An Evaluation of the Legal Framework for the Protection of the Rights of Victims of Sexual Violence in Nigeria

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Abstract

The prevalence of sexual violence in our society necessitates the need for a coherent legal framework to tackle the ugly trend. Sexual violence remains a pervasive violation of human rights in Nigeria, undermining the dignity, safety, and equality of its victims, particularly women and children. Although Nigeria has enacted a number of legislative instruments such as the Violence Against Persons (Prohibition) Act 2015, the Administration of Criminal Justice Act 2015, and provisions within the Criminal and Penal Codes the protection of victims' rights continue to face significant legal and institutional obstacles. This study evaluates the adequacy and effectiveness of Nigeria's legal framework in safeguarding the rights of victims of sexual violence, with emphasis on access to justice, procedural protection, and post-trial support mechanisms.

Using a doctrinal approach, the paper examines existing statutes, judicial decisions, and policy instruments to identify gaps, inconsistencies, and challenges in the current framework. The findings reveal that while the laws provide a formal foundation for victim protection, fragmentation, weak enforcement, and poor harmonization across states severely limit their practical impact. Furthermore, inadequate evidentiary standards, lack of victim-witness protection, and absence of specialized courts contribute to secondary victimization and low conviction rates.

The study argues that a comprehensive legal reform is essential to bridge the gap between legislative intent and actual protection. It recommends the harmonization of sexual offences legislation across all states, amendment of outdated provisions in the Criminal and Penal Codes, and the codification of victims' rights and legal aid within Nigeria's justice system. Strengthening institutional accountability and integrating international human rights standards, such as those under CEDAW and the Maputo Protocol, are also crucial for ensuring that victims' rights are effectively protected.

Keywords: Legal framework, Sexual violence, Rights, Protection and Victims.

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1. Introduction

Under the criminal justice system of any nation, the protection of victims of sexual violence is a critical component of a functioning legal system, reflecting both a commitment to justice and the need for comprehensive support mechanisms.[4] In Nigeria, the legal framework designed to safeguard victims of sexual violence has evolved significantly, yet it faces numerous challenges that impact its effectiveness. Nigeria's legal landscape for addressing sexual violence includes several legislative measures aimed at providing justice and support for victims. Particularly, the Violence against Persons (Prohibition) Act (VAPP) 2015 represent a significant stride towards a more robust response to sexual violence.[5] Majority of the laws are designed to offer comprehensive protection by criminalizing various forms of sexual violence and establishing procedural safeguards for victims.[6]

Despite the advancements and impact of the existing legal frameworks, numerous challenges beset their implementation. Some of the challenges are insufficient resources, lack of public awareness, and systemic barriers which significantly hinder the effective implementation of these laws. These issues often result in underreporting of crimes, inadequate support for survivors, and delays in justice, which undermine the effectiveness of the legal protections intended to support victims.

The aim of this study is to provide a holistic evaluation of the legal framework for the protection of victims of sexual violence in Nigeria. By analyzing legislative provisions, evaluating their practical impact, and identifying areas for improvement, this study will recommend practicable ways in which Nigeria's legal system can better support and protect victims of sexual violence.

2. Conceptual Clarification

2.1 The Concept of a Victim

Before delving into who a victim of sexual violence is, it is pertinent to understand the general concept of a victim. The concept of a victim of crime defies specific definition as definition depends on the

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[4] G B Udonnah, 'Perceptions of Justice by Victims of Sexual Violence in Nigeria' *Journal of the Department of Jurisprudence and Public Law KWASU* 2(1) E-ISSN 3043-4548, 354-372 <file:///C:/Users/pc/Downloads/19.+359-374+(1)%20(1).pdf> accessed 11 October 2025.

[5] A Genin, 'An Analysis of Nigeria's Domestic Legal Framework on Sexual Violence' *International Journal of Law, Crime and Justice* (2024) 4(4), 17-22.

[6] A D Aina Pelumi, O J Olujobi and T Yebisi, 'A Socio-legal Imperative of Domestic Violence Prohibition in Africa vis-a-vis Nigerian Legal Structure for Sexually Abused Women' *F1000Research* (2023) 12(397).

circumstance and context.[7] The concept of a victim is fundamental to understanding responses to offences and abuse. Generally, a victim is an individual who suffers harm or injury as a result of criminal acts, abuse, or systemic injustices. This concept covers a wide range of experiences, from immediate trauma (physical or mental) to more widespread effects resulting from structural and social injustices. Determining who is a victim is essential for determining legal protections, mental health services, and social interventions. By addressing the various dimensions of victimization, we can better support individuals in their rehabilitation and ensure their needs are met in the pursuit of justice.

Under Nigerian Criminal Law, there is no formal definition or description of a victim. Victims of crime are defined based on the specific criminal offence and relevant statutory provisions. Although there is no universal definition of a victim, any person who is subjected to a criminal act or omission is often considered a victim. The VAPP Act, which is the most comprehensive law for the protection of victims of violence in Nigeria, defined a victim as**: '**An individual who has suffered harm, including physical, emotional, or psychological injury, as a direct result of a criminal act or violence'.**[8]** VAPP's definition of a victim includes immediate family members, dependents, guardians, and wards. VAPP also recognizes individuals who were harmed while assisting distressed people as victims.[9] Victims are classified in accordance with the UN Declaration based on the harm they have endured. The VAPP defines a victim based on two key elements; understanding the relationship between victim harm and the crime committed against them. The victim's involvement with the criminal justice system is highlighted by the harm they have experienced, which may constitute a breach of their right. From the legal perspective, the United Nation Declaration of Basic Principles of Justice,[10] espoused that a victim is;

> A person who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, or economic loss or substantial impairment of their fundamental rights, through act or omissions that are in violation of criminal law operative within member states. Including those laws proscribing criminal abuse of power.[11] The term victim also includes where appropriate, the immediate family or

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[7] J T Abubakur and G Tor, 'Revisiting the Legal Considerations for Victims of Crime in the Criminal Justice Processes in Nigeria' *Benue State University Law Journal* 2019/2020; 262-283

[8] VAPP Act, 2015, Section 1

[9] Violence Against Persons (Prohibition) Act 2015 (VAPP Act), s.46 defines victims in similar terms and further categorises harm in terms of physical, emotional, economic injury or substantial impairment of the victim's fundamental human rights just as the Bill also defines harm in sec. 3 (1).

[10] United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Recommended for adaptation by seventh United Nations Congress on the prevention of crime and the treatment of offenders held at Milan from 26 August to 6 September 1985 and adopted by General Assembly Resolution 40/34 of 29 November 1985.

[11] ibid, Art. 1.

dependents of the direct victim and person who have suffered harm in intervening to assist victims on distress or to prevent victimization.[12]

According to Miller[13], whose views draws from the legal perspective, a victim is any individual who have experienced harm and entitled to support and services designed to address his/her needs to facilitate recovery. The encyclopedia of the black's law dictionary defines victims as persons harmed by crime, tort or other wrong.[14] From the psychological perspective, Herman,[15] in the study on '*Trauma and Recovery'*, posited that a victim is someone who has experienced severe trauma that disrupts their psychological and emotional state. Victims were described as those who have endured events that challenge their sense of safety and well-being, leading to psychological distress and recovery needs. It is important to note that, while the trial chamber of the ICC in the case of *Prosecutor v Thomas Lubanga Dyilo*[16] had interpreted rule 85 of the Victims Declaration generously to include any person who had 'suffered harm as a result of the commission of a crime within the jurisdiction of the Court',[17] the Appeals Chamber reversed that ruling restricting victims who are entitled to participate at the Court's proceedings to those whose harm and personal interests in the case may be linked to the charges before the Court.[18] There are several facets to the concept of a victim, including practical, psychological, social, and legal aspects. Comprehending these categories is essential to creating efficient support systems, legal protections, and interventions that address the diverse needs of victims and access to justice. Thus, a victim of sexual violence is any individual who has suffered harm, including physical, emotional, or psychological injury, as a direct result of a sexual abuse or violence.

2.2 Sexual Violence

[12] ibid, Art. 2.
[13] N E Miller, *Victims of Crime: An Introduction to Victimology* (Routledge 2019))45-67
[14] B A Garner, *Black Law Dictionary* (8th Ed., St. Paul MMN West Publishing Co. 2004) 1425
[15] J L Herman, *Trauma and Recovery: The Aftermath of Violence – From Domestic Abuse to Political Terror* (Basic Books 2015) 34-56
[16]*Prosecutor v. Thomas Lubanga Dyilo*, ICC-01/04-01/06-1119, decision on victims' participation, paras 90-92 (18 January 2008)
[17] Ibid (n5) Paragraph 90
[18] *Prosecutor v Thomas Lubanga Dyilo*, ICC-01/04-01/06-1432, judgment on the appeals of the Prosecutor and the Defence against Trial Chamber I's Decision on Victims' Participation of 18 January 2008, judgment of 11 July 2008, para 2.

The World Health Organisation[19] defines sexual violence as '…any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic, or otherwise directed, against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work'. Pedersen,[20] in his work 'Moving Bodies as Moving Targets: Feminist Perspective on Sexual Violence in Transit' described sexual violence as 'a global widespread occurrence'. Sexual violence affects women, girls, men and boys. Sexual Violence has been defined as a crime of violence that puts the victim at risk of physical injury, psychological disturbance, emotional disturbance, pregnancy and sexually transmitted disease. Beyene[21] addresses sexual violence as acts that cause physical, mental, or sexual harm, and include rape, forced marriage, and other forms of violence committed by intimate partners or non-partners. According to Peterson et al,[22] sexual violence is a serious public health problem and has a profound short or long-term impact on physical and mental health, such as an increased risk of sexual and reproductive health problems, and increased risk of suicide or HIV infection. Sexual violence has a profound impact on physical and mental health; it is associated with an increased risk of a range of sexual and reproductive health problems with both immediate and long-term consequences including HIV and other sexually transmitted infections, pain, illness, unwanted pregnancy, social isolation, and psychological trauma.[23]

3. The Legal Framework for Protection of Victims of Sexual Violence

The legal framework for protecting victims of sexual violence in Nigeria is anchored in national laws and international conventions. Domestically, the **Violence Against Persons (Prohibition) Act (VAPP) 2015,** alongside the **Criminal Code, Penal Code**, and other laws, provides the basis for prosecution, protection, and support of survivors. Internationally, Nigeria is a party to key instruments such as the **Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)** and the **Maputo Protocol**, which mandate states to prevent and punish sexual violence. However, gaps in enforcement, uneven state

[19] World Health Organisation, 'Violence against Women' <https://www.paho.org/en/topics/violence-against-women#:~:text=Sexual%20violence%20is%20%22any%20sexual,the%20victim%2C%20in%20any%20setting> Accessed 10 June 2025.
[20] L Pedersen, 'Moving Bodies as Moving Targets: A Feminist Perspective on Sexual Violence in Transit' Open Philosophy (2020) 3 369–388 302.
[21] A S Beyene, C Chojenta, H S Roba, A S Melka & D Loxton, 'Gender Based Violence among Female Youths in Educational Institutions of Sub Sahara Africa: A Systematic Review and Meta-Analysis' Systematic Reviews (2019) 8(59) 10 303.
[22] C Peterson, S DeGue, F Curtis, L N Coldy, 'Lifetime Economic Burden of Rape in the United States American Journal of Preventive Medicine (2017) 52(6); 691-701.
[23] World Health Organization, 'Sexual and reproductive health: Sexual violence' (2021) <https://www.who.int/reproductivehealth/topics/violence/sexual_violence/en/> accessed on 30 August 2024.

adoption of laws, and social stigma continue to weaken the protection framework, underscoring the need for stronger implementation and accountability mechanisms.

3.1 International /Regional Conventions

The International framework for the protection of victims of sexual violence comprises a range of conventions, treaties and declarations aimed at safeguarding and supporting of victims. These instrument advocates for comprehensive supports services such as legal, medical and psychosocial support services. Some of the key instruments are examined thus:

3.1.1 Convention on the Elimination of All Form of Discrimination against Women (CEDAW)

CEDAW[24] has become one of the most widely ratified human rights treaties. It encourages protective measures for women complainants and witnesses to GBV before, during and after legal proceedings. CEDAW General Recommendation 35[25] recommends that States parties adopt and implement a range of protective measures, including the use of appropriate and accessible protective mechanisms to prevent potential violence, such as immediate risk assessment, protection or restraining orders, emergency barring orders against alleged perpetrators, including adequate sanctions for noncompliance access to financial assistance, gratis or low-cost, high-quality legal aid.[26] Also, CEDAW introduced the need for medical, psychosocial and counselling services. It further provided for timely and comprehensive mental, sexual and reproductive health services that are responsive to trauma, including emergency contraception and post-exposure prophylaxis against HIV. In recognition of social support, it provided that education, affordable housing, land, childcare, training and employment opportunities are paramount for women who are victims inclusive of their family members.

In addition, CEDAW recommended women's support services, such as free helplines operating around the clock and sufficient numbers of safe and adequately equipped crisis, support and referral centres and shelters for women, their children and other family members. The recommendation also identified the intervention of appropriate multi-sectoral referral mechanisms to ensure effective access to comprehensive services for victims of sexual violence.[27]

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[24] CEDAW General Recommendation No. 19: Violence against Women (Adopted at the Eleventh Session of the Committee on the Elimination of Discrimination against Women, in 1992 (contained in Document A/47/38)) <https://www.legal-tools.org/doc/f8d998/pdf/&ved=2ahUKEwi4r8KY2dX> assessed 10 October 2025.
[25] United Nations, 'General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19 (1992)' < https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-recommendation-no-35-2017-gender-based> assessed 10 October 2024.
[26] CEDAW/C/GC/35, 'General Recommendation NO.35 on gender-based violence against women, updating general recommendation 19' (2017) < https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/CEDAW_C_GC_35_8267_E.pdf> assessed 10 October 2025.
[27] CEDAW/C/GC/35, para 15 (f).

Nigeria is a signatory to CEDAW and has taken steps to align its national laws with the principles of CEDAW. Nigeria ratified the CEDAW in 1985 and made conscious effort in aligning the convention with its national law.[28] This was realised through the domestication of VAPP and the Child's Rights Act, 2003 which addresses issues on violence against women and children. However, the extent of its domestication and the implementation of specific recommendations, such as General Recommendation 35, has remained inconsistent. Outside from the inconsistency with domestication and implementation of some specific recommendations, inconsistent application, lack of resources, institutional barriers.[29] and cultural barriers have been identified as major hindrances to the effective protection for women and girls.[30]

3.1.2 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)

Studies demonstrate that over the past decades, the United Nations 1985 Declaration has been a catalyst for change and an important source of inspiration for lawmakers across the globe.[31] A corecomponent of the United Nations Principles and Guidelines[32] was laid out in the principles describing the various forms of reparation and summarises as follows:[33]

Firstly, the principles provides that victims should receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and indigenous means.[34] Also, the declaration strengthened victims' right to information by providing that victims should be informed of the availability of health and social services and other relevant assistance. The principle recommended that personnel such as the police, judiciary, health, social service and others concerned with victim' care and protection should receive training to keep them abreast with the needs of victims, and guidelines to ensure proper and prompt aid.[35]

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[29] M Ogunyemi, 'Gender-Based Violence and the Implementation of General Recommendation 35 in Nigeria: Challenges and Prospects*' Journal of International Women's Studies*, (2019) 20(3), 85-100.
[30] T A Aina, & M B Folarin, *'*Women's Rights in Nigeria: An Assessment of the CEDAW Implementation and Its Impact*' African Journal of International and Comparative Law* (2017) 25(2), 151-169
[31] R M Letschert and M S Gronhuijsen, 'Global Governance and Global Crime – Do Victims Fall in Between?*' The New Faces of Victimhood* (2011) 15-40.
[32]United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (GA *Resolution 60/147)* (New York: United Nations, 2005)
[33] V B Theo, *Introductory Note to the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (New York: United Nations Audiovisual Library of International Law, 2010)
[34]United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (GA *Resolution 60/147)* (New York: United Nations, 2005).
[35] ibid.

In some countries, victims can ask the offender to make restitution for the loss as part of the criminal trial, while in some other jurisdictions, such restitution is awarded separately from the trial, for instance as part of civil proceedings. [36] Article 12 of the United Nations Declaration specifies that when compensation is not fully available from the offender or other sources, States should endeavour to provide financial compensation to:

(a) Victims who have sustained significant bodily injury or impairment of physical or mental health as a result of serious crimes;[37]

(b) The family, in particular, dependants of persons who have died or become physically or mentally incapacitated as a result of such victimization.

A core component of the United Nations Principles and Guidelines[38] was laid out in the principles describing the various forms of reparation and summarized as follows:[39] Also, the convention provides for restitution. Restitution refers to measures which restores the victim to the original situation before the gross violations of their rights. The principles state that adequate restitution should be made to the victims or their family members and that such restitution should include the return of property or payment for the harm or loss suffered, reimbursement of expenses incurred as a result of the victimization. [40] In view of the foregoing, the appropriate state authorities may review their legal provisions on restitution in addition to other criminal sanctions.[41] Examples of restitution include: restoration of liberty, enjoyment of human rights, identity, family life and citizenship, return to one's place of residence, restoration of employment and return of property. Entitlement to rehabilitation basically includes the right to medical and psychological care, as well as legal and social services.[42] Ogunyemi[43] observed that access to the above assistance are often inconsistent across Nigeria. While urban areas may have better facilities, rural regions

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[36] J Wemmers, *Victimology: A Canadian perspective.* (Ontario: University of Toronto Press, 2017)
[37] Emphasis on serious crime
[38]United Nations, *Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law* (GA *Resolution 60/147).* (New York: United Nations, 2005)
[39] V B Theo, *Introductory Note to the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.* (New York: United Nations Audiovisual Library of International Law, 2010)
[40] Par 8 of the Declaration of Basic Principles Offenders or third parties responsible for their behaviour should where appropriately make fair restitution to victims their families or dependents such restitution should include the return of property or payment for the harm or loss suffered reimbursement of expenses incurred as a result of the victimization the provision of services and the restoration of rights.
[41] Par 9 of the Declaration of Basic Principles Governments should review their practices, regulations and laws to consider restitution as an available sentencing option in criminal cases in addition to other criminal sanctions
[42] UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violation s of International Human Rights Law, Principle 21
[43] M **Ogunyemi, '**Gender-Based Violence and the Implementation of General Recommendation 35 in Nigeria: Challenges and Prospects*' Journal of International Women's Studies*, (2019) 20(3), 85-100.

frequently lack adequate resources and infrastructure. Also, another factor responsible for in accessibility of the underscored assistance has been ascribed to insufficiency. The government funding for victim support services are inadequate. Most of the services are been handled by NGOs and international organizations, and more often they are unable to cover all affected areas.[44] Relatively, there is a lack of effective coordination between various service providers, accounting for low level of comprehensive care.[45]
Despite the provision and significant role the above-mentioned declaration plays within the international and national human right sphere, through setting of prescribed guidelines for the treatment of victims, it is not legally binding in the same manner as conventions ratified by countries. The declaration lacks the force of law of any binding international treaties. It serves as a form of prescribed guidelines and standard best practices for member states to follow; hence its status is persuasive and not binding.

3.1.3 The Statute of the International Criminal Court (ICC)

With the adoption on 17 July 1998 of the Rome Statute, the legal framework guiding the International Criminal Court, the growing attention paid to victims in the framework of criminal proceedings in national criminal justice systems was considered under the international criminal justice regime. The preamble to the Rome Statute of the International Criminal Court (ICC) identified that millions of children, women and men have been victims of unimaginable atrocities which impacts on humanity. This emphasis on victims and impact on humanity was an intentional act and a reflection of the need to create a 'victims' court', a court that would give victims of mass atrocities a significant voice in the administration of justice.[46]

In response to the recognition of the unique challenges faced by victims in conflict and post conflict settings, the ICC pioneered a set of new centered features in its normative and procedural framework. Also, in response to the criticisms of International Criminal Tribunal for Rwanda (ICTR) and International Criminal Tribunal of former Yugoslavia (ICTY) for not adequately integrating victim perspectives into their processes; the ICTY incorporated victim-centred practices into their procedural practice.[47]

The ICTY identified that the conventional criminal justice systems inadequately addressed the rights and needs of victims, especially in cases involving mass atrocities and complex international crimes. This

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[44] **Amnesty International, '**Nigeria: Gender-based Violence and the Impact of COVID-19*'* (2020) <https://www.amnesty.org/en/wp-content/uploads/2021/11/AFR4449592021ENGLISH.pdf> Accessed 30 August 2024

[45] **UN Women, '**Progress of the World's Women 2021-2022: Gender equality in Nigeria' (2021) <https://www.unwomen.org/en> Accessed on 30 August 2024

[46] C S Stover, T J McMahon, & C Easton, 'The Impact of Fatherhood on Treatment Response for Men with Co-Occurring Alcohol Dependence and Intimate Partner Violence' *Am J Drug Alcohol Abuse*. (2010) 37:74–8.

[47] **P Clark,** 'The Victims' Voice and the International Criminal Tribunal for the Former Yugoslavia: A Review of Victim Participation and Impact*' Journal of International Criminal Justice* (2018) 16(3), 345-367.

recognition aimed to ensure that victims' experiences and perspectives were central to the justice process while acknowledging their pain and need for recognition. Most authors agree that ICTY in giving victims' a voice, ensured that justice was not only about prosecuting perpetrators but also about addressing the harms suffered by them.[48]

In particular, the ICC grants victims the right to participation in trial and the right to reparations. Victims' legal representatives were to ensure that at all stages of the proceedings, their views and concerns are heard on matters where their personal interests are affected. Victims may attend hearings and, subject to rulings by the Court, make oral and written submissions, or be allowed to question witnesses.[49] Throughout this participation in trial, the identities of victims are protected by a pseudonym attributed to them (for example: a/0001/18).[50] Furthermore, in the last two decades, a special section of the ICC, the Victims Participation and Reparation Section, facilitated interactions with the court and has registered thousands of victims as participants.[51] Office of the Public Counsel for Victims (OPCV) provides legal representation to victims throughout proceedings, and supports external lawyers appointed by victims.[52] In addition, another section within the Court deals with facilitating of victims and witness protection, when required.[53]
Moreover, the Rome Statue created a trust fund for victims with a dual mandate, (i) to implement Court-ordered reparations (reparations mandate) and (ii) to provide physical and psychosocial rehabilitation or material support to victims of crimes that fall within the jurisdiction of the ICC.[54] For instance, the trust fund collaborates with local partners, medical rehabilitation providers for victims injured as a result of war crimes and victims of sexual and gender-based violence crimes within ICC jurisdictions.[55]

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[48]K Roth, *'Victim Participation and Impact in International Criminal Justice' Human Rights Quarterly* (2016) 38(2), 489-507. DOI: 10.1353/hrq.2016.0027
[49]I Bantekas, 'The Victims' Rights Regime under the Rome Statute: Achievements and Limitations*' International Criminal Law Review* (2020) 20(3), 315-339.
[50] International Criminal Court, 'Victims' Rights and Services*'* (2021) <https://www.icc-cpi.int/about/victims> Accessed on 30 August 2024
[51] International Criminal Court, 'Victim Participation and Reparation Section' (2023) <https://www.icc-cpi.int/about/victims/Pages/victims-participation-and-reparation.aspx> Accessed on 30 May 2025.
[52] International Criminal Court, 'Office of the Public Counsel for Victims (OPCV*)'* (2021) <https://www.icc-cpi.int/about/office-public-counsel-victims> Accessed on 30 May 2025.
[53] ibid.
[54]**International Criminal Court, '**Trust Fund for Victims (TFV*)*' (2023) <https://www.icc-cpi.int/about/trust-fund-for-victims> Accessed on 30 August 2024.
[55] C S Stover, T J McMahon, & C Easton, 'The Impact of Fatherhood on Treatment Response for Men with Co-Occurring Alcohol Dependence and Intimate Partner Violence' *Am J Drug Alcohol Abuse*. (2010) 37:74–8.
[55]P Clark, 'The Victims' Voice and the International Criminal Tribunal for the Former Yugoslavia: A Review of Victim Participation and Impact*' Journal of International Criminal Justice* (2018) 16(3), 345-367.
[55]K Roth, '*Victim Participation and Impact in International Criminal Justice' Human Rights Quarterly* (2016) 38(2), 489-507.

3.1.4 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

The African Charter on Human and People's Rights, adopted in 1981[56], is a fundamental framework that recognized the elimination of discrimination against women.[57] Despite the establishment of the African Charter, it was still effective in addressing women rights. This led to the agitation for a better strategic framework towards addressing women's rights in Africa. However, in order to ensure that the Charter operates within the standard principles and practices, it provided for special protocols or agreements, if necessary, to supplement its provisions.[58] Hence, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) was adopted in 2003 and came into force in 2005. This became a significant milestone for women's empowerment and gender equality in Africa.[59] Some of the provisions that fosters the protection and promotion of the rights of victims' of sexual violence includes the establishment of appropriate measures to ensure the protection of the rights of women with respect to their dignity and protection from all forms of violence particularly sexual and verbal violence.[60] The provision of appropriate measures in establishing law to prohibit all forms of violence perpetrated against women (including unwanted or forced sex).[61] The implementation of programmes for the rehabilitation of victims and punishment of perpetrators.[62] The provision adequate budgetary and resource allocation for the implementation and monitoring of actions aimed at preventing and eradicating violence against women.[63] The provision of basic support services to victims such as health services, legal services, judicial services, emotional and psychological counselling. Also, the protocol considered the need for vocational training so as to enable self-support.[64]

Although Nigeria ratified the African Charter in 2004, the Maputo Protocol has not been directly incorporated into its legal system.[65] In 2022, the Alliance for Africa in a shadow report on Nigeria's implementation of the Protocol to the African Charter observed that although Nigeria ratified the Maputo Protocol on 16th December, 2004, its inability to domesticate the charter in its entirety has posed major

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[56] African Union. *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa*. (Addis Ababa, Ethiopia: African Union, 2003)
[57] R Sigworth & L Kumalo, 'Women, Peace and Security: Implementing the Maputo Protocol in African' *Institute for Security Studies* (2016) 295; 3
[58] Ibid (n329), Art. 66
[59]ibid.
[60] Ibid, Art. 3.
[61] **I Bantekas, '**The Victims' Rights Regime under the Rome Statute: Achievements and Limitations*' International Criminal Law Review* (2020) 20(3), 315-339.
[62] Ibid, Art. (4)(b).
[63] Maputo Protocol, Art. 4(i).
[64] ibid, Art. 5(c).
[65]O Oyekanmi, 'Domesticating the Maputo Protocol and Women Participation in Nigeria' *International Journal of Advanced Research in Public Policy, Administration and Development Strategies* (2021) 5(1);1

challenges.[66] The report identified that Nigeria was only able to make few commendable domestication such as the VAPP Act. In order to foster more progress result with the domestication of the African Charter, the platform through which the report was established, made notable contributions to assist Nigeria in realizing the aim to which the protocol was enacted. The recommendation touched on all aspects of the 21 articles of the Maputo protocol, however, for the purposes of this study, recourse shall be made to those directly related to the protection and promotion of the rights of victims of sexual violence. The harmonization of the country's response to combating SGBV by strengthening its legal framework; capacity building and training for law enforcement agencies handling cases of rape and sexual assault and awareness; amendment of laws to accommodate medical abortion for women in cases of sexual violence and where pregnancy endangers the woman and the need for experts in prosecution of cases of rape within the Ministry of Justice were recommended.

Nigeria's failure to domesticate the protocol in its entirety will continue to occasion deprivation of the rights of victims of sexual violence.

3.2 National Legal Framework

This section examines and highlights the gaps in the laws established in Nigeria.

3.2.1 The Constitution of the Federal Republic of Nigeria

The Constitution[67] has been referred to as the grundnorm of all laws in Nigeria. Although the Constitution did not specifically provide for sexual violence victims' protection, section 34 recognises citizen's entitlement to right to dignity and respect for the dignity of their person accordingly which is sacrosanct to the protection of the rights of victims of sexual violence. Also, section 42(1) protects Nigerian citizens from all forms of discrimination by 'any law in force in Nigeria or any executive or administrative action of the government'.[68] The case of *Mogekwu v. Mogekwu* in commenting on the significance of s.42(1) to addressing gender inequality, observed that any form of societal discrimination on grounds of sex, apart from being unconstitutional, is an antithesis to a society built on the tenets of democracy.[69]

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[66] Alliance for Africa, 'Implementation of the Protocol of the African Charter on Human and Peoples Right in Africa' (2022) <https://alliancesforafrica.org/shadow-report-on-nigerias-implementation-of-the-protocol-to-the-african-charter-on-human-and-peoples-right-on-the-right-of-women-in-africa/> Accessed on 31 August 2024
[67] Constitution of the Federal Republic of Nigeria (1999) as amended; CAP C23 LFN 2010.
[68] ibid.
[69] (1997) 7 NWLR (Pt. 512) 283 CA

Also, chapter two of the Constitution which contains the Fundamental Objectives and Directive Principles of State Policy also encourages equality of opportunities between both genders as well as the maintenance of human dignity, health, welfare, employment and education for all citizens without discrimination. Although, the provisions of chapter II are not justiciable, hence cannot be enforced.[70] The Constitution provides that financial assistance should be rendered to indigent citizens to support the prosecution of their claims.[71] The offence of sexual violence no doubt, is an act that violates the personal dignity of any person. Hence, it is trite to state that the Constitution places great significance on victims' protection.

3.2.2 Violence against Persons (Prohibition) Act, 2015 (VAPP Act)

The VAPP Act was established in Nigeria on May 2nd, 2015 in order to comply with CEDAW's recommendations which enjoined parties to take legal measures to protect women against Gender Based Violence.[72] However, due to several objections as a result of cultural and religious beliefs (the Act was entirely a feminist construct) spanning from few provisions, the passage of the Act was delayed.[73] Despite all the hurdles besetting it, it was eventually drafted as a general law prohibiting violence against all persons in Nigeria. The VAPP Act became a focal reference due to the expansion of the definition of rape to include, anal penetration, and oral sex. Onyemelukwe asserts that despite the gender-neutral language employed in the Act, the Act is still sensitive to issues concerning women and girls.[74]

The VAPP Act expanded the definition of rape to include penetration of the mouth or anus by any item or part of the body, unlike previous laws which limits rape to penetration of and only through sexual organs.[75] The scope of the offence rape became gender neutral through the recognition of men as victims of rape.

Furthermore, aside the punishment section for perpetrators of the offence, the Act recognises the rights of victims. [76] It espouses that every victim is entitled to receive the necessary materials, comprehensive medical, psychological, social and legal assistance through government agencies and/or non-governmental agencies providing such assistance. Victims are to have access to available legal, health and special services and any other relevant assistance they may need. The Act provides for re-integration and rehabilitation programmes of State as it will enable victims to acquire necessary pre-requisite skills in any vocation of

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[70] Ibid(n1), s. 6 (6) (c*); Olubunmi Okogie v. A.G. Lagos* (1981) 2 NCLR 337

[71]Ibid (n1), S. 46 (4)

[72] E Ekhator, *Protection and promotion of women's rights in Nigeria: constraints and prospects*. In: Addaney M (ed) *Women and Minority Rights Law: African Approaches and Perspectives to Inclusive Developmen*t (Netherlands: Eleven International Publishing, 2019) 6

[73] C Onyemelukwe 'Legislating on Violence against Women: A Critical Analysis of Nigeria's Recent Violence against Persons (Prohibition) Act, 2015' *DePaul Journal of Women, Gender & the Law* (2016) 5 (2), 1–58.

[74] Ibid (n3) 10

[75] Violence against Persons (Prohibition) Act, 2015, S. 1

[76] ibid, s.38.

their choice in addition to necessary formal education and access to micro credit facilities.[77] For victims, the Act provides access to improved resources, including hotlines, shelters, legal counsel, access to justice, counseling, police protection, and comprehensive health services. Acknowledging the role of service providers (like police, health workers, counsellors etc.) validates the numerous efforts these organizations have made over the years and acknowledges that the government is unable to offer all services on its own. The Act created appropriate guidelines for service providers' operations. However, the Ministry to be held responsible for providing accreditation is not yet identified in the Act. As of right, the act reflects that the accreditation may need to be completed by the regulatory body, the National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP).[78] In the near future, guidelines or rules describing the prerequisites, steps, and procedures for accreditations will also need to be created. The regulations may include provisions for capacity building and training, necessitating that accredited service providers attain a specific degree of proficiency.

In addition to the above, the Act established a sex offender register where persons convicted of sexual offences will be registered to prevent them from committing further assaults as well as deter prospective offenders.[79] Furthermore**,** section 23 of the Act Provides for a protection order to be issued by a judge restraining a private person or state actor from further abusive behaviour towards the victim, upon application made anytime by a victim or complainant.[80]

Despite the laudable introductions, the Act has been critiqued for not expressly capturing that violence against women is a discriminatory practice and a violation of their human rights, as recommended by the United Nations model framework for legislation on violence against women.[81] Furthermore, the Act empowers the National Agency for the Prohibition of Trafficking in Person (NAPTIP) to enforce the provisions of the Act.[82] The NAPTIP is a specialised agency established to combat trafficking in persons through the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003. Scholars have raised doubts as to whether NAPTIP can handle the additional responsibilities of enforcing the VAPP Act and whether they can afford the cost associated with enforcement.[83] Another crucial point to consider is whether the Act, which established NAPTIP, permits NAPTIP to take on other responsibilities outside the main function of enforcing anti-trafficking legislation and whether there is any conflict between

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[77] Ibid.
[78] ibid, s.44.
[79]Violence against Persons and Prohibition Act 2015, s.1(4).
[80] ibid, s. 28.
[81] United Nations, 'Handbook for Legislation on Violence against Women' (2010) <https://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf> accessed 15 May 2023
[82] VAPP Act 2015, s. 44
[83] O O Louse and O S Oyelade, 'Access to Justice for Nigerian Women: A Veritable Tool to Achieving Sustainable Development' *International Journal of Discrimination and Law* (2022) 22(1); 4-29

that legislation and the VAPP Act. Interestingly, NAPTIP was created by the Trafficking in Persons Act 2015. The Act in section 27 specified NAPTIP's objectives. In summary, the functions of NAPTIP is to enforce all legislation on trafficking in persons and to do all things that are necessary to prevent trafficking in persons, prosecute offenders, and protect victims of trafficking. While trafficking is also violence, it is clearly distinguished from the crimes provided for under the VAPP Act. Although many of the offences covered under the VAPP Act can also be committed in the context of trafficking, thereby bringing those offences under the Trafficking in Persons Act, those offences when committed outside the trafficking context, do not constitute trafficking. The study after careful scrutiny of the provisions of the Act establishing NAPTIP, recognized that the realization of the Act would be more effective if a body is created specifically to enforce the VAPP Act. The myriad of offences that are captured under the VAPP Act may be burdensome for NAPTIP to carry out effectively. Previous versions of the VAPP Bill had included a new institution to be established for the purpose of enforcing the Act. The previous versions of the Bill included the creation of a National Commission on Violence against Women to be fully funded by the Government, which was to, inter alia, monitor and supervise the implementation of the provisions of the Act. However, given the costs of establishing another agency, in the process of enacting the Act, the act of saddling NAPTIP with the enforcement objectives may likely stem from the thought of reducing the financial burden. Therefore, the legislature may have preferred to employ an already existing institution with some capacity (including shelters, some trained personnel) in handling issues relating to violence, albeit a specific area.[84]

There have been arguments as to why the National Human Rights Commission (NHRC) was not considered for this role, given its encompassing remit. The study highlights that NHRC's role is crucial for advocacy and oversight, but the enforcement of the VAPP Act requires specialized law enforcement agencies and judicial bodies that are equipped to handle criminal investigations, prosecutions, and victim support effectively. Hence, this study advocates for a revisit of the issue, to evaluate whether NAPTIP's capabilities have stood up to the challenges of regulating a broader area of violence. Scholars like Odion and Eboigbe condemned that an amendment was not made to the Act before the responsibilities of the agency were expanded.[85]

Also, Ekhator posits that some measures (establishment of rape crisis centres, victims' trust fund and special police desk) which would have facilitated the implementation of the Act were not included, even

[84] C Onyemelukwe 'Legislating on Violence against Women: A Critical Analysis of Nigeria's Recent Violence against Persons (Prohibition) Act, 2015' *De paul Journal of Women, Gender & The Law* (2016) 5 (2); 1–58.
[85] J Odion and E Eboigbe, 'Eliminating Harmful Practices against Women in Nigeria: An Examination of the Violence against Women Persons (Prohibition) Act, 2015' *International Journal of Human Rights* (2022) 22(7); 33–945.

though they were added to previous drafts of the Bill.[86] Another striking challenge of the Act is that it only applies to the Federal Capital Territory (Abuja)[87] which implies that states must adopt the act before it can be enforceable in those states.

Also, another major deficiency is that the act did not establish a source of funding to be used for compensation and assistance of victims. It is paramount for resources to be provided by the government, perhaps with collaboration from international development partners working in this area. This will help boost some of the interventions that will need to be in place for prevention and capacity building efforts towards prevention and protection of victims.

3.2.3 Administration of Criminal Justice Act 2015 (ACJA)[88]

The Act makes provision for victims' remedies. The innovations in the Act spells out a paradigm shift from retributive penal justice system to a more creative problem solving approach as embodied in restorative justice, victim compensation and other non-custodial sentencing for crime.[89] The long title of the ACJA captures the significance of the utilitarian value of the Law thus: the Act provides for the administration of criminal justice system which promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crimes and protection of the rights and interest of the suspect, the defendants and victims in Nigeria.[90] The Act in order to cure the lapses in the Nigeria Criminal Justice system introduced a shift in the viewpoint of criminal justice process from punitive justice to restorative justice. Some of the restorative alternatives introduced into the criminal justice system are; suspended sentences, compensation,[91] restitution,[92] rehabilitation[93] and treatment.[94]

One of the most innovative restorative justice dimensions of the ACJA is the provision for the payment of compensation to victims. Section 319 (1) (a) of the ACJA states thus:

> A court may, within the proceedings or while passing judgement, order the offender or convict to pay a sum of money as compensation to any person injured by the offence, irrespective of any other fine or other punishment that may be imposed or that is

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[86] E Ekhator, Protection and Promotion of Women's Rights in Nigeria: Constraints and Prospects. In: Addaney M (ed) Women and Minority Rights Law: African Approaches and Perspectives to Inclusive Development. (Netherlands: Eleven International Publishing 2019) 17.
[87] Violence against Persons and Prohibition Act 2015, s.47.
[88] Administration of Criminal Justice Act 2015.
[89] B Odoh, 'Creative Approaches to Crime: The Case for Alternative Dispute Resolution (ADR) in the Magistracy in Nigeria' *Journal of Law, Policy and Globalization* (2015) 36; 13.
[90] Administration of Criminal Justice Act 2015
[91] Administration of Criminal Justice Act, s. 454 (3) (a)
[92] Ibid, s. 270 (2)(b)
[93] Ibid, s.401, 467, 468 (2)
[94] Ibid, s. 298 (2), 311(2), 319 (1) and 401(c)

imposed on the defendant or convict, where substantial compensation is in the opinion of the Court recoverable by civil suit.

However, a look at section 401 – 405 of the ACJA clearly indicates that ACJA is a hybrid of both retributive and restorative justice. Also, the ACJA provides that witnesses to some offences like, sexual related offences, trafficking in person and any other offence in respect of which an Act of the National Assembly was passed, can utilize the use of protective measures to give evidence in camera.[95] Furthermore, the name and identity of the victims or witnesses of such an offence shall not be disclosed in any record of the proceedings and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets.[96]

In order to protect the identity of victims, evidence may be received by video link, witnesses may be screened or masked.[97] The Act in order to give credence to the provision prescribed a minimum of one-year imprisonment for anyone who contravenes the provisions.[98] This provision is highly commendable because it protects the victims of sexual violence who are mostly women and children and who may previously had been reluctant publicly declare the offences against them as a result of fear of ridicule and shame. However, there is a dearth of cases on the above subject matter, except the case of *Sambo Dasuki v FRN*. [99] In that case, the only mention of the subject was that the court allowed witnesses to testify behind a screen.[100] Interestingly, the witness protection under the ACJA is not exhaustive. However, significantly, Nigeria may have borrowed from South Africa and Kenya through the establishment of the Witness Protection and Management Act 2022 was established. The Act applies to all institutions and authorities within the justice sector thereby shutting out its application for offences of sexual violence to civil matters which have a more direct impact on individuals and business.[101]

Overall, despite the innovative provisions on compensation contained in the ACJA, there is a glaring omission that it has no provision for institutional framework for compensation schemes as a source of

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[95] Ibid, s. 232
[96] ibid.
[97]O M Ayotebi, 'An Analysis of the Provisions of section 232 of the Administration of Criminal Justice act, 2015' <https://omaplex.com.ng/an-analysis-of-the-provision-of-section-232-of-the-administration-of-criminal-justice-act-2015/#_ftn1>. Accessed 23 June 2025.
[98] Ibid(n216) s.232 (5).
[99] 6 [2018] LPELR 43969 C.A.
[100] F Waziri-Azi, 'Legal Framework of Witness Protection Measures during Criminal Trial in Nigeria and Emerging Practices' (2019) 7(1) *European Journal of Research in Social Sciences*, 8 <http://www.idpublications.org/wpcontent/uploads/2018/12/Full-Paper-Legal-Framework-of-Witness-Protection-measures-During-Criminal-Trial-In-Nigeria.pdf> Accessed 8 June 2025.
[101] D Adu, T Dosumu and A Asaolu, 'An Overview of the Witness Protection and Management Act 2022' (2022) <https://www.mondaq.com/nigeria/trials-amp-appeals-amp-compensation/1201908/an-overview-of-the-witness-protection-and-management-act-2022> Accessed 2 June 2025.

funding and guarantee for payment of compensation to victims of crime in Nigeria in line with international standards and best practices.

3.2.4 Criminal Code and Penal Code

The Criminal Code[102] is applicable in the south. It criminalizes the following forms of sexual violence, rape, offences against morality[103] which includes defilement of girls, indecent treatment of boys, incest, and bestiality. The law defines rape[104] as the unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false or fraudulent representation. The Criminal Code definition concentrates on vaginal rape without a mention of their organ. This provision has been held to archaic; although the VAPP Act has closed the gap in definition, there is need for an expansion and a repeal of the section.

The Criminal Code Act[105] goes further to prescribe a limitation period within which such actions must be instituted and a period of 2 months within which an action must be brought after the commission of the act. The legal effect of this provision is that any action brought after the limitation period will not be statute barred in a court of law. This provision is an exception to the general rule that there is no time limit for the institution of criminal actions. Arguably, the purpose of this provision as to limitation might be to ensure that there is still reliable evidence linking an accused to the crime, however, this could be exploited by unscrupulous suspects or prosecutors who simply need to ensure that prosecution is delayed by every "legal" means available until expiry of the period limited, in order to enable suspect walk away free and prowl around town for their next victim. The study argues for a repeal of this section for being repugnant to natural justice. The provision of two months is largely inadequate for the offence of sexual violence; the law should only take cognizance of the genuineness of the evidence before it rather than bordering on mere technicalities. In case *of Adeoti v State*,[106] the Court of Appeal held that the offence of rape is said to be consummated where a man has unlawful carnal knowledge of a woman or girl without her consent or where consent is obtained by force or by means of threat or intimidation of any kind or by fear of death or possible bodily harm or by means of deceit, falsehood or fraudulent representation as to the nature of the act. The court further held that the essential and most important ingredient of the offence of rape is penetration and

[102] Criminal Code Act, Cap C38 LFN 2004 (Hereinafter referred to as Criminal Code).
[103] ibid, s. 214.
[104] ibid, s.357.
[105] CCA, s.218.
[106] *Adeoti v State*, (2009) All FWLR (Pt 454) 1450.

unless penetration is proved, the prosecution must fail. Penetration however slight is sufficient and it is not necessary to prove injury or rupture of the hymen to constitute the crime of rape.

While sexual offenses such as defilement and rape are not gender-specific, notable Nigerian laws on sexual offenses, such as the Criminal Act and Penal Code[107], acknowledge that women are the only gender capable of experiencing sexual abuse. According to these laws, penetration of the vagina is necessary to prove rape and related offenses. In essence, situations of sexual abuse against men are automatically excluded from execution of these regulations. A boy under the age of twelve is also considered incapable of having carnal knowledge by the Criminal Code.[108]

Furthermore, Nigerian law does not address or even anticipate the problem of marital rape. It's interesting to note that the two main statutes pertaining to sexual offenses purposefully leave marital rape out of their definitions[109].This isn't the situation in other countries, including the US, where marital rape has been illegal since the 1990s. The rationale behind this is that sex is and should always be consenting, whether it occurs within or outside of a marriage. Additionally, since then, laws that denounce and make marital rape a crime have been adopted by African nations like Ghana, Cameroon, Angola, and Gabon.[110] Nigeria's traditional beliefs on marriage, its interpretation of religious doctrines, and its conceptions of male and female sexuality have all been blamed for the country's unwillingness to make this offense a crime. Thus, it is easy to understand why, in Nigeria, acts of sexual violence between spouses are presumably accepted or permitted due to the underlying notion that marriage is an act of permanent agreement. When there are child marriages, there is often more sexual violence between the spouses since the children are coerced into marriage and sexually assaulted under the pretense of the institution of marriage. For example, there was a story that made headlines lately about a young girl who killed her husband with a knife after he made an aggressive attempt to rape her against her will.[111]

Although the Criminal Code does not explicitly address the age of consent, it is reasonable to infer from the overall language of the Act that anyone under the age of 13 is considered a child. For this reason, it is necessary to harmonize the age of consent and make it applicable across the nation. This author suggests that the legal age of consent be set at eighteen years old, as a practical means of preventing sexual assaults against minors, particularly in situations when statutory rape occurs.

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[107] Criminal Code Act, s. 218; Penal Code, s. 282.
[108] ibid, s.30.
[109] ibid, s.6; PC s.282.
[110] E Iyayi and P Eritamremu, 'Addressing the Issue of Rape in Nigeria and Supporting Survivors' (2022) <www.mondaq.com/nigeria/crime/1183228/confronting-the-menace-of-rape-in-nigeria-and-helping-survivors-to-heal> Accessed 10 June 2025.
[111] ibid.

The Penal Code is applicable in the north. It criminalizes the following forms of sexual violence. It criminalizes the following forms of sexual violence, procreation of a minor girl,[112] procuring a woman or girl for immoral purpose, rape, among others.

3.2.5 Evidence Act

On the 3rd June, 2011, the Evidence Act, 2011[113] was established; it repealed the old Evidence Act, 1990 Cap E14, Law of the Federation of Nigeria, 2004. Among other innovative provisions welcomed in the new act, a search through the length and breadth of the new act reveals that with the exception of Section 209(3) of the Evidence Act, 2011, which requires corroboration for unsworn evidence of a child of less than 14years of age, corroboration is no longer a necessity as required under Section 179(5) of the repealed Evidence Act for prosecution on cases of sexual violence.[114] The removal of the requirement of corroboration represents a progressive reformative step by the legislature which aims at addressing the challenges associated with prosecuting sexual offences.[115]

Section 234[116] states that in prosecution for rape, attempted rape, or indecent assault, evidence regarding the complainant's sexual experiences with individuals other than the defendant shall not be introduced, nor shall questions concerning such experiences be asked in cross-examination, unless the court grants permission. Such permission must be obtained before presenting this evidence or asking these questions. Notably, this section of the Evidence Act excludes or prohibits any question which would seek to expose the sexual life of the victim with other men except the defendant alleged to have raped the victim in a given case. This is commendable as it is a boost to right to privacy and confidentiality.

4.0 Conclusion

Having analysed the strengths and limitation of the various laws and convention governing sexual violence in Nigeria and on the international pedestal, the study hopes that the limitations identified will significantly be amended to enhance the protection of victims of sexual violence. The appraisal of Nigeria's legal framework for the protection of victims of sexual violence demonstrates that, although significant legislative efforts have been made notably through the Violence Against Persons (Prohibition) Act 2015 (VAPP Act), and relevant provisions of the Criminal and Penal Codes gaps remain in scope,

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[112] ibid, s.275.
[113] Evidence Act 2011.
[114] H A Akuche, H A and I B Babangida, 'Innovations in Procedural Laws on Rape and other Sexual Offenses in Nigeria' *Journal of Law, Policy and Globalisation* (2019) 87, 102-116.
[115] Evidence Act 2011.
[116] ibid.

implementation, and accessibility. The absence of a uniform national legal standard and the incomplete domestication of the VAPP Act across many states have resulted in uneven levels of protection for victims.

Therefore, while Nigeria's current framework provides a formal structure for addressing sexual violence, it remains reactive rather than preventive, and fragmented rather than cohesive. A reformed, harmonized, and victim-sensitive legal framework is imperative to achieve meaningful protection and access to justice for victims. These legislative improvements become fundamental as they will ensure good justice responses for victims of sexual violence. Thus, by creating a more supportive and respectful legal mechanisms, the justice-seeking process becomes less intimidating and more accessible for victims of sexual violence.

5.0 Recommendations:

Legislative interventions are solid foundations for any country to achieve an effective, responsive and multi-coordinated approaches for the realization of the rights of victims. This is because, among other notable implication, it has the capacity to foster sustainability and withstand successive government. Therefore, the following are recommended:

i.) **Uniform Domestication and Harmonization of Laws:**
The National Assembly, in collaboration with State Assemblies, should ensure full domestication of the VAPP Act and harmonize its provisions with existing criminal laws to eliminate inconsistencies across jurisdictions. A model uniform law on sexual offences could be developed to guide state adoption.

ii.) **Comprehensive Review and Amendment of Obsolete Provisions:**
The Criminal and Penal Codes should be comprehensively reviewed to remove outdated and discriminatory provisions that trivialize sexual offences or limit their definitions. For instance, the definition of rape should reflect **gender neutrality** and **broadened consent standards** consistent with international human rights norms.

iii.) **Codification of Victims' Rights and Legal Representation:**
A **Victims' Rights Charter** or specific statutory provisions should be enacted to guarantee victims' rights to information, participation, compensation, and protection during proceedings. Legal aid for victims should be mandated as a statutory right.

iv.) **Integration of International and Regional Standards:** Nigeria should strengthen the domestication of relevant international instruments including the **CEDAW, Maputo**

Protocol, and **Istanbul Convention principles** to align domestic laws with globally recognized victim protection standards.

v.) **Stronger Enforcement and Oversight Mechanisms:** Establish an independent **Sexual Offences Oversight and Monitoring Commission** with legal authority to track implementation, enforce compliance by law enforcement agencies, and publish periodic reports on prosecution and conviction rates.