

Effect of COVID-19 on Gender-Based Violence

Advisory Note | September 2020

1. Overview

On March 30, 2020, Nigeria's president, Muhammadu Buhari imposed a 14-day lockdown in Lagos, neighbouring Ogun State and Abuja in an effort to curb the global spread of Covid-19.ⁱ By April 2, Bauchi State had issued a similar lockdown order and other Nigerian states soon followed suit.ⁱⁱ Nigeria's lockdown enacted curfews, restricted movement and cancelled all non-essential domestic and international travel, meetings, as well as formal and informal gatherings. In addition, the Federal Government required those who came into contact with the Covid-19 virus to undergo a compulsory quarantine of not less than 14 days. These restrictions lasted a period of two months and by May 1st, the Nigerian government began to ease the preventive measures, but not before the resultant severe economic hardship across the nation.

In what some have termed a “shadow pandemic,” the lockdown exposed millions of women and girls to greater levels of violence that persisted even before the Covid-19 pandemic.ⁱⁱⁱ In July 2020, the Nigerian Minister of Women Affairs and Social Development, Senator Pauline Tallen, stated that no fewer than 3,600 cases of rape were reported in Nigeria during the lockdown.^{iv} This rise in sexual violence during the Covid-19 pandemic follows similar trends in other countries, including the United Kingdom, Singapore and Canada, who all witnessed an increase in sexual assault related distress calls during their respective lockdowns.^v

The Covid-19 pandemic has exacerbated prevalent incidences of Gender Based Violence (GBV) within Nigeria. Its impact becomes even more dire because of the high degrees of poverty and instability, coupled with inadequate legal mechanisms that allow the proliferation of GBV cases as offenders evade punishment.

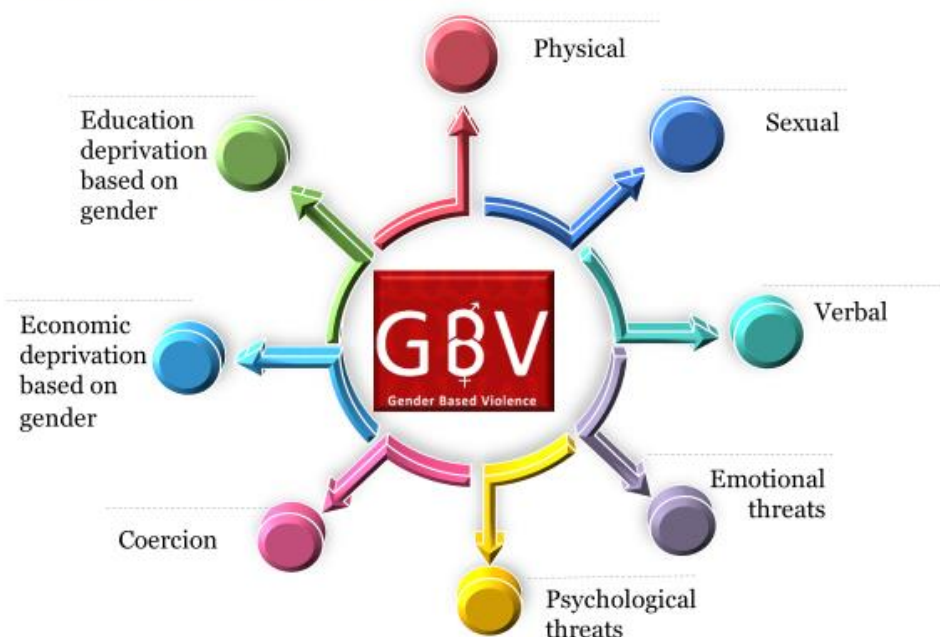
Nigeria's Federal and state policies must consider tackling pre-existing trigger factors that perpetuate GBV within communities and strengthen antiquated legal and societal structures that currently impede individuals from seeking judicial redress.

2. Gender Based Violence: Facts and Figures

Gender-based Violence (GBV) refers to physical, sexual, verbal, emotional and psychological abuse, threats, coercion and economic or educational deprivation based on gender.^{vi} Common forms of GBV within Nigeria include child marriage, female genital mutilation, emotional and psychological violence, physical violence, rape, sexual harassment, and socio-economic violence.^{vii} Estimates suggest that nearly 3 out of 10 Nigerian women experience physical violence by age 15.^{viii} Furthermore, 6 out of every 10 Nigerian children experience some form of physical, emotional, and sexual violence before the age of 18.^{ix} Two-thirds of children who are victims of violence and abuse never speak out, while only 4 out of 100 receive any form of support.^x

Gender Based Violence does not only affect women and girls. Studies have shown that 1 in 10 boys in Nigeria experience sexual violence before the age of 18 and some estimate that these figures may be closer to 1 in 6 boys.^{xi} Moreover, a study on the prevalence of sexual abuse among male secondary school adolescents found that the overall prevalence of sexual abuse was 29%.^{xii} Forcing boys to watch pornography constituted the most common form of non-contact sexual abuse, while the most common form of contact sexual abuse included being touched or fondled sexually.^{xiii} Over half of the victims were abused at the perpetrator's home.^{xiv}

Gender Based Violence could be:



Rape

Rape is an act of non-consensual sexual intercourse that can include the invasion of any part of the body with a sexual organ and/or the invasion of the genital or anal opening with any object or body part.^{xv} Senator Pauline Tallen estimated that about 2 million women and girls are sexually assaulted in Nigeria every year.^{xvi} While this number remains unsubstantiated, the threat of sexual assault in Nigeria cannot be underestimated. In Kano State, police recently arrested a serial rapist who had raped 40 women over the course of the year by climbing fences and raping women indoors.^{xvii} Likewise, Sokoto State reported 606 cases of rape in 22 local governments areas in 2019.^{xviii}

Cases involving minors targeted for sexual abuse by men have been on the rise in Nigeria.^{xix} Stop the Abuse, a Nigerian foundation, has found that the most targeted group of minors are those between 11 and 15 years.^{xx} Accordingly, In June, 11 men in Jigawa State were apprehended for allegedly serially raping a 12 year old girl.^{xxi} A similar case of gang rape involving a 12 year old girl took place in Lagos State in the same month.^{xxii} This comes on the heels of 32 separate cases of rape reported in Lagos State in the past six months.^{xxiii}

Male rape cases are grossly underreported in Nigeria particularly due to social prejudice and stereotypes surrounding masculinity.^{xxiv} Nevertheless, male rape occurs throughout the country. For instance, in 2015, the Kano State government ordered the closure of Hassan Ibrahim Gwarzo Secondary School, a school for boys, upon allegations of rape towards a 13 year old student and other new students at the school.^{xxv} Similar cases of male underage rape were reported the following year in Ebonyi State where a man was arrested for raping a 10 year old by luring him onto his farm.^{xxvi} So too, in February of that year did the Lagos State Police arrest a 34 -year old trader for allegedly raping a 9 year old boy who frequented the older man's shop whilst running errands for his parents.^{xxvii} In Edo State, over 10 boys between 10-15 years were kidnapped by a homosexual male couple and kept as sex slaves.^{xxviii} Finally, in 2019, a 7 year old boy refused to resume his studies after undergoing continuous rape and sexual assault at a school for the deaf in Abuja, revealing how individuals with disabilities remain especially vulnerable to sexual violence.^{xxix}

Child Marriage

Child marriage occurs when a minor is forced to marry an adult.^{xxx} Nigeria has the third highest absolute number of child brides in the world.^{xxxi} 44% of girls in Nigeria are married before the age of 18.^{xxxii} Accordingly, 68% of women aged 20-49 were married before their 18th birthday in the North

West of Nigeria and 57% in the North East.^{xxxiii} The United Nations Population fund predicts that there will be 13 million child marriages that will take place in the next 10 years.^{xxxiv} By 2050, Nigeria is expected to have the largest number of child brides in the world.^{xxxv}

Female Genital Mutilation

Female Genital Mutilation (FGM) refers to all procedures involving the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons.^{xxxvi} 24.8% of women aged 15-49 in Nigeria have undergone FGM.^{xxxvii} This accounts for 20 million women and girls in Nigeria and 10% of the global total.^{xxxviii}

3. Pre-existing Triggers Impacting GBV Cases in Nigeria

Limited structural, institutional, and legal frameworks within Nigeria along with widespread poverty and entrenched gender norms create a ripe environment for GBV cases in Nigeria to rise.

Pre-existing Triggers Impacting GBV Cases in Nigeria:



Cracks in the Nigerian Legal System

Nigeria’s legal system possesses insufficient mechanisms to protect citizens against GBV. The current legal definition of rape is both antiquated and inconsistent. For instance, in the Penal Code Act, applicable to Northern states, only women can be rape victims under the law.^{xxxix} This leaves no legal remedy for male sexual abuse victims in the region. Furthermore, both the Criminal Code Act, applicable to Southern states, and the Penal Code Act fail to make provision for marital rape.^{xl} In fact, as recently as July 2020, Nigerian Senators voted against an amendment that would have recognized marital rape within the Criminal Code Act.^{xli}

Nigeria’s age of consent portrays a similar degree of inconsistency. Popular opinion generally places Nigeria’s age of consent at 11 years old, the lowest in the world.^{xlii} This stems from Section 7(2) of the 2015 Sexual Offences Bill, which states that “A person who commits an offence of defilement with a child aged eleven years or less shall upon conviction be sentenced to imprisonment for life.”^{xliii} Nevertheless, a complete reading of sub-sections (3) and (4) of Section 7 within the same Bill reveals that it penalises sexual activity with a child “between the age of twelve and fifteen years” and “between the age of sixteen and eighteen years” respectively.^{xliv} Unfortunately this poor legal drafting leaves

room for various interpretations of legal consent that could permit what otherwise would be deemed rape.

The Violence Against Persons Prohibition Act of 2015 (VAPP) contains the most robust definition of rape as it is gender-neutral and allows for marital rape.^{xlv} Unfortunately, only 18 out of 36 states in Nigeria along with the Federal Capital Territory (FCT) have passed the VAPP Act.^{xlvi} In a similar vein, as it pertains to consent, the Child Act of 2003 sets the legal minimum age to enter into a marriage at 18.^{xlvii} Nonetheless, only 25 states including the FCT have passed the Bill into law.^{xlviii}

In addition to the issue of legislation, Nigerian law enforcement does not possess the tools to adequately respond to GBV cases. Many police officers lack the knowledge and training to deal with GBV cases effectively and others presume that such cases are domestic matters, outside of their jurisdiction.^{xlix} Some women have suffered intimidation and assault from the police upon filing rape reports.^l Furthermore, in cases in which the justice system decides to bring charges, perpetrators too often escape conviction.^{li} In fact, only 65 suspects have been found guilty of rape in Nigeria in the last 46 years.^{lii} 32 of these convictions took place during and before 2015 while 33 took place after 2015.^{liii}

In Northern Nigeria, the concurrent application of Western and Islamic Jurisprudence (Sharia Law)^{liv} can also limit judicial convictions for GBV since perpetrators often find safe havens within Sharia Law.^{lv} In Bauchi State, for instance, convicted rapists can file counterclaims on grounds of “character defamation” and ultimately avoid punishment whilst shifting blame to victims.^{lvi} The combination of ambiguous laws, weak enforcement as well as many states’ failure to pass progressive legislation poses a significant obstacle in Nigeria’s attempts to combat GBV in the country.

Regional Challenges

Nigeria faces unique regional challenges which heighten incidences of GBV in certain areas.^{lvii} Stark regional inequality tends to exacerbate GBV as it harms social cohesion, reduces mobility and ultimately limits the ability of women and girls to participate in social, economic and political life.^{lviii} Inequality often breeds conflict among groups which adversely impacts women and girls.^{lix} Moreover, girls from poorer families are more susceptible to entering into early marriage.^{lx}

Northern Nigeria accounts for 87% of Nigeria’s poor and possesses some of the nation’s worst indicators relating to female health and education outcomes.^{lxi} In fact, over half of all women in the North are married by the age of 16.^{lxii} Additionally, violence and instability from the ongoing Boko Haram insurgency in the Northeast, along with recent violence in the Northwest, have led to the displacement of vast numbers of people across the Northern region.^{lxiii} This displacement subjects people to deprived and overcrowded living conditions that increase the incidences of GBV in communities.^{lxiv}

Although poverty levels are higher in the Northern part of Nigeria, GBV cases are also predominant in areas of the South where inequality is higher.^{lxv} Physical violence towards women poses a particular problem within many parts of Southern Nigeria where nearly half of unmarried women have experienced physical violence.^{lxvi} In some parts of the South, the figure is as high as 70% of all women.^{lxvii}

Along with physical violence, the highest prevalence of FGM also occurs within the Southern part of Nigeria.^{lxviii} Sources report that the prevalence rate of FGM among adult women is up to 77% in the South-South region, 68% in the South East and 65% in the South West.^{lxix}

Educational Deprivation

Educational deprivation remains a serious issue in Nigeria that contributes to GBV, particularly as confinement at home increases the risks of early marriage, teenage pregnancy, and domestic violence at the hands of live-in abusers.^{lxx}

Nigeria has an estimated 10.5 million primary school aged children out of school.^{lxxi} Poor school attendance is especially pronounced in the Northern part of the country where more than half of female children do not attend school.^{lxxii} Accordingly, 70.8% of young women aged 20-29 in the North-west are unable to read or write compared to 9.7% in the South-East.^{lxxiii}

School shortages contribute to educational deprivation particularly in the Northern part of the country. In Northeast Nigeria, for instance, ongoing conflict has left 802 schools closed, 497 classrooms destroyed and 1,392 damaged but repairable.^{lxxiv} In addition to a lack of physical classrooms, poor water, sanitation and hygiene (WASH) in schools dissuades many parents from sending their daughters to school.^{lxxv} Finally, entrenched gender norms often cause families to privilege male education and turn to early marriage for their daughters as a means to reduce the number of dependents in the home.^{lxxvi} Barring efforts to address educational deprivation, estimates peg 1.3 million out of the 1.85 million girls who began primary school in 2017/2018 will subsequently drop out of school.^{lxxvii}

Effect of Religious/Cultural Norms

Throughout Nigeria, religious and cultural norms play an important role in dictating attitudes toward gender and thereby GBV. For instance, the large percentage of physical violence towards women in the South cannot be divorced from the cultural reality that more women in the South, compared to the North, believe that beating a wife is justified in certain cases.^{lxxviii} The presence of sexual assault within churches in the South has recently received national scrutiny amidst a surge of violent acts committed towards female churchgoers, including Vera Omozouwa, who was brutally raped and murdered in a church in Edo State, in Southern Nigeria.^{lxxix}

In the North, gender norms typically uphold child marriage in certain areas and there exists a strong incentive for traditional leaders and politicians to not speak out against child marriage to avoid backlash from their constituents.

4. How COVID-19 Exacerbates Pre-existing GBV Triggers

The unexpected emergence of the Covid-19 pandemic and the subsequent lockdowns implemented by countries across the globe, including Nigeria, has exacerbated many of the aforementioned GBV triggers.

School Closures Increase Risk of Child Marriage and FGM

School closures figured prominently in the majority of Covid-19 lockdowns all over the world. In Nigeria, 18 million female learners have already been affected by school closures as a result of Covid-19.^{lxxx} This figure remains worrisome given that, as previously discussed, school closures put young and adolescent girls at increased risk of child marriage and teenage pregnancy. Government officials in India witnessed a spike in early marriages during the lockdown as families battling abject poverty sought to take advantage of low cost wedding ceremonies due to physical distancing restrictions.^{lxxxi} Furthermore, in Kenya, close to 4,000 school girls were impregnated in a single county during the state-imposed lockdown.^{lxxxii} Covid-19 also significantly impacted Kenya's goal to end female genital mutilation by 2022 as at least 79 girls aged 9-12 years have undergone genital mutilation (FGM) since schools closed in March 2020 due to the Covid-19 outbreak.^{lxxxiii}

Trapping Victims with Abusers

Lockdown and physical distancing can also serve to trap victims with their abusers.^{lxxxiv} In the three Nigerian locations that initially went into lockdown, Lagos, Abuja and Ogun, the number of domestic violence cases rose by 297% from 60 in March to 238 in April.^{lxxxv} By contrast, states that observed less stringent lockdowns such as Benue, Ebonyi and Cross River states, saw only a 53% increase in domestic violence cases between March and April.^{lxxxvi} Notably, the Governor of Ebonyi State refused to place the state under total lockdown and Ebonyi State saw the number of domestic violence cases decrease from March to April.^{lxxxvii} This stark rise in rape cases within lockdown strongly points to a positive correlation between lockdown and rising GBV incidents. Appendix 1 presents reported cases of gender-based violence in the Federal Capital Territory, Lagos, Ogun, Benue, Ebonyi, and Cross River states, for March, and April 2020.

The incidences of physical abuse towards minors and teens, often at the hands of women also increased during the Covid-19 pandemic. In Nigeria, the Lagos State Domestic and Sexual Violence response team recorded a 10% rise in physical child abuse cases received on its hotlines in March, which averaged 13 calls per day.^{lxxxviii} The team suggested that many women commit these actions as a way to transfer aggression from previous trauma.^{lxxxix}

Limited Access to Health Services

Lockdowns have severely limited access to essential health services, including reproductive care for women in particular. In Zimbabwe, for instance, the number of caesarean sections performed in the country decreased by 42% between January and April 2020 compared with the same period in 2019.^{xc} Sexual and domestic violence facilities faced similar lack of access during the lockdown period. Mirabel Centre, a sexual assault referral centre in Lagos, Nigeria, found that many domestic abuse survivors in Lagos were unable to access the shelter during lockdown.^{xcii}

Heightened Economic Impact on Women and Children

In Nigeria, women comprise the majority of informal sector workers and bear the brunt of any economic downturn.^{xcii} As unpaid childcare typically falls on women, this reality, coupled with school closures, adds additional weight to an already heavy burden.^{xciii} Economic difficulty and loss of livelihood during the lockdown increases the risk of women engaging in transactional sex, thereby heightening exposure to STDs, sexual exploitation, and unwanted pregnancies.^{xciv}

Child labour has also risen in Nigeria during lockdown as parents use underage children to carry out vocational jobs. In some cases, these children become the primary economic provider, exposing them to undue physical strain, injury and higher rates of abuse and kidnapping.^{xcv}

5. Government Intervention

Federal Government Measures

The imposition of the lockdown has required the Federal Government to institute additional palliatives and long-term measures that address GBV from various sectors.

On the 1st of April, the Nigerian Ministry of Humanitarian Affairs began paying 20,000 Naira to families registered on the National Social Register for Poor and Vulnerable Households, as a short-term means to alleviate the financial toll from the lockdown.^{xcvi} In regard to Education, the UNICEF office in Nigeria received a Global Partnership for Education (GPE) grant of US\$140,000 in late March to support the Ministry of Education with preparing a Covid-19 Education Strategic Framework for Continuity of Learning.^{xcvii} This grant developed the “opening better” school initiative to mitigate the impact of the pandemic on the wellbeing of children in focus states including Jigawa, Kaduna, Katsina, Kano and Sokoto.^{xcviii}

In the months leading up to the Covid-19 pandemic, the Nigerian Federal Government had created a sexual offender register to counter sexual violence.^{xcix} With the increase of GBV cases during the lockdown, the Nigerian House of Representatives took further action and pledged to set aside funds in the 2021 budget towards the fight against gender-based violence.^c

While money allocated towards a budget runs the risk of reprioritisation, recent legal interventions do provide hope for more comprehensive institutional change. For instance, in July of this year, the Nigerian Senate passed an amendment to the Criminal Code Act (applicable to Southern States) removing gender-restrictive language that previously excluded male rape victims and also eliminating the statute of limitations for prosecuting statutory rape cases.^{ci} Additionally, that same month, the Senate passed a Sexual Harassment Bill, combatting sexual misconduct in tertiary institutions, and the Federal Government has vowed to collaborate with states on passing the Child Rights Act.^{cii}

State Government Measures

State governments in Nigeria have adopted various measures to address GBV in the wake of the Covid-19 pandemic. In May 2020, the Nigerian Governors’ Forum declared a state of emergency on sexual and gender-based violence and called on governors to adopt relevant gender-based bills as well as the updated penal code.^{ciii} The forum additionally asked governors to implement a sex offenders registry as has already been created in Ekiti and Lagos states.^{civ} In the Southwest region, Oyo State is currently considering a bill to establish an Office of the Public Defender that will provide legal aid to residents and create a sexual gender-based response team and referral centre.^{cv}

In the Northeast, Bauchi State has signed the Violence Against Persons Prohibition Act (VAPP), while other Northern governors reaffirmed their commitment to pass the law in the near future.^{cvi} Finally, in

a drastic move, on September 11, 2020, the Governor of Kaduna State, Nasir Ahmad el-Rufai signed into law an amendment to the Kaduna State Penal Code which provides stiff penalties for individuals convicted of child rape including surgical castration for male convicts and fallopian tube removal for female convicts.^{cvii} This amendment also requires convicts to be listed in the state's Sex Offenders Register^{cviii}.

6. Interventions in Other Countries

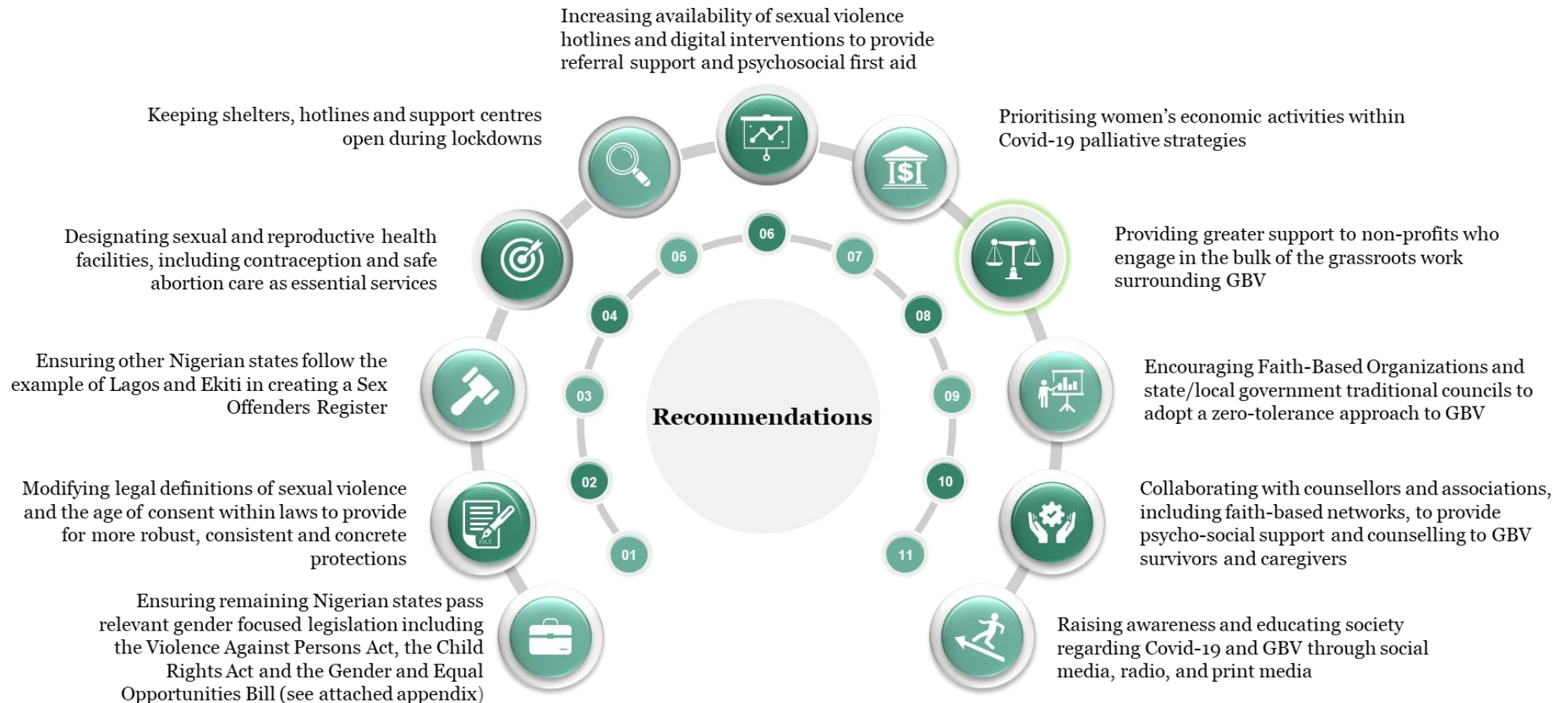
The exacerbating effect of Covid-19 on GBV has affected countries around the world and forced nations to design innovative measures to combat this increase. India's National Commission for Women (NCW) experienced a 94% rise in complaint cases where women had been abused in their homes between 23 March, at the start of lockdown, and 16 April.^{cix} In response, the NCW launched a WhatsApp hotline number to allow victims to report domestic violence on an emergency basis during lockdown.^{cx} Some Indian High Courts have also attempted to tackle rising GBV by designating grocery stores and pharmacies as safe spaces for victims to report abuse without alerting perpetrators.^{cxii} A similar use of pharmacies and groceries stores as safe spaces occurred in France, Germany and Italy.^{cxii}

To provide remote care, Ukraine launched platforms to provide psychosocial care to people via services like Skype, Viber, Zoom and phone during quarantine.^{cxiii} In June, Kenya managed to use a hotline to report 1070 GBV cases and provide victims with referral support, dignity kits and psychosocial first aid.^{cxiv}

Addressing FGM has proven difficult for Kenya as many shelters were closed during lockdown. Nevertheless, structured dialogue sessions on preventing and responding to FGM and child marriages were held for at least 1,235 community members (comprising 831 female and 404 male).^{cxv}

7. Selected Recommendations

Combating the increasing numbers of GBV cases during the Covid-19 lockdown will require effective collaboration between Federal, State, and Local actors as well as broader multi-stakeholders including non-profit organisations. Many countries have implemented policies that may be applicable within a Nigerian context, while other measures currently on ground will need to be expanded. Nigerian government policies can better work to combat GBV during the Covid-19 pandemic by:



Appendices

Appendix 1

TABLE 1: NUMBER OF REPORTED CASES OF GENDER-BASED VIOLENCE IN NIGERIA DURING MARCH AND APRIL 2020 BY STATE AND GEOPOLITICAL ZONE

Geopolitical Zone	State	Number of cases per State		Number of Cases per Geopolitical Zone	
		March	April	March	April
North East	Adamawa	16	20	50	115
	Bauchi	9	30		
	Borno	6	26		
	Gombe	19	39		
North West	Kaduna	6	23	52	87
	Katsina	23	33		
	Sokoto	23	31		
North Central	Benue	30	52	67	156
	FCT	5	31		
	Nasarawa	5	20		
	Niger	2	8		
South East	Plateau	25	45	36	92
	Abia	25	46		
	Anambra	3	22		
	Ebonyi	5	2		
South West	Enugu	3	22	91	296
	Ekiti	25	51		
	Lagos	37	185		
	Ogun	18	22		
	Osun	3	18		
South South	Oyo	8	20	18	35
	Cross River	8	12		
	Rivers	10	23		

Source: Federal and State Ministries of Women Affairs

Appendix 2

Nigerian States that Have Passed Legislations Against GBV

S/N	STATE	VAPP	GEO	CRA	Other Legislation
1	Abia	•		•	
2	Adamawa				
3	Akwa Ibom	•		•	
4	Anambra	•	•	•	
5	Bauchi	•			
6	Bayelsa			•	FGM Prohibition Law
7	Benue	•		•	
8	Borno				
9	Cross River	•		•	Girl Child Marriage and Female Circumcision (Prohibition) Law
10	Delta	•		•	Female Circumcision Prohibition Law
11	Ebonyi	•		•	FGM Prohibition Law
12	Edo	•	•	•	Female Circumcision and Genital Mutilation (Prohibition) Law

S/N	STATE	VAPP	GEO	CRA	Other Legislation
13	Ekiti	•	•	•	FGM Prohibition Law GBV Prohibition Law
14	Enugu	•		•	Widows Fundamental Human Rights Law
15	Gombe				
16	Imo		•	•	FGM Prohibition Law
17	Jigawa				
18	Kaduna	•		•	Reformed Penal Code
19	Kano				
20	Katsina				
21	Kebbi				
22	Kogi		•	•	
23	Kwara			•	
24	Lagos	•		•	FGM Prohibition Law Law Against Domestic Violence
25	Nasarawa			•	
26	Niger			•	FGM Prohibition Law
27	Ogun	•		•	FGM Prohibition Law
28	Ondo			•	FGM Prohibition Law
29	Osun	•		•	FGM Prohibition Law Office of the Public Defender Law
30	Oyo	•		•	
31	Plateau	•	•	•	
32	Rivers			•	Female Circumcision (Prohibition) Law
33	Sokoto				Sexual Harassment and Rape Law
34	Taraba			•	
35	Yobe				Reformed Penal Code
36	Zamfara				
37	FCT	•		•	

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