludes marital rape by exempting sexual intercourse by a man with his wife, if she is not below a specified age, from amounting to an offense. The provision legalizes sexual violence by spouses and is based on a patriarchal interpretation of conjugal rights, not in line with international human rights norms. In addition, evidentiary requirements in practice, particularly under jurisdictions where Sharia is pre-eminent, can call for corroboration by several witnesses, setting an impossibly high standard of proof on victims and most likely resulting in dismissal of cases.<sup>30</sup>

The Violence Against Persons (Prohibition) Act of 2015 was a significant step forward.<sup>31</sup> It widened the definition of rape to include penetration of the vagina, anus, or mouth by any part of the body or by any object without consent, recognized both female and male survivors, and criminalized a wide range of sexual offenses, including stalking, sexual harassment, and harmful traditional practices. It also provided for protection orders and stipulated that holistic support must be provided for survivors. However, because of Nigeria's federal structure, the VAPP Act applied only in the Federal Capital Territory at first and could only apply in other states if domesticated. Although several states have now enacted the Act,

<sup>30</sup> Jessica Oga and Yinka Olomojobi, "Sexual Violence in Armed Conflict in Nigeria: International Law and Domestic Law at the Crossroads," *ELTE Law Journal* 2022, no. 2 (2022): 61–84, <https://doi.org/10.54148/ELTELJ.2022.2.61>.

<sup>31</sup> National Assembly of Nigeria, "Violence-Against-Persons-Prohibition-Act-2015-1.Pdf," n.d.

the process has been gradual, and some states are still under the old laws with less extensive protections.<sup>32</sup>

The 2003 Child Rights Act provides important protection for children, prohibiting all sexual abuse of children. Like the VAPP Act, its application across Nigeria is firmly dependent on domestication at the state level. Its delayed uptake in many states has often met with religious or cultural objections, notably to provisions slashing across customary child marriage practices. What has resulted is a jagged landscape of laws in which a child's protection from sexual abuse is heavily based on geographical location, undermining the universality of rights guaranteed under the Nigerian Constitution and international conventions.<sup>33</sup>

State legislation adds another layer of incoherence. Some states that have domesticated the VAPP Act or the Child Rights Act have added local amendments that dilute their protections. Others have failed to establish effective enforcement mechanisms, so that even progressive laws are aspirational. Furthermore, most police forces and court systems have not received training on these laws, so that misapplication or outright disregard for their provisions is routine. In several cases, law enforcement officials continue to apply older penal codes despite the enactment of the VAPP Act in their states.<sup>34</sup>

These lacunae between practice and law have their roots in deep-seated institutional weaknesses. The police, who are usually the initial contact for most survivors, are not always trained to handle cases of sexual violence with the necessary sensitivity. Survivors say they are often disbelieved, mocked, or pressured into informal settlements that favor the perpetrator. Corruption and limited resources make things worse. Some officers ask for unofficial payments to process a case or conduct investigations. The lack of forensic facilities in many areas weakens the evidence needed for prosecutions. Long delays in the judicial process also stop survivors from seeing their cases through to the end.<sup>35</sup> Judicial attitudes are also an issue. In certain courts, archaic gender stereotypes determine the direction of cases, and judges challenge survivors' credibility based on their conduct, attire, or sexual history. These attitudes erode the principle that a survivor's testimony, if credible, is enough to convict, and they establish a culture of impunity.<sup>36</sup> And because specialized sexual offenses courts have yet to be established in the majority of the country, the cases are tried in backlogged general courts, where sexual violence cases are postponed or assigned the lowest priority.

The fragmentation of Nigeria's legal frameworks has important consequences. The rights and remedies available to victims differ considerably based on the geographical location

<sup>32</sup> E.-U.E. Nelson and A S Brown, "Situating Police Legitimacy: The Accounts Of Substance-Using And Sex-Working Women In Nigeria," in *The Routledge Handbook of Women's Experiences of Criminal Justice*, 2022, 302–13, <https://doi.org/10.4324/9781003202295-27>.

<sup>33</sup> Eze Victor, Diyoke Machael Chika, and I Innocent, "Investigating the Impact of Crime Reporting on Crime Control in Gwagwalada Area Council Abuja North Central Nigeria," *Library Philosophy and Practice* 2019 (2019), <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85072834310&partnerID=40&md5=0f3bd6e191ed65a42ec350983a32c9b>.

<sup>34</sup> Gbemileke and Oladepo, "A Five-Year Analysis of Police Records on Sexual-Related Offences in Lagos State, Nigeria."

<sup>35</sup> Babatunde Adeyeye et al., "Newspaper Coverage of Rape-Related Issues in Nigeria during Covid-19 Pandemic," *Studies on Ethno-Medicine* 17, no. 1–2 (2023): 82–90, <https://doi.org/10.31901/24566772.2023/17.1-2.673>.

<sup>36</sup> Ashley Jones et al., "The Power of Presentation: How Attire, Cosmetics, and Posture Impact the Source Credibility of Women Expert Witnesses," *Journal of Forensic Sciences* 68, no. 3 (2023): 962–71, <https://doi.org/10.1111/1556-4029.15253>.

where a crime takes place, resulting in an unequal system that contravenes the constitutional right to equality before the law. This inconsistency also makes it difficult to enhance public awareness since the information regarding rights and protection cannot be shared evenly throughout the nation.<sup>37</sup> For perpetrators, the fractured nature of the law provides chances to exploit gaps between jurisdictions, particularly for transnational offenses.<sup>38</sup> There is also no efficient machinery of implementation for the existing laws. For example, the VAPP Act makes provisions for the establishment of shelters, counseling, and legal aid for survivors, but such services do not exist or are extremely limited in most states. Budgetary provisions are minimal, and the reliance on non-governmental organizations to fill these gaps creates sustainability problems.<sup>39</sup> There is no national sex offender registry that would stop repeat offenders from slipping through the cracks and continuing to abuse individuals, especially as they cross borders. The gaps that appear are not just technical or procedural problems; they reveal deeper structural and cultural barriers to justice. The existence of conflicting or poorly enforced laws suggests that sexual violence is not being taken seriously enough. This discourages survivors from reporting, fosters a culture of impunity for offenders, and makes violence a normal part of life in communities. To fix these inconsistencies, we need to unify and align the laws, along with changing the culture within the criminal justice system.<sup>40</sup>

Harmonization would involve the inclusion of a clear, consent-based, gender-neutral definition of rape that includes all forms of penetration, including by body parts and objects. The definition must expressly criminalize marital rape and be under international best practices.<sup>41</sup> Nationwide application of the VAPP Act and the Child Rights Act, without reduction at the state level, would provide a standard of protection that is consistent. Secondary reforms include dedicated sexual offenses courts to ensure timely, survivor-centered adjudication of cases, and obligatory training for police, prosecutors, and judges on trauma-informed responses. Institutional reforms must be accompanied by investments in support services for survivors.<sup>42</sup> Establishing a network of government-funded shelters, free counseling services, and accessible medical centers capable of conducting forensic exams would go some way toward eliminating some of the most significant practical barriers to justice. A public, national sex offender registry that is integrated would enhance accountability and deterrence of recidivism.

These reforms must be supported by public sensitization campaigns to change cultural attitudes, debunk victim-blaming myths, and educate people that sexual violence is a serious crime with crippling social and economic consequences. The imperative for these reforms is underscored by Nigeria's commitment under Sustainable Development Goal 5.2 to eliminate all forms of violence against women and girls in public and private life. Achievement of this goal is not merely an issue of legislative compliance; it is paramount to the nation's democratic

<sup>37</sup> Nanang Nurcahyo et al., "Reform of the Criminal Law System in Indonesia Which Prioritizes Substantive Justice," *Journal of Law, Environmental* 2, no. 1 (2024): 89–108, <https://doi.org/10.62264/jlej.v2i1.91>.

<sup>38</sup> Rodrigo Díaz and Manuel Almagro, "You Are Just Being Emotional! Testimonial Injustice and Folk-Psychological Attributions," *Synthese* 198, no. 6 (2021): 5709–30, <https://doi.org/10.1007/s11229-019-02429-w>.

<sup>39</sup> Ibid

<sup>40</sup> Ibid.

<sup>41</sup> Abubakar Muhammad Jibril et al., "Life after Accusation : Forced Internment , Human Rights Violations , and the Urgent Case for Criminalizing Witchcraft Claims in Ghana" 5 (2025), <https://doi.org/10.55942/pssj.v5i8.443>.

<sup>42</sup> Evelyn M Maeder and Julie L Dempsey, "A Likely Story? The Influence of Type of Alibi and Defendant Gender on Juror Decision-Making," *Psychiatry, Psychology and Law* 20, no. 4 (2013): 543–52, <https://doi.org/10.1080/13218719.2012.727066>.

progress and social cohesion. Sexual violence annihilates trust in public institutions, the rule of law, and entrenches gender inequality, all of which undermine the pillars of an inclusive democracy.<sup>43</sup> The ongoing failure of Nigeria's sexual violence laws is thus an issue of utmost legal as well as developmental urgency. In the absence of a national effort to harmonize law, consolidate institutions, and confront entrenched cultural attitudes, survivors will remain exposed to a justice system that is fragmented, inaccessible, and too often hostile. The reforms required are within reach; they require political will, investment, and an understanding that the protection of survivors is not only a moral duty but a condition of sustainable national development.<sup>44</sup>

### 2.3. Proposed Reforms and Policy Recommendations

Nigeria, grappling with deep-seated crises of sexual violence, is, however, a momentous challenge demanding bold and coordinated legislative/institutional reform, victim-centered investment in law and policy design energized by audacity to deliver on international human rights and development aspirations. The continued presence of piecemeal legislation, lack of enforcement, and cultural impediments requires immediate and targeted action to create universally applicable safeguards across the nation and tear down systemic gateways to justice.<sup>45</sup> The idea is to standardize the legislative framework. Rape should have a consistent, consent-based, and sex-neutral definition in all laws across all jurisdictions that includes penetration (by any object or body part), anal, vaginal, or oral. This should be followed by the express criminalization of marital rape, eliminating old exemptions based on patriarchal norms. The Violence Against Persons (Prohibition) Act 2015 and the Child Rights Act 2003 need to be domesticated in all states without dilution, so protections and remedies do not vary by place. Harmonization would not only enhance the legal foundation for prosecutions but also public education and awareness campaigns about survivors' rights.<sup>46</sup>

Second, institutional capacity-building is necessary. Mandatory training in trauma-informed and survivor-centered practices for law enforcement agencies, prosecutors, and judges should be provided to ensure sensitivity in case handling and to end re-traumatization practices for survivors. Specialized sexual offenses courts with accelerated procedures can be established to reduce the delays that often put off survivors from seeking justice. There must also be trained gender desk officers in all police divisions and a functional forensic capacity for good investigations and evidence collection. Third, there should be institutionalized and well-funded comprehensive survivor support services. Each state should have available, state-funded shelters, free psycho-counseling, and medical centers offering sexual assault forensic examinations.<sup>47</sup> Legal aid services should be increased to enable survivors to use the justice system without the constraint of costs. These services should work in active collaboration with civil society organizations, which possess useful experience and community confidence

<sup>43</sup> Colleen M Berryessa, Itiel E Dror, and C J Berryessa McCormack, "Prosecuting from the Bench? Examining Sources of pro-Prosecution Bias in Judges," *Legal and Criminological Psychology* 28, no. 1 (2023): 1–14, <https://doi.org/10.1111/lcrp.12226>.

<sup>44</sup> Ibid.

<sup>45</sup> Ifeanyi Innocent Onwuazombe, "The American Judiciary and Judicial Institutions on Trial," in *International Law and Development in the Global South*, 2023, 337–53, [https://doi.org/10.1007/978-3-031-13741-9\\_19](https://doi.org/10.1007/978-3-031-13741-9_19).

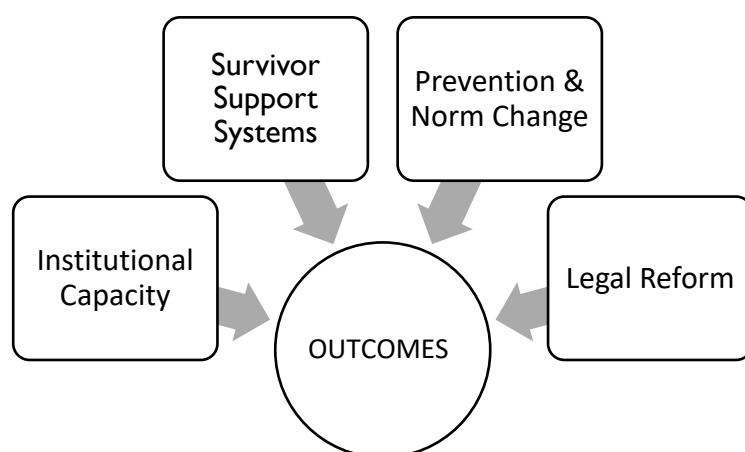
<sup>46</sup> Ibid.

<sup>47</sup> Rocio Villanueva Flores, "Impartiality, Gender Stereotypes and Judiciary Corruption," *Derecho PUCP*, no. 86 (2021): 363–94, <https://doi.org/10.18800/DERECHOPUCP.202101.011>.

but need sustainable state assistance.<sup>48</sup> Fourth, we need a national sex offender registry with public access that is coordinated so that offenders cannot take advantage of jurisdictional loopholes to evade detection. This registry would be buttressed by laws requiring reporting from relevant institutions, such as schools, religious organizations, and employers, to block offenders from obtaining positions of trust, providing access to potential victims.<sup>49</sup>

Finally, cultural and preventive measures should be accompanied by legal reforms. Awareness campaigns at the national level must address victim-blaming attitudes, promote gender equality, and emphasize the criminality of all forms of sexual violence. School curricula must include comprehensive sexual education and consent awareness. Collaboration with traditional and religious leaders will be essential in transforming community norms, particularly where cultural or religious grounds form the basis of resistance to reforms.<sup>50</sup> Reform of Nigeria's response to sexual violence is not just a justice issue for survivors but a development imperative. By consolidating legislation, building institutions, delivering survivor-centered services, and shifting social norms, Nigeria can get closer to meeting Sustainable Development Goal 5.2, restoring the public's trust in its justice system, and building the foundations of a more equal and inclusive democracy.<sup>51</sup>

**Figure 2.** An Integrated Reform Framework on Sexual Violence in Nigeria



**Source:** Author's conceptual synthesis.

### 3. Conclusion

Sexual violence is a pervasive human rights violation in Nigeria, as well as an insurmountable obstacle to national development. Public confidence in state institutions has been destroyed further through the arbitrary nature of piecemeal legislation, inchoate enforcement, and survivor-unfriendly protocols that have plagued the existing criminal justice system. The way forward is not easy. Survivors are too often left without adequate redress, allowing perpetrators to hide behind legal and procedural deceptions. This underlying

<sup>48</sup> Ramalina Ranaivo Mikea Manitra, "Is Poverty the Root of All Crime? Rethinking Criminality Amid Institutional Failure in Madagascar Is Poverty the Root of All Crime? Rethinking Criminality Amid Institutional Failure in Madagascar," *Jurnal Kriminologi Indonesia* 1, no. 1 (2025), <https://scholarhub.ui.ac.id/kriminologi/>.

<sup>49</sup> Ibid

<sup>50</sup> Ava T Carcirieri, Ruth E Fleury-Steiner, and Susan L Miller, "Hate the Players, or the Game? The Role of Court Mediators and Hearing Officers in the Civil Protection Order Process," *Violence and Victims* 34, no. 4 (2019): 592–612, <https://doi.org/10.1891/0886-6708.VV-D-18-00011>.

<sup>51</sup> Ibid.

principle often works against the judicial system, acting as a barrier to progress toward gender parity. Reform is no longer optional but an absolute imperative. A single code of law with a clear, consent-based definition of sexual offenses, elimination of spousal rape exceptions, and domestication of full protections across the country would be a guarantee of equal legal protection to all. These legislative reforms must be followed through with institutional reforms, including specialist sexual offenses courts, trauma-informed police, and assured survivor supports. The establishment of a national sex offender registry, combined with preventative education and cultural change, would tackle both the symptoms and drivers of the crisis.

Synchronizing Nigeria's legislation and policies on sexual violence concerning SDG 5.2 engages Nigeria's attention not only as an international liability for advocacy on and compliance with UN regulations, but as an opportunity to entrench democracy, restore public confidence in the services offered by the justice system, and build a secure and dignified society for all. Sustainable development cannot be actualized when society suffers from gender violence. A retooled, survivor-led criminal justice system would not only bring criminals to justice but would also restore Nigeria's trust in human rights, gender justice, and inclusive development. In this regard, responding to sexual assault is both a moral and a developmental imperative, at the heart of creating a more inclusive, secure, and just society.

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