

Enforcement of the Violence Against Persons Prohibition (VAPP) Act 2015 in Fighting Domestic Violence Against Women in Rivers State: Challenges and Remedies

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Abstract:

Domestic Violence Against women is a global problem that affects all countries of the world including Nigeria. In this work, the challenges of enforcing the Violence Against Persons Prohibition Act (VAPP) 2015 in fighting domestic violence against women in Rivers State were investigated and the remedies were determined. This study adopted the survey research design and a cluster sampling technique. A total of 1200 copies of questionnaire were administered to respondents with a response rate of 92.5% and the data was analyzed using simple percentages, charts and tables. The results show that a total of 69% of respondents disagreed that the VAPP Act of 2015 have been effectively enforced in Rivers State. The study has also shown that although the VAPP Act of 2015 is a welcome development, the level of enforcement in fighting domestic violence against women has been very low since 2015. Based on findings from this work, the factors responsible for low level of enforcement includes: low level of awareness of the provision of the Act, the jurisdiction of the Act and the fact the women are afraid of been divorce should they take their husbands to court for marital abuses. The study recommended that aggressive awareness campaigns at all levels (villages /communities, towns and cities) should be carried out by government agencies, sociologist, human right Activist, all Stakeholders, and the Rivers State government should domesticate the VAPP Act of 2015 to enable women at the local community level seek redress on matters affecting them would lead to improvement in the expected level of enforcement of this Act

Keywords: Domestic Violence, Rape, Wife Battering, Sexual Assault and VAPP Act 2015

1. Introduction

The term domestic violence is any act of intimidation or abuse, physically, verbally and or emotionally perpetrated against any person. However, violence against women by WHO definition is any act of gender based violence, which result or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life (WHO, 1996) This is happens every day domestically and across the various sectors of the Nigerian society and the world at large among the literate and illiterate, religious , pagans, career women, house wives, married, single, students and youths. Some men see it as a “therapy of some men to conveniently transfer aggression, anger or frustration on their wife and or children”. Thus, some traditional African women see this sad reality

as a usual. In such situations, majority of women endure several hard conditions and bear the pains silently with the hope that someday their husbands would change their ways. Therefore, women tends to forgive despite the injuries, scars emotional traumas and many untold hardship inflicted by the men or spouses. Most heart-wrenching scenario is the fact that other time where the physical psychological and emotional traumas gradually change a once beautiful and nice lady into a recluse. Consequently, several women have died and others are held in bondage. Therefore, there is need to examine how effective has the Violence Against Persons Prohibition Act of 2015 have been enforced in fighting such level of injustice against women and girls hence, the importance of this study

1.1 Forms of Violence Against Women

The United Nations Declaration of 1993 on the Elimination of Violence Against Women defines such violence as any act of gender-based violence that results in or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. Violence against women manifest in several ways in the society.

These various forms are briefly explained as follows:

Rape: is a forceful, unwanted penetration of the vagina, anus or mouth of another person with any part of his or her body or anything else without the consent of the person involved.

Sexual Assault: is any unwanted sexual contact, attempt on a person which may or may not end in actually intercourse.

Domestic Violence refers to physical and sexual attacks in the home within a family or an intimate relationship such as intimate partner violence, marital rape, assault, battery and sexual abuse in the household.

Early Marriage: Early marriage refers to a forced marriage of a girl under the age of 18. Early or forced affects the emotional, psychological physical, sexual life of victims.

Femicide: This involves the abortion of female fetus in preference to men or the killing of a woman or girl, in particular by a man and on account of her gender.

Female Genital Mutilation also referred to as female genital cutting and female circumcision, is the ritual cutting or removal of some or all of the external female genitalia..

Physical Abuse: This is any unnecessary/unwanted physical contact, which is usually violent and hurtful and usually results in bodily harm, discomfort and/or injury. These include slapping, kicking, pushing, shoving, punching, choking and strangling.

Psychological/Emotional Abuse: This refers to any act that provokes fear, diminishes the individual's, dignity or self-esteem, inflict psychological trauma on another person. In the family, acts of intimidation, silent treatment, yelling, talking down, playing on emotions, degradation, blackmail, threats, refusing to provide support or help out with kids/children.

Verbal Abuse: involves the use of provocative statements or utterances, embarrassments, offensive, threats with an intension to degrade a woman. Examples are name-calling, slut shaming, false accusations, lies, insults, lying curses, etc.

Wife Battering refers to violent acts in form of psychological, sexual and/or physical assault by an assailant against his **wife** and/or partner made with the intent of controlling the partner by inducing fear and pain.

Financial Abuse: Any behavior that reduces eliminates or deprives a woman of her financial independence. Examples are refusing her to work, run her own business or engage in any financial activity, taking her money, forging her signature or name, withholding money, spending money on addiction, gambling, sexual services at the expense of a woman's wellbeing and up-keep, keeping her in the dark concerning the family finances and assets.

Social Abuse is intentionally isolating or alienating a woman from friends or family. Examples are controlling and/or determining a woman's friends where she goes, what she does, whom she communicates to, phone seizure, restriction from some social activities.

Religious Abuse: Any tactics that exert power and control over a woman's spirituality and religious orientation. This includes choosing where to worship for a woman, using religion to justify abuse or dominance, using church position to pressure for sex or favor and many more.

1.2 Statement of the Problem

The Violence Against Persons Prohibition (VAPP) Act of 2015 was enacted in the year 2015 in response to the third goal of the Millennium Development Goals (MDGs) to promote gender equality and women empowerment. It focused on addressing domestic violence such as wife battering, obnoxious cultural practices, harmful widowhood practices, political violence, forced marriage and financial dependence, rape, cultural stereotypes and gender imbalance in the economy among others. However, since enacted by the National Assembly in 2015, literatures have shown that the alarming rate of domestic violence against women and girls are still on the increase. It is on this premises that this study has become imperative, to examine how the Violence Against Persons Prohibition Act 2015 can be effectively enforced in fighting violence against women in the various communities and town

in Rivers State to enable women stand on their rights and seek redress on the daily abuses perpetrated by their male counterpart, spouses, colleagues or friend at different levels. The study further investigates the challenges of enforcing the law and recommends possible remedies as well.

1.3. Aim and Objectives of the Study

The aim of this study was to examine how the Violence Against Persons Prohibition Act 2015 can be effectively enforced in fighting violence against women in Rivers State.

The specific objectives were to:

1. Examine how effective the VAPP Act has been enforced in fighting violence against women in Rivers State
2. Investigate the factors responsible for the level of enforcement of the VAPP Act in fighting violence against women in Rivers State and determine possible remedies.

1.4 Research Questions

1. Has the VAPP Act been effectively enforced in fighting violence against women in Rivers State?
2. What are the factors responsible for the level of enforcement of the VAPP Act in fighting violence against women in Rivers State?

1.5 Significance of Study

The study is of practical and policy significance because findings hope to suggest possible improvement or amendment to the Violence Against Persons (Prohibition) Act 2015. In any case, several stakeholders such as sociologists, human right Activist, NGOs, the Executive arm of government, the Legislative arm of government, as well as women and the general public would benefit from this study by the use of the recommendations.

2.0 Conceptual/Empirical Review

According to Abama and Chris (2009), violence against women is recognized as a global concern especially as it has been tagged, a major threat to social and economic development. This was recognized in the Millennium Declaration of September 2000, in which the General Assembly of the United Nations resolved “to combat all forms of violence against women and to implement the

Convention on the Elimination of all Forms of Discrimination against Women”(United Nations, 2005). Abama and Chris (2009) opined that such violence is intimately associated with interplay of complex social conditions such as low income, poverty and illiteracy among others.

Nwazuoke (2016) carried out a legal assessment of the VAPP Act using content analysis and found that the jurisdiction needs reduces the powers of the act itself. The second is Onyemelukwe (2016) violence against women with regard to the VAPP Act but was too generalized since it did not relate the Act to any key indicator of violence against women. Hence, while the above studies have exposed some concerns relating to violence against women, there has been little empirical success in pointing out how the VAPP Act could save women these violent actions. Similarly, in a World Health Organization (WHO, 2012) global survey of violence against women, it was observed that a significant number of women who experience sexual harassment for their male counterparts do so because of the social status of men. However, in the WHO study of 2012, this was said to be more prevalent in African societies due to their male dominance nature. In 2012, WHO conducted a study using the health and demographic surveys of over 180 countries and found that Latin American and African countries had the highest percentage of sexual harassment and rape cases resulting due to men’s social status. This report also indicated that in Africa some cultural practices elevates men above women and places them in a disadvantage position where men violate them. Furthermore, the level of domestic violence in other sub-Saharan African countries ranges from 36 to 71 percent (WHO 2012) .Another study that examined issues of domestic violence across some culture was Kishor and Johnson (2003) who reported 48 percent level of spousal/intimate partner violence among couples in Zambia. They also observed that other countries such as India, Nicaragua, Cambodia, Colombia, Dominican Republic, Egypt, Haiti, and Peru had high rate of violence against women. Therefore, it becomes a critical issue to examine how the Violence Against Persons Prohibition Act 2015 can be enforced in fighting violence against women in the various communities and town in Rivers State.

3.0 Research Methodology

3.1 Study Area

Rives State was created in 1967 with capital Port Harcourt and it is the sixth most populous state in Nigeria today based on National Population Census of 2016 (NPC 2016).

Rivers State falls within the South-South geopolitical zone with three (3) senatorial districts, 13 Federal Constituencies and 23 Local Government Areas. Rivers State has a total area of 11,077 km² (4,277 mi²). The State is rich crude oil and natural gas with international and national oil companies and private sectors all in full operation in the state. The State is home to numerous ethnic groups such as Ikwerre, Ogoni, Opobo, Okrika, Kalabari, Ibani, Eleme and Ogba, among others. The culture of the area is significant to this study as Ogwu (2009) posited that the culture of the Rivers people in 90 per cent of the State represses women especially with regard to rights to hold property. This according to him undermines the capacity of women to grow economically, commercially, educationally and even politically.

3.2 Research Design

This study adopts the survey research design where copies of questionnaire were administered to respondents to obtain primary data.

3.3 Population of Study

The population of study is women from 18 years and above in Rivers State. In other words, all women of voting age are considered eligible for this study. From the submissions of the Free Online Encyclopaedia (2014), the projected population of females in Rivers State following the figure provided by the National Population Census of 2006, is put at 3,596,426 (Rivers West 1,200,579, Rivers East 1,435,452 and Rivers South-East 960,395). While, the above figure is the total population of women in the study area, this study shall focus on women from 18 years of age and above.

3.4 Sample Size Determination and Sampling Technique

The sample size of 1,200 (400 from each senatorial district of the State) determined using the Taro Yamane formula thus $n = \frac{N}{1 + N(e)^2}$. Where n is the sample size; N is the population size and e is the acceptable sampling error (note 95% confidence level and p = 0.5 are assumed) was used.

The cluster sampling technique was used to divide Rivers State into clusters based on Senatorial Districts, where Local Government Areas will be selected randomly. On this note,

the ballot system which falls under the simple random sampling method was used to select one LGA each from the Senatorial. This method was used to select at least four communities from each of the LGAs to reduce the universe to 12 communities (4 each from the three LGAs initially sampled from the three Senatorial Districts). Thus, every 10th household in the community was selected. Hence, 100 households were selected from each of the four communities in each of the three LGAs. This amounted to 400 households selected from each of the three LGAs. Thus, a total of 1,200 households from the three senatorial districts were arrived at as the sample size.

3.5 Research Instrument and Method of Data Collection

The instrument for the study was questionnaire and content analysis of the VAPP Act 2015. The primary and secondary methods were adopted. The primary method involved the use of self-designed questionnaire while secondary data were generated from; published in learned journals, magazines, textbooks, official statistics, newspapers, Internet sources among others. Copies of the questionnaire were distributed by hand to the respondents. Appropriate instructions were provided to guide respondents on how to fill the questionnaire. Responses to questions on the instrument followed a modified 4-point Likert-Scale (Agree-A; Strongly Agree-SA; Disagree-D; Strongly Disagree-SD) model to facilitate coding and analysis of data.

3.6 Validation and Reliability of Instrument

The validity of the instrument for this study was ascertained through the conventional means of discussions and consultations with the project supervisor and other experts in the field of gender and violence studies. The test-retest method of determining reliability was used in this study; the reliability coefficient was 0.82 which justifies the instrument for this study.

3.8 Method of Data Analysis

The simple percentage method was used to analyze the socio-demographic information. Secondly, descriptive statistics such as bar charts, pie charts and trend graphs were adopted to analyze the data relevant to the research questions.

4.0 Results Presentation

4.1 Socio-demographics of Respondents: The components of the socio-demographic information collated were: age, educational status, occupation and marital status (see Table 1).

Table 1. Socio-demographics of Respondents

Response	Frequency	Percent
Age distribution		
Below 19	45	4
20-39	850	77.3
40-59	186	17
Above 60	29	2.7
Educational Status		
No Education	70	6
Primary	131	12
Secondary	165	33
Tertiary	456	41
Vocational	78	7
Occupation		
Fishing/Farming	170	15
Self-Employed	267	24
Employed/Business/Trading	500	45
Public Service	133	12
Private Company Worker	40	4
Others		
Marital Status		
Single	56	5
Married	922	83
Divorced/Widowed	132	12

The socio-demographics in Table 1 above indicate a good representation of all class of women at different level of education, married and unmarried, divorced/widows, young and old women to grasp the actual situation and eliminate bias in the data collection.

4.2 Answers to Research Question 1

Research Question 1

Has the VAPP Act been effectively enforced in fighting violence against women in Rivers State?

In order to elicit answers to research question 1 as to this question,

Question 2: Domestic violence against women has been drastically reduced due to the effective enforcement of the Violence Against Persons (Prohibition) Act of 2015 since 2015 till data.

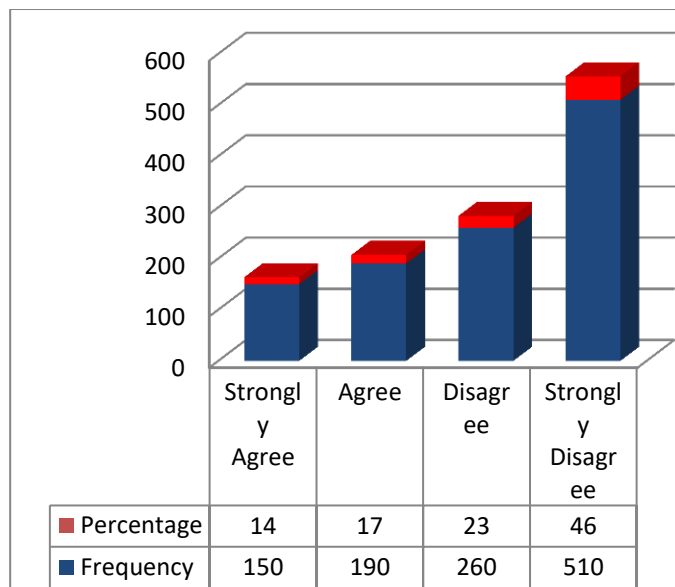


Figure 1 VAPP Act enforcement in fighting violence against women.

Figure 1 reveals data on the whether the VAPP Act has been effectively enforced in the fighting violence against women in Rivers State. From the data represented in the chart, it can be easily seen that 150(14%) of the respondents strongly agree that the VAPP Act has not been effectively enforced in the fighting violence against women in Rivers state, 190(17%) of the respondents agree, 260(23%) of the respondents disagree, while a significant number 510(46%) of the respondents strongly disagree. Thus, a total of 69% of respondents disagreed that the VAPP Act of 2015 has been effectively enforced in Rivers State.

4.3 Answers to Research Question 2

Research Question 2

What are the factors responsible for the level of enforcement of the VAPP Act in fighting violence against women in Rivers State?

This question was asked directly in the questionnaire to elicit varieties of answers from different perspectives. The answers to this question were classified into four groups and the responses are plotted in figure 3. These groups are: ignorance/poor level of awareness, jurisdiction of the Act, No severe penalty against wife battery and fear of divorce.

Factors Affecting the level of enforcement of the VAPP Act 2015

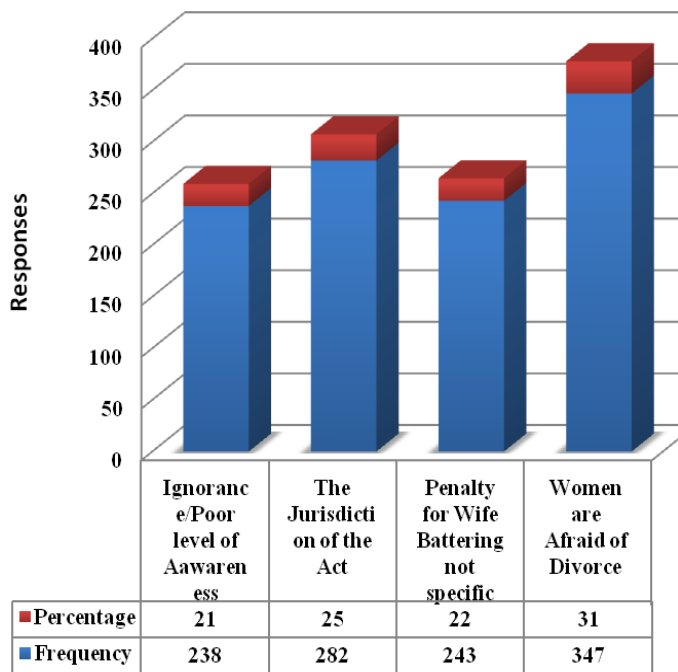


Figure 2. Factors responsible for the level of enforcement of the VAPP in fighting domestic violence against women in Rivers State

Figure 2 indicates that 238(21%) of respondents insisted that there is some level of ignorance/poor level of awareness of the content of this act, 282(25%) insisted that the jurisdiction of the Act was a major limitation. Also, 243(22%) said that there was little or no penalty against wife battery and 347(31%) said that most women were afraid of divorce should their husband return from the court and divorces them.

5.0. Discussion Of Findings

5.1 Level of Domestic Violence Against Women in River State

The study found that due to the low level of enforcement of the VAPP Act in fighting domestic violence against women in Rivers State, that the rate of domestic violence was on the increase This finding agrees with the works of Adesina (2009) who reported high-level violence against women when she argued that at least over 57% of women in Nigeria encounter one form of violence or the other mostly from males. She, however, ranked domestic violence against women high among other types of violence that women encounter.

Furthermore, this findings also agrees with the study carried out by the Rivers State Observatory Group (OBSTEC, 2017) strongly corroborates the above

position when it was discovered that between 2015 and 2016, domestic violence involving high rates of wife battery was the highest level of domestic Violence Against Women and Girls (VAWG) recorded in the State. Figure 1 below shows the data from the study conducted by the group.

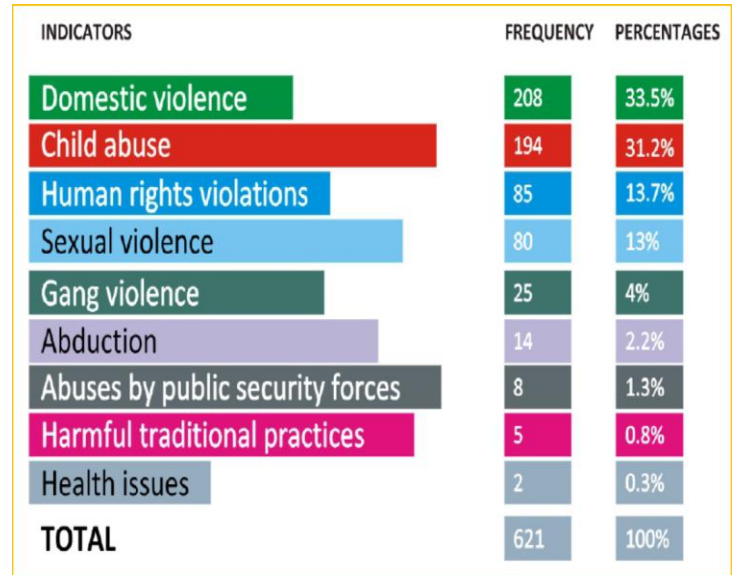


Figure 3: Violence Against Women & Girls in Rivers State 2015-2016

Source: (OBSTEC, 2017)

From the data retrieved from the Rivers State Observatory on Violence Against Women and Girls in Rivers State (**Figure 3**), it is easy to see, that domestic violence was the highest level of VAWG in the state with 208 (33.5%) occurrence between 2015 and 2016. This goes a long way to show that despite the VAPP Act, wife battery is still a major issue in the State.

5.2 Challenges of Enforcing the VAPP Act in fighting violence against women in Rivers State.

Based on the responses from the survey and the analysis of the content/provisions of the Act, the various factors that affect the effective enforcement of the Violence Against Persons Prohibition (VAPP) Act 2015 are discussed as follows:

1. Ignorance and Poor level of Awareness

Data obtained from this study indicated that the level of awareness of the provisions of VAPP Act among women and men affects the level of enforcement of the VAPP Act of 2015 with regards to the various indicators of violence against women in Rivers. Most men and women at the community level do not have full knowledge of the provisions of the Act in terms of the punishment.

2. Jurisdiction of the Act

The VAPP Act 2015 stipulates that all matters relating to it must only be received and tried in the High court of the federal capital territory Abuja. This is a great limitation as fewer grassroots women can actually afford the expenses of filling a suite in the Federal high court (FCT) Abuja. The little or no income base of some house wives who are not employed as they depend on their husbands for money. Hence, this session of the Act make it impossible to effectively enforce the Act for cases of violence against women from the various local communities in Rivers State and Nigeria at large. Therefore, the jurisdiction of the Act requires amendment to enable women in the local communities and state gets quick access to justice. This will also ease the work for the law enforcement agencies should the jurisdiction of this Act is expanded to at least to the State High Court.

3. Penalty for Wife battering not specific

The VAPP Act 2015 is too generalized on the issues of domestic Violence Against Women particularly wife battering. For instance wife battering is not clearly captured as a marital offence, it is partly considered under the provisions of the Act that talks about inflicting physical injury on another person with a penalty of 5years.

The Violence Against Persons Prohibition Act 2015 , section 2 , subsection 1 state that: *'A person who willfully causes or inflicts physical injury on another person by means of any weapon, substances or objects commits an offence liable on conviction not exceeding 5years or a fine of 100, 000 naira or both'* . This seems to be too general and weak with respect to marital status. Wives seem not to be protected enough as there is no explicit measure against wife battering. The only issue that is handled properly is the rape case with severe punishment of 12years imprisonment for rape by one person and 20years for group rape as stipulated by the VAPP Act. Also, the law does not seem to recognize marital rape except impersonification which amount to domestic violence against women.

4. Women are Afraid of Divorce and its Stigma

Findings from this study also indicated that most women endure the domestic violence perpetrated against them due to fear of divorce. In some cases where the woman (wife) does not have a job and, where some women (wives) completely depend on men (husbands) for the up keep of the family, the abuses tends to increase. This class of women looks secured in marriage and finds it difficult to protest

the ill treatment from their husbands. Therefore, chooses to endure the abuses than to report such cases to the court. Furthermore, the study found that most of the marital cases reported to the court were already in a divorce state or about to.

6.0 Remedies

Based on the findings of this study the following remedies are recommended for effective enforcement of the Violence Against Persons Prohibition Act of 2015.

1. Intensive awareness campaign of the Violence Against Persons Prohibition Act 2015 of the provisions of the Act will provide first hand information to women and men. This should be done at all levels, ranging from the local communities, towns, cities to schools and tertiary institutions by government agencies, nongovernmental (NGOs) organizations, human right activists and concern citizens of Nigeria who are worried by the alarming rate of domestic violence against women in form of wife battery, marital rape, assaults and all forms of abuses perpetrated against women and girls. As a sociological problem, Sociologists should organize seminars and public lectures on the VAPP Act to educate students and the general public on their right to be treated fairly and the provisions of the law as regards defaulters. This would eradicate ignorance and increase the level of awareness among men and women.
2. Rivers state of Nigeria should domesticate the VAPP Act of 2015 to enable an effective enforcement. This will ensure that the cases related to violence against women are tried in the state without necessary going to the federal high court at the FCT Abuja.
3. The law should be amended to enlarge the jurisdiction considering the fact that local women cannot afford he expenses of taking their cases to the federal high court of the federal capital territory Abuja due to their economic status, complexities and the logistics surrounding having a case tried in Abuja.

7.0 Conclusion

The study has shown that although the VAPP Act of 2015 is a welcome development, the level of enforcement in fighting domestic violence against women has been very low since 2015. Findings from this study shows that the factors responsible for low

level of enforcement are low level of awareness of provision of the Act, the jurisdiction of the Act and the fact that the women are afraid of been divorce should they take their husbands to court for marital abuses. .

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