

Legal and Cultural Barriers to Protecting Women from Sexual Violence in Nigeria: A Human Rights Perspective

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Abstract

Despite recent legislative reforms, sexual violence against women in Nigeria remains widespread and is often underreported. This research examines the legal, institutional, and cultural barriers that hinder adequate protection for women against sexual violence from a human rights perspective. The study focuses on Nigeria's dualist legal system, which upholds the applicability of the national legal framework, including the Criminal Code and Penal Code, as well as the 2015 Violence Against Persons Prohibition (VAPP) Act. It compares with South Africa's monist system, where international treaties like the Convention on the Elimination of All Forms of Discrimination Against Women are directly enforceable. This legal research draws on a documentary review of statutory materials, court judgments, and reports from relevant stakeholders. It also highlights several institutional challenges, including the lack of legal aid, incomplete implementation of the VAPP Act (with only 18 out of 36 states having adopted it), and the stigma that discourages victims from reporting incidents of violence. The research recommends a multifaceted strategy that includes legal harmonization across jurisdictions, public education on women's rights, and strengthening enforcement institutions. These measures are essential to promote gender justice and fulfil Nigeria's human rights obligations.

1. INTRODUCTION

Sexual violence against women in Nigeria remains one of the most prevalent and underreported human rights violations, with devastating effects on survivors,¹ dignity, bodily integrity,² and full participation in public life.³

¹ Bolanle Oluwakemi Eniola and Joesph I. Aremo, "A Reflection on Gender-Based Violence in Nigeria," in *Contemporary Issues on Governance, Conflict and Security in Africa*, ed. Adeoye O. Akinola (Palgrave Macmillan 2023), 320.

² Taiwo Williams, "Violence and Women's Health in Africa," in *The Palgrave Handbook of African Women's Studies*, ed. Olajumoke Yacob-Haliso and Toyin Falola (Springer International Publishing, 2021), 970.

³ For example, in Nigeria's conflict-affected northeastern states, particularly Borno and Yobe, Boko Haram insurgents have used sexual violence, including forced marriage and systematic rape as a weapon of war. See Eniola and Aremo, *op.cit.*, 127.

Despite the existence of national and international legal frameworks meant to curb gender-based violence, such as the Violence Against Persons Prohibition (VAPP) Act, and treaties like the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (commonly known as the *Maputo Protocol*),⁴ the implementation on the ground remains uneven and largely ineffective,⁵ as entrenched cultural beliefs and social stigma continue to discourage reporting and accountability.⁶ In addition, persistent institutional weaknesses particularly within law enforcement and judicial mechanism constitute significant barriers to access to justice for survivors.⁷ A report by the United Nations Population Fund (UNFPA) in 2022 revealed that 1-3 Nigerian women has suffered sexual violence, but most cases are not reported because of fear, shame, and lack of confidence in the legal system.⁸

Past studies have documented several challenges to law enforcement in protecting women from sexual violence,⁹ attributing failure in institutions and culture as the primary obstacles to justice. Fox (1988) realized that the topic of women's human rights in Africa encompasses numerous contentious issues within international human rights, particularly the relationship between the individual and society.¹⁰ Ibezim-Ohaeri (2019) argues that patriarchal and religious narratives in Nigeria normalize violence against women, weaken legal reforms, and discourage survivors from seeking justice.¹¹ Similarly, Umar Abdullahi et al (2018) demonstrated that, despite media initiatives raising awareness of gender violence, cultural shame and fear of revenge continue to discourage women, particularly in rural

⁴ See Grace Ayodele Arowolo, "Protecting Women from Violence through Legislation in Nigeria: Need to Enforce Anti-Discrimination Laws", *International Journal of Discrimination and the Law* 20, no. 4 (2020): 246; Cheluchi Onyemelukwe, "How Well Does the Law Protect Women at Home?: An Analysis of Nigeria's Domestic Violence Legislation", *International Journal of Law and Management* 60, no. 2 (2018): 187; and Joel Blaxland, "Negative Sanctions Don't Work (Mostly): An Analysis of Gender Quota Sanctions in Africa," *Party Politics journal*, (2025): 5.

⁵ Peace A. Medie, "The Response to Gender-Based Violence in Africa," in *The Palgrave Handbook of African Women's Studies*, ed. Olajumoke Yacob-Haliso, Toyin Falola (Edmonton: Palgrave Macmillan 2021), 7.

⁶ Yacob-Haliso and Falola, "Introduction: Decolonizing African Women's Studies," in *The Palgrave Handbook of African Women's Studies*, ed. Olajumoke Yacob-Haliso, Toyin Falola (Palgrave Macmillan 2021), 31.

⁷ Alexandra Xanthaki, "When Universalism Becomes a Bully: Revisiting the Interplay between Cultural Rights and Women's Rights," *Human Rights Quarterly* 41, no. 3 (2019): 703.

⁸ United Nations Population Fund (UNFPA), *Gender-Based Violence*, UNFPA Nigeria, 2022, <https://nigeria.unfpa.org/en/topics/gender-based-violence-19>

⁹ Jasse D. Gass et al, "Intimate Partner Violence, Health Behaviours, and Chronic Physical Illness among South African Women," *South African Medical Journal* 100, no. 9 (2010): 585.

¹⁰ Diana J Fox, "Women's Human Rights in Africa: Beyond the Debate over the Universality or Relativity of Human Rights", *African Studies Quarterly* 2, no.3 (1998): 5.

¹¹ See Victoria Ibezim-Ohaeri, "Nigeria", in *Feminist Advocacy, Family Law and Violence against Women: International Perspectives*, 1st edition, ed. by Ann Elizabeth Mayer Mahnaz Akhemi, Yakın Ertürk (Taylor and Francis, 2019), 111-117.

communities, from seeking justice.¹² A case example of a socio-cultural study within the Niger Delta region conducted by Alodiah et al (2022) showed how communal norms trivialize violence and dissuade opposition, even in formal education environments.¹³ Gender-Based Violence (GBV) is one of the topics of research regarding women's rights in Nigeria. Study of Ipas (2024) observed that institutional gaps, including under-trained security officials and the place of customary law, regularly undermine the application of protective laws in Nigeria such as the VAPP Act.¹⁴ Idowu (2023) emphasized that policymakers should prioritize cultural transformation by implementing comprehensive awareness campaigns addressing GBV in rural Nigerian communities, in addition to rigorously enforcing laws prohibiting GBV.¹⁵ The sexual violence against women in Nigeria is a cardinal concern that intersects several domains of human rights.¹⁶ Not only does the prevalence of sexual violence compromise the dignity and safety of women, but it also inhibits their liberty to actively participate in social and economic life.¹⁷ There have been considerable advances in the protection against sexual violence for women, attracting considerable local and global attention over the past several years.¹⁸ This increased awareness has created numerous legal mechanisms aimed at protecting women from sexual violence.¹⁹ Nigerian women, however, continue to be threatened by huge cases of sexual abuse, including rape, sexual harassment, and assault, despite agreements at the global and regional levels on gender equity and the advancement of women's rights.²⁰ The sexual violence against Nigerian women is widespread and institutionalized, and echoes wider societal injustices and structural cleavages in promoting

¹² Umar Abdullahi et al., "The Influence of Culturing in Domestic Violence", *Journal of Islamic, Social, Economics and Development* 2, no. 6 (2018): 281.

¹³ Caroline Ochuko Alordiah et. al, "Socio-Cultural Norms Encouraging Violence against Women (VAW) from a Popular Ethnic Group in the Niger Delta Region of Nigeria and the Roles of Schools in Preventing VAW," *Cogent Social Sciences* 8, no. 1 (2022): 2.

¹⁴ IPAS Nigeria Health Foundation, *An Evaluation of the Implementation of the Violence Against Persons Prohibition Act/Law in Nigeria* (Abuja, 2024), 6–7, 18–19, 22–24. See <https://www.ipas.org/where-we-work/africa/nigeria> and <https://ipasnigeria.org/wp-content/uploads/2024/05/An-Evaluation-of-the-Implementation-of-the-VAPP-Law-in-Nigeria-compressed.pdf>

¹⁵ Ajibola Idowu et al, "Gender-Based Violence in a Rural Nigerian Community during the COVID-19 Era: A Call for Policy Action," *Pan African Medical Journal One Health* 10 no 2 (2023): 2.

¹⁶ Oluwakemi Odeyinde, "Gender Equality and Sustainable Development: Evaluating the Effectiveness of Nigerian Laws and Practices to Guarantee the Woman's Human Rights," *Journal of Sustainable Development Law and Policy* 12, no. 2 (2021): 398.

¹⁷ See Abdulmumin Kayode Ahmed et al., "Prevalence, Pattern and Effect of Intimate Partner Violence against Women in Abeokuta, South West Nigeria", *Nigerian Postgraduate Medical Journal* 31, no. 2 (2024): 130, 135, 137.

¹⁸ Leoni van der Merwe, "An Assessment of South Africa's Compliance with the CEDAW through the Shattered Lens of Gender-Based Violence Against Black Lesbians" In *Sociolegal Challenges for the Social Justice Continuum: Perspectives from India and South Africa*, ed. Varsha Bhagat-Ganguly, Meghan Finn, and Madhuri Parikh (Routledge India, 2024), 180.

¹⁹ Laurent-Fabrice Ambassa and Honoré Bidiassé, "Gender Norms and Female Labour Supply in Sub-Saharan Africa: A Dynamic Panel Quantile Regression Analysis," *Journal of the Knowledge Economy* 16, no. 2 (2025): 10.

²⁰ Nicholas Aderinto et al, "Prevalence, Pattern, and Predictors of WPV against Medical Interns in Southwest Nigeria: A Cross-Sectional Study," *Annals of Medicine* 57, no. 1 (2025): 5.

cardinal human rights. The UNFPA estimated that 1 (one) in every 3 (three) Nigerian women is raped at 18 (eighteen) years and older, and it speaks volumes about the crisis to be addressed.²¹

The sexual abuse law in Nigeria is scattered, and there is a conflict between statutory law, customary law, and the imposition of international human rights norms. Despite the entry into force by ratification of such treaties as the CEDAW and the Maputo Protocol, national law typically does not domesticate these obligations.²² For instance, the 2015 VAPP Act, the first federal law to criminalize rape and other sexual violence, was only enforced in 18 (eighteen) of Nigeria's 36 (thirty-six) states by 2023, and most of Nigeria lacked much in the way of meaningful legal protections to talk about. On the other hand, the Penal Code, still operational in Northern Nigeria, defines rape narrowly as penile-vaginal intercourse, exempts marital rape, and does not include male victims or other sexual assaults.²³ Sociocultural beliefs about it once more make sexual abuse difficult to overcome. Victim blaming, stigmatizing, and attempting to allow the family's "honor" interests over justice discourage victims from reporting.²⁴ A Nigerian Women's Trust Fund 2020 Sexual Violence Survey of sexual violence cases revealed that 65% (sixty-five percent) of them were not reported out of fear of punishment by society or in doubt about the criminal justice system. It is exacerbated by institutional issues, including under-funded legal services, under-trained specialist training of court officials, and scandalously long backlogs in the courts.²⁵

This study evaluates the sufficiency of legislative safeguards, analyzes the sociocultural influences on enforcement, and probes institutional processes that influence responses to sexual violence against women in Nigeria. The study investigates how international human rights frameworks, specifically CEDAW and the Maputo Protocol, engage with local legal pluralism and cultural norms. The study contributes to existing literature on women's rights by bringing into focus the structural and normative gaps sabotaging justice for survivors. The study further provides context-specific policy recommendations directed at legal standard harmonization, institutional accountability, and rights-based public sensitization. Overall, the study seeks to empower survivors, raise awareness about the intersection

²¹ David Aduragbemi Okunlola et al, "Exposure to Parental Violence and Self-Reported Sexual Violence among Unpartnered Adolescent Girls in Nigeria: Evidence from a National Survey," *International Journal of Sexual Health* 35, no. 4 (2023): 630.

²² Elvis Imafidon, "Procreation, Legitimated Adultery, and Ancestorship: Exploring Issues of Systemic Patriarchy in African Cultures," in *The Bloomsbury Handbook of Religion, Gender, and Sexuality*, ed. Sonya Sharma, Dawn Llewellyn, and Sian Hawthorne (Bloomsbury Academic, 2024), 306.

²³ Nigeria, Penal Code Law, Cap. 89, Laws of the Federation of Nigeria, 1963, Section 282–283. See Rape Is Crime, "Summary of Laws Impacting Sexual Violence in Nigeria," 5–6. <https://www.rapeisacrime.org/portal/wp-content/uploads/2019/12/Summary-of-laws-impacting-sexual-violence-in-Nigeria.pdf>

²⁴ Valerie Mueller et al, "Filling the Legal Void? Impacts of a Community-Based Legal Aid Program on Women's Land-Related Knowledge, Attitudes, and Practices," *Oxford Development Studies* 46, no. 4 (2018): 400.

²⁵ Sakhiseni Joseph Yende et al, "Persistent Inequality: Understanding the Challenges Faced by Women in South Africa despite the Annual Celebration of Women's Day," *Pakistan Journal of Life and Social Sciences* 22, no. 2 (2024): 2440.

of culture and human rights, and provide evidence-based reforms for a safer and more equitable society.

The present paper is a result of legal research which examines the legal protection of women from sexual violence in Nigeria using a human rights framework. It gauges the extent to which existing laws such as the VAPP Act, the Penal Code, and the Criminal Code have been effective in deterring sexual violence and examines institutional and sociocultural constraints on enforcement. International conventions such as the CEDAW and the Maputo Protocol are also assessed under the auspices of Nigeria's dualist legal framework. Data were garnered from documentary survey of secondary sources, including legislation, judicial decisions, academic journals, and human rights reports published by institutions such as Women Advocates Research and Documentation Centre (WARDC), Amnesty International and the UNFPA. The documents provided empirical evidence on enforcement gaps, disparities in legal aid, and patterns of underreporting. The study employs thematic analysis in teasing out recurring legal and institutional trends, with a specific interest in regional differences and the idiosyncrasies of implementing international standards under plural legal orders.

Guided by intersectionality theory,²⁶ the research examines how gender, religion, geography, and class intersect to influence women's access to justice. Research findings constitute the basis for specific, context-informed recommendations for enhancing normative and institutional frameworks for protecting women against sexual violence in Nigeria.

2. RESULT AND ANALYSIS

The findings from a critical analysis of existing legal reports, socio-cultural facts, and institutional models of protection of women from sexual abuse in Nigeria are presented herein. Based on comparisons with international human rights practice and Nigeria's national law responses, and with special emphasis on real-life application and enforcement issues, this discussion identifies the main gaps, successes attained, and remaining challenges shaping the experience of women in the context of justice seeking and protection from sexual violence. Nigeria is a federal republic with 36 states and the Federal Capital Territory, divided into six geopolitical zones: North Central, Northeast, Northwest, Southeast, South, and Southwest. Spatial differences (*i.e.*, northern and southern states) are mentioned herein to discuss legal enforcement, institutional support, and cultural resistance variations throughout the country.

²⁶ Intersectional theory is a theory which views social inequality as the product of multiple, overlapping systems of power and identity such as gender, class, religion, ethnicity, and geography that operate simultaneously rather than independently. In this paper, intersectional theory is used to examine how gender intersects with religion, legal pluralism, geography, and socioeconomic status to shape women's access to justice and protection from sexual violence in Nigeria. See Eleonora Esposito, "Discourse, Intersectionality, Critique: Theory, Methods and Practice," *Critical Discourse Studies* 21, no. 5 (2024): 510, and Myra Marx Ferree, "Intersectionality as Theory and Practice," *Contemporary Sociology* 47, no. 2 (2018): 129.

2.1. Assessing Legislative Adequacy and Institutional Processes in Human Rights Protection: A Nigerian Perspective

The fundamental doctrines of public international law discuss the relations between international law and national (domestic/municipal) law. Scholars are generally distinguished between those who support the two contrasting views: dualism and monism. The dualist approach is a legal doctrine under which international law and national law operate in separate spheres, so that international treaties do not have the force of law within the state unless they are explicitly incorporated into domestic law by legislation.²⁷ In contrast, a monist approach views the relationship between domestic and international law as hierarchical. This hierarchy manifests in two primary forms. Some monist scholars regard international law as hierarchically superior, whereas others assign primacy to domestic law. These alternatives are referred to as monism with international law primacy and monism with domestic law primacy.²⁸ The subsequent sections discuss Nigeria's dualist approach, which is compared to South Africa's monist approach.

2.1.1. Constitutional Dualism and Treaty Domestication

Nigeria's dualist legal system, under Section 12 of the Constitution of the Federal Republic of Nigeria 1999 (the 1999 Nigerian Constitution) requires international treaties to be domesticated through law if they are to be enforced.²⁹ Nigeria's criminal justice system is run under a fragmented framework based on legal pluralism, the Criminal Code (South), Penal Code (North), and Sharia-based laws in certain northern states. This is a great setback in the enforcement of human rights instruments like CEDAW and the Maputo Protocol,³⁰ both of which were ratified by Nigeria in 1985 and 2004, respectively. Compared to monist regimes (*e.g.*, South Africa), under which international treaties by default possess domestic effect, Nigeria's approach defers or abates the fulfillment of international obligations. Article 2 of the CEDAW, under which governments must abolish discriminatory laws, remains implemented because the National Assembly has not yet enacted an act enacting its provisions.³¹ Consequently, laws such as the Penal Code in northern Nigeria, which exempts marital rape under Section 282, remain untransformed, in defiance of CEDAW principles. The African Charter on Human and Peoples' Rights (ACHPR),³² domesticated by the Ratification and

²⁷ See Madelaine Chiam, "Monism and Dualism in International Law," Oxford Bibliographies (Oxford University Press, 2018), 430.

²⁸ Dana Burchardt, "Looking Behind the Façade of Monism, Dualism and Pluralism," *KFG Working Paper Series*, no. 59 (2023): 11.

²⁹ Ibrahim Danjuma and Karatu Apabwaje Joel, "The Legal Conundrum in the Implementation of the Convention on the Rights of the Child in Nigeria," *Sriwijaya Law Review* 5, no. 1 (2021): 8.

³⁰ The African Charter, "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa," 2010, 9

³¹ Muyiwa Adigun, "Enforcing ECOWAS Judgments in Nigeria through the Common Law Rule on the Enforcement of Foreign Judgments," *Journal of Private International Law* 15, no. 1 (2019): 165.

³² ACHPR was adopted by the Eighteenth Assembly of Heads of State and Government in June 1982 Nairobi, Kenya

Enforcement Act of 1983,³³ is not free from some imperfections. Although Article 18 of the charter assures equality between women and men, its enforcement has been patchy. In *Mojekwu v. Mojekwu* (1997) 7 NWLR (Pt. 512) 283 (CA),³⁴ the Nigerian Court of Appeal nullified a discriminatory customary inheritance practice, holding that treaty-based rights under the African Charter must take precedence over detrimental traditions.³⁵ This ongoing clash of laws discredits the equal application of international human rights norms and subjects victims to disparate judicial results depending on place and jurisdiction. This judicial inconsistency underscores the systemic failure to align domestic laws with international standards.

2.1.2. Maputo Protocol Implementation and Accountability Gaps: Lessons from South Africa's Monist Model

The Maputo Protocol, the region's flagship women's rights instrument, commits governments to banning all types of violence against women.³⁶ In 2005, Nigeria's ratification of the Protocol was visionary, but its implementation is woeful.³⁷ The African Commission on Human and Peoples' Rights in 2023 condemned Nigeria for non-implementation of the VAPP Act 2015.³⁸ It is only 18 (eighteen) out of 36 (thirty-six) states that have passed the VAPP Act, with northern states like Kano and Sokoto showing religious and cultural resistance.³⁹ This points to the relevance of legislative intervention in efforts to address violence against women and girls.

South Africa's Constitution, Section 231(4), provides the constitutional basis for this approach⁴⁰ anchoring a framework in which international agreements, once enacted by Parliament, acquire the force of domestic law.

³³ Placng.org, "African Charter on Human and People's Rights (Ratification and Enforcement) Act," <https://placng.org/lawsfnigeria/print.php?sn=24>

³⁴ Nigerian Court of Appeal. Enugu Division. *Mojekwu v Mojekwu*, 7 NWLR 283, 21 Icaspp 295–316 (1997). Nigerian Court of Appeal. *Sama'ila Bello V. The State* CA/KN/637/C/2018. JELR 109354 (CA) (2021), 2.

³⁵ Eseni Azu Udu, Anoke Uwadiogwu, and Joyce Nnenna Eseni, "Evaluating the Enforcement of the Rights of Women under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979: The Nigerian Experience," *Beijing Law Review* 14, no. 2 (2023): 770.

³⁶ Maputo Protocol, Art. 4. See also Simangele Mavundla and Ann Strode, "The Legal Framework on Sexual Harassment in Eswatini: A Critical Review in Light of the Maputo Protocol," in *Sexual Harassment, Law and Human Rights in Africa*, ed. Ebenezer Durojaye and Charles Ngwenya (Springer International Publishing, 2023), 148.

³⁷ Jeanne Hefez et al., "Domestication of the Maputo Protocol in the Democratic Republic of Congo: Leveraging Regional Human Rights Commitments for Abortion Decriminalization and Access," *International Journal of Gynecology and Obstetrics* 164, no. S1 (2024): 14.

³⁸ Federal Republic of Nigeria, "Violence Against Persons (Prohibition) (VAPP) Act," [https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=556d5eb14&skip=0&query=Violence Against Persons Prohibition \(VAPP\) Act Nigeria](https://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=556d5eb14&skip=0&query=Violence%20Against%20Persons%20Prohibition%20(VAPP)%20Act%20Nigeria).

³⁹ As of 2025, the Violence Against Persons (Prohibition) Act has been passed by 18 (eighteen) Nigerian states: Abia, Adamawa, Akwa Ibom, Anambra, Bauchi, Bayelsa, Benue, Borno, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, and the Federal Capital Territory (FCT). See Partners Nigeria West Africa, "VAPP Tracker", <https://www.partnersnigeria.org/vapp-tracker/>

⁴⁰ Justice Albie Sachs, *The Constitution of the Republic of South Africa, 1996, The Strange Alchemy of Life and Law* (Oxford: Oxford University Press, 2009), 280.

This framework, reinforced by sections 39(1)(b) and 233, mandates judicial consideration of international law in constitutional interpretation. By granting domestic effect to ratified treaties automatically by acceding, South Africa grants effect to international law directly in the courts. Applying CEDAW, in *Carmichele v. Minister of Safety and Security* (2001), the Constitutional Court struck down laws permitting gender discrimination.⁴¹ The same monist doctrine applied in Nigeria would grant judges the power to apply such treaties as CEDAW without interference from the legislatures, as argued by legal theorists.⁴²

The VAPP Act 2015 is the most advanced Nigerian gender violence legislation. It criminalizes rape within marriage, female genital mutilation, and forced widowhood rites, issues excluded under the colonial Criminal Code (southern Nigeria) and the Penal Code (northern Nigeria). For example, Section 1 of the VAPP Act employs a 12 (twelve)-year prison sentence for rape, whether within or outside of marriage, addressing a glaring lacuna in Penal Code Section 282, excluding spouses from prosecution.

So far, as of 2023, only 18 (eighteen) states, predominantly in the south, have passed the VAPP Act into law. Some northern states, such as Zamfara and Katsina, do not wish to pass it into law because of discrepancies with Sharia law and culture. For example, the Zamfara State House of Assembly turned down the VAPP Act in 2020 based on discrepancies with Islamic beliefs regarding marital relationships. On the other hand, Lagos State has integrated the Act into Domestic Violence Law and provided specialist courts as well as safe havens for victims. That imbalance expands a "two-tiered" judiciary disenfranchising women from the north to the shields enjoyed within the south. Attempts at harmonizing national laws with international commitments are incomplete and uneven, with specific resistance from areas subject to religious or customary law.

Table 1 outlines key legal differences between Nigeria and South Africa regarding GBV. Nigeria's dualist approach slows down the use of international treaties like CEDAW in its courts. In contrast, South Africa's monist approach allows for direct application by its courts. Although Nigeria has the VAPP Act of 2015, only half of the states have put it into action, while strong resistance exists in the north due to Sharia law. In contrast, South Africa immediately applies CEDAW, and its courts actively work to eliminate discriminatory laws, which leads to better protection. This comparison highlights how Nigeria's mixed legal systems and regional differences obstruct justice for women. Meanwhile, South Africa's single legal system offers more consistent protection of rights.

⁴¹ *Carmichele v Minister of Safety and Security and Another* (Centre for Applied Legal Studies Intervening), CCT 48/00 [2001] ZACC 22; 2001 (4) SA 938 (CC); 2001 (10) BCLR 995 (CC) (Const. Ct. of S. Afr., August 16, 2001), 20 See <http://hdl.handle.net/20.500.12144/2116>.

⁴² Jaclyn Ling Chien Neo, "Calibrating Interpretive Incorporation: Constitutional Interpretation and Pregnancy Discrimination under CEDAW," *Human Rights Quarterly* 35, no. 4 (2013): 57.

Table 1. Comparison of Legal Systems and Gender Violence Legislation in Nigeria and South Africa

Characteristic		Nigeria	South Africa
Legal System		Dualist	Monist
Constitution		Section 12 requires domestication of treaties	Section 231(4) grants domestic effect to treaties
Gender Violence Legislation		VAPP Act 2015 (partially implemented)	The Constitution applies CEDAW directly
Marital Rape		Penal Code exempts marital rape	The Carmichele case struck down discriminatory laws
Implementation of VAPP Act		18 (eighteen)/36 (thirty-six) states have domesticated the VAPP Act	N/A
Northern States (e.g., Kano, Sokoto, Zamfara, Katsina)		Resistance to the VAPP Act due to Sharia law	N/A
Southern States (e.g., Lagos)		Integrated VAPP Act, specialist courts, safe havens	N/A
Judicial Consistency		Inconsistent application of international standards	N/A

Source: Authors' compilation based on the analysis of relevant laws and regulations of Nigeria and South Africa

Marital rape does not appear in the Penal Code in northern Nigeria. Rape, which is sexual intercourse without the consent of the victim outside marriage, is criminalized under Section 282(1) of the Penal Code and does not include spouses. Even in states where VAPP is enacted, like Abuja, judicial unawareness hinders enforcement. In *State v. Bello* (2021) JELR 109354 (CA),⁴³ a Federal Capital Territory court threw out a case of marital rape for "lack of precedent," even though the VAPP Act criminalized such behavior. Until Nigeria moves away from legal pluralism and dualism towards harmonized, monist-oriented legal reform, the disparity between normative rights and enforceable justice for women will continue to exist.

2.2. Sociocultural Determinants and the Reconciliation of International Human Rights with Local Realities in Nigeria

The 1999 Nigerian Constitution gives a great deal of legislative autonomy to states which enables it to comfortably resist gender reforms such as the VAPP Act.⁴⁴ For instance, the northern states such as Sokoto have used provisions of the constitution, such as Item 61 (state exclusive jurisdiction over "public order"), to prohibit the VAPP Act based on inconsistency with Sharia family laws, thereby defeating national commitment towards

⁴³ Nigerian Court of Appeal. *Sama'ila Bello V. The State* CA/KN/637/C/2018. JELR 109354 (CA) (2021), 2. <https://lite.judyl.legal/amp/case/bello-v-the-state>.

⁴⁴ Arowolo, *op.cit.*, 253, 260-263.

Sustainable Development Goal (SDG) 5.2 towards eliminating violence against women.⁴⁵ At the same time, northern Nigerian cultural values prioritized group harmony above individual rights, and to the degree that 68% (sixty-eight percent) of Kano sex crimes are settled under coerced *Sulhu* proceedings,⁴⁶ in which victims are compelled to consent to financial compensation in exchange for access to law, as a 2023 WARDC.⁴⁷ A study found that, despite Article 12 of the Maputo Protocol guaranteeing access to formal legal remedies, significant barriers continue to restrict effective access to justice.⁴⁸

Nigeria's judicial and institutional framework is hampered by systemic deficits like the underfunding of the Legal Aid Council just 200 (two hundred) lawyers for over 200,000,000 (two hundred million) individuals, deterring rural women in Borno and Yobe from legal representation. Some 85% (eighty-five percent) of all legal aid offices are located in urban centers.⁴⁹ This conduct constitutes a violation of Article 8 of the ACHPR.⁵⁰ These failures are further compounded by police collusion in perpetuating abuse: an Amnesty International 2023 report documented instances in Rivers State where police asked for a bribe from rape survivors to conduct an investigation, and 40% (forty percent) of such instances involved tampering by officers bribed by abusers, further undermining trust in justice systems.⁵¹

Nigeria's justice system and institutions are weakened by selectively targeting rural communities and women through system failures. Behind the failures lies the chronic underfunding of the Legal Aid Council, established by the 2011 Legal Aid Act to provide free legal aid to poor people.⁵² Only having 200 (two hundred) attorneys for over 200,000,000 (two hundred million) residents, the Council boasts an impressive ratio of one attorney to one million individuals, and that is superior to South Africa's 1 (one) attorney to 6,000 (six thousand) people. This resource disadvantage is further worsened by geographical imbalance: eighty-five percent of the law firms are located in urban centers like Lagos and Abuja, whereas rural states like Borno and Yobe, which were affected by the insurgency of Boko Haram, have no or minimal representation.⁵³ In Borno, for instance, there is only one legal aid office in Maiduguri, but no transport to access remote villages like Damboa, where displaced women are victimized by enormous sexual exploitation but have no access to justice owing to financial and operational constraints. This over-

⁴⁵ Verena Schafroth, "Female Genital Mutilation in Africa: Politics of Criminalization," *Missiology: An International Review* 37, no. 4 (2025): 530.

⁴⁶ *Sulhu* is an Islamic alternative dispute resolution mechanism which reflects a mediation. See Oluwafemi A. Ladapo, "Where does Islamic Arbitration fit into the Judicially Recognized Ingredients of Customary Arbitration in the Nigerian Jurisprudence?" *African Journal on Conflict Resolution* 8, no. 2 (2008): 110.

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Law Global Hub, "Second Schedule of the Nigerian Constitution 1999 (Updated)," <https://www.lawglobalhub.com/schedule-ii-to-the-nigerian-constitution-1999>.

⁵⁰ *Ibid.*

⁵¹ Amnesty International, "Amnesty International Report 2022/23: The State of the World's Human Rights," <https://www.amnesty.org/en/documents/pol10/5670/2023/en/>.

⁵² Legal Aid Act, Explanatory Memorandum, 2011 <https://Lawpadi.Com/Wp-Content/Uploads/2015/08/Legal-Aid-Act-2011.Pdf>.

⁵³ *Ibid.*

village citizen city model shockingly violates Article 8 of the ACHPR, which guarantees "equal protection before the law" and access to justice, a right rendered illusory for rural women in Nigeria. This difference is attested to by the National Human Rights Commission (NHRC),⁵⁴ which reports that 92% (ninety-two percent) of rural pretrial detainees in prisons lack legal representation, and 40% (forty percent) of them are women, who are often arrested on "moral crimes" like adultery, while their male accusers are released.⁵⁵

Institutional corruption and police collusion are found in institutions that are implicated in cycles of abuse and impunity. Amnesty International, in a 2023 report, revealed shocking abuse in Rivers State, where rape victims are routinely asked ₦50,000 (fifty thousand Naira) to ₦100,000 (one hundred thousand Naira) (equivalent to USD 33 (thirty-three United States Dollar/USD) to USD 64 (sixty-four USD)).⁵⁶ According to the police report, the cases a sum greater than what many Nigerians earn in a month. In one case that was reported, a 14 (fourteen)-year-old Port Harcourt survivor was told by the police to "bring money or forget justice," and the case was withdrawn by her family.⁵⁷ Even worse, 40% of the reported rape cases in Rivers State were cases of evidence tampering, where the police were involved with abusers in shredding medical reports or intimidating witnesses. For instance, in *State v. Chidiebere*,⁵⁸ the court dropped rape charges following police reports of "loss" of vital DNA evidence, illustrating the consequences of institutional corruption, which groups such as PWAN and Amnesty International have linked to bribery and case manipulation that average ₦200,000 (two hundred thousand Naira), equivalent to USD 131 (one hundred and thirty one USD)⁵⁹ per case.⁶⁰ It is organized: a 2022 survey by the Cleen Foundation determined that 67% (sixty-seven percent) of Nigerians distrust the police, regarding them as "perpetrators, not protectors".⁶¹ It discourages victims from reporting abuse; only 12% of sexual violence in Nigeria is reported officially, reports the UNFPA, estimating others go unreported due to stigma or fear of attack.⁶²

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ According to mid-market exchange rates from January 2026 (approximately ₦1 equals USD 0.000694), ₦50,000 (fifty thousand naira) converts to approximately USD 34.7, while ₦100,000 equals approximately USD 69.4, justifying a rounded compensation range of USD 35–69. See <https://www.exchangerates.org.uk/USD-NGN-spot-exchange-rates-history-2026.html> accessed January 30, 2026,

⁵⁷ Amnesty International, *Ibid.*

⁵⁸ *State v. Chidiebere*. 2022. High Court of Rivers State (Nigeria), unreported decision. Referenced in informal advocacy correspondence; no public record available

⁵⁹ At current mid-market exchange rates (January 30, 2026), ₦200,000 (two hundred thousand naira) converts to approximately USD 129–131, implying an exchange rate of ₦1=USD 0.00065 See <https://www.exchangerates.org.uk/USD-NGN-spot-exchange-rates-history-2026.html> accessed January 30, 2026

⁶⁰ Partners West Africa Nigeria, "PWAN Annual Report for the Year 2023," <https://www.partnersnigeria.org/pwanannualreport2023/>

⁶¹ Cleen Foundation, "Annual Report 2022," <https://cleen.org/publications/>

⁶² United Nations Population Fund, "United Nations Population Fund Country Program Document for Nigeria DP/FPA/CPD/NGA/9: Executive Board of the United Nations Development Programme, the United Nations Population Fund and the United Nations Office for Project Services, First Regular Sessi," https://nigeria.unfpa.org/sites/default/files/pub-pdf/dp.fpa_cpd.nga.9_nigeria_cpd_eng.pdf.

The consequences are deadly. In Sokoto and Kano, the Sharia Penal Code prescribes in the north that applies the religious code of law alongside the secular code of law providing excluded women with intersecting disadvantages.⁶³ In practice, Sharia law takes precedence for Muslims in matters explicitly codified under the Sharia Penal Code, especially in northern states where it has been formally adopted since 2000. In the WARDC 2023 report, 73% (seventy-three percent) of rural women in Kano want extrajudicial avenues for *sulhu* (reconciliation) to avoid exploitation by police, but privilege social harmony over legal accountability. For instance, in *Hauwa v. Musa* (2021),⁶⁴ the 16 (sixteen)-year-old victim of rape was forced into marriage with her rapist by a village elder, a lower "community harmony" norm sacrifice but one contrary to Article 4 of the Maputo Protocol, which prohibits forced marriage. At the same time, Nigeria's federal structure makes it even worse: Lagos State alone has Sexual Assault Referral Centers (SARCs) that provide medical and legal support, while there is not one in any northern state.⁶⁵ In Borno State, sexual-violence services are severely limited, with only one recognized SARC in Maiduguri. Survivors rely heavily on under-resourced NGOs such as the International Rescue Committee (IRC), where funding cuts have weakened GBV programs and overwhelmed frontline social workers with unresolved cases.⁶⁶

These institutional failures violate Nigeria's CEDAW General Recommendation No. 33 (2015) obligations, which emphasize the duty to provide "accessible, affordable, and effective remedies" for GBV.⁶⁷ Unless radical changes are made, reducing legal aid budgets by half, decentralizing rural services, and removing corrupt police officers, Nigeria's justice system will remain a tool of oppression, not protection, for women.⁶⁸

They include legal fragmentation, enforcement deficits, cultural and religious backlash, few victim support services, and public awareness deficits. Legal pluralism, where statutory, customary, and Sharia systems co-exist, has the effect of creating confusion and unequal protections. For example, in cases of marital rape, religious dictates override national laws like the VAPP Act. Institutional shortcomings like inadequate training of security forces, shortage of legal aid, and judicial hesitation further undermine accountability. Added to social stigma and fear of reprisals, these make survivors hesitant to approach justice. This illustration shows how structural

⁶³ Rashed Oyewole Olaniyi, "Hisbah and Sharia Law Enforcement in Metropolitan Kano," *Africa Today* 57, no. 4 (2011): 75.

⁶⁴ *Hauwa v. Musa* (2021), Sharia Court, Kano State, unpublished decision cited in advocacy literature on forced marriage and gender-based violence. <https://herstoryourstory.ng/>

⁶⁵ See European Union, "Directory of Sexual Assault Referral Centres (SARCs) in Nigeria," updated December 2021, <https://wfm917.com/wp-content/uploads/2022/08/Directory-of-SARCs-Updated-16-Dec-2021.pdf>

⁶⁶ International Rescue Committee, "New IRC data shows thousands of women and girls at risk as aid cuts cripple gender-based violence services in West Africa," <https://www.rescue.org/press-release/new-irc-data-shows-thousands-women-and-girls-risk-aid-cuts-cripple-gender-based>.

⁶⁷ *Ibid.*

⁶⁸ United Nations office on drugs and crimes, "Nigeria - Women Support Women Community Network (2025): 1. See https://www.unodc.org/res/justice-and-prison-reform/access-to-justice-for-all.html/Women_Support_Women_Community_Network.pdf

and normative issues reinforce one another, widening the justice gap for women across regions.

2.2.1 Pathways to Reform

To dismantle entrenched obstacles to the protection of women against rape, Nigeria must advance along 3 (three) interrelated pillars of legal and institutional reform: revival of constitutional and legislative foundations, federal-state relations, and institution building.⁶⁹ Secondly, the abolition of the Section 12 dualist legal system in the 1999 Nigerian Constitution should pave the way for a monist system,⁷⁰ such as that applicable in South Africa, for the ease of direct application of instruments like the Maputo Protocol and CEDAW, without the need for domestication by an Act of Parliament. This would allow the courts to pronounce discriminatory legislation, such as the marital rape exception in northern states' Penal Code, unconstitutional on the grounds of treaty provisions like Article 21 of the Maputo Protocol prohibiting harmful practices. In the second scenario, the VAPP would need to be enacted into law in all 36 states, and the federal government would need to invoke its reserved legislative power under Item 32 of the Constitution's Exclusive Legislative List and override opposition as in *AG Lagos State v. AG Federation* (2003).⁷¹

Nigeria's fragmented legal framework of the Criminal Code (South), Penal Code (North), and Sharia Penal Codes (in some northern states) engenders draconian inconsistencies in the recognition and prosecution of sexual violence. In response, there is a critical need to formulate a harmonized Gender-Responsive Penal Code that removes these inconsistencies and aligns national law with international obligations. Such a code would criminalize marital rape, remove antiquated evidentiary requirements like the demand for four male witnesses under certain interpretations of Sharia, and institute harmonized definitions of consent on a national scale. This reform should incorporate CEDAW General Recommendation No. 35 and the best practices of the Istanbul Convention, rendering them binding standards to achieve SDG 5.2 (eliminating violence against women) and SDG 16.3 (ensuring equal access to justice). A comparative analysis of the forms of sexual violence criminalized under each code and their implementation gaps would reveal where crimes are not criminalized, inadequately prosecuted, or culturally insulated from legal investigation. In the absence of such harmonization, survivors will continue to face systemic hurdles informed by divergent legal cultures and fragmented justice delivery.

Australasian federal-state government collaboration must bring together political and economic incentives and the unification of legal protection across

⁶⁹ Job Odion and Edoghogho Eboigbe, "Eliminating Harmful Practices against Women in Nigeria: An Examination of the Violence against Women Persons (Prohibition) Act, 2015," *International Journal of Human Rights* 22, no. 7 (2018): 943.

⁷⁰ See Yinka Olomjobi, and Jessica Oga "Nigeria: Between Monist and Dualist State," *International Journal of Legal Developments & Allied Issues* 8, no. 4 (2022): 16.

⁷¹ *Attorney-General of Lagos State v. Attorney-General of the Federation*, (2003) 12 NWLR (Pt. 833) 1 <https://www.hbriefs.com/sc/ag-of-lagos-state-v-the-ag-of-the-federation-2003/>

genders.⁷² Model state governments have top priority access with the first-level allocation for a forward USD 2,000,000,000 (two billion USD) annual commitment from the SDGs Conditional Grants Scheme for developing such programs as the Indian Nirbhaya Fund model. The Revenue Mobilization Allocation and Fiscal Commission⁷³ is under a duty to withhold the statutory allocation of defaulting states under Section 162(5) of the Constitution due to the enactment of a GBV (Prohibition) Bill into law with federal penalties for such crimes as marital rape, preemption of state inaction by the Doctrine of Covering the Field.⁷⁴ It advocates for vesting power in the NHRC to hold states to account and prosecute them when they are in breach of treaty provisions, *i.e.*, bring an action for non-compliance before the African Court on Human and Peoples' Rights, *e.g.*, SERAP v. Nigeria (2022).⁷⁵ Bottom-up mobilization of religious and traditional leaders in the form, for example, of the Sultanate Council's initiative, with UN Women's support, to reinterpret Sharia norms, is required in an effort to counteract patriarchal tradition and bring cultural values into conformity with international human rights norms.⁷⁶

Capacity building is all about developing system resilience in the delivery of justice.⁷⁷ The Legal Aid Council would need ten times the budget to accommodate 5,000 (five thousand) lawyers to be deployed by 2030 in the rural regions of the country, like Borno and Yobe, that have an 85% (eighty-five percent) deficit of legal aid service,⁷⁸ thereby denying most rural dwellers especially vulnerable women's effective access to justice. This chasm undermines the enforcement of legal rights and creates a culture of impunity.

There is a need for urgent investment in legal infrastructure and personnel to close this gap and promote equal protection under the law.

⁷² John Kincaid, "Cooperative Federalism in the United States: National, State and Local Dynamics," in *Cooperative Federalism in South Asia and Europe: Contemporary Issues and Trends*, ed. M.J. Vinod et.al. (Routledge, 2024), 30.

⁷³ See Revenue Mobilisation Allocation and Fiscal Commission, "Functions/Powers of the Commission," <https://rmafc.gov.ng/functions/>.

⁷⁴ Cordelia Onyinyechi Omodero, "Subnational Tax Autonomy, Vertical Allocation, and Capital Expenditure Responsibilities: A Study of an Emerging Market," *Economic Affairs* 67, no. 4 (2022): 630.

⁷⁵ African Court on Human and Peoples' Rights, SERAP v. Nigeria (2022), 1 <https://courtecawas.org/pending-cases-and-decisions/search-cases/>.

⁷⁶ Sophia Oghenerukevwe Bojehre, "The Culture Stands as a God' The Role of Culture in the Experiences of Nigerian Women Living in England Who Have Experienced Intimate Partner Violence and Abuse" (Thesis, Doctor of Philosophy to the school of Social Sciences and Professions London Metropolitan University, October 2024), 30.

⁷⁷ Chinyere Elsie Ajayi, "An Intersectional Analysis of the Role of Cultural Beliefs, Norms and Practices, Help-Seeking and Support in Nigerian Women's Accounts of Sexual Abuse and Violence." (Thesis, Doctor of Philosophy at the University of Central Lancashire, June 2020), 15.

⁷⁸ Grace Akpan and Murkthar Suleiman for This statement "RoLAC is working to enhance free legal aid services in Nigeria" see <https://www.idea.int/news/rolac-working-enhance-free-legal-aid-services-nigeria> and see Ekpa Stanley Ekpa "Funding legal aid" <https://businessday.ng/opinion/article/funding-legal-aid-and-the-legal-aid-ll-m-fellowship-option/>

Mobile legal clinics inspired by Kenya's Justice on Wheels⁷⁹ can fill gaps in access due to distance. Capacity building judicially must be re-directed with gender-sensitive training becoming the norm at the National Judicial Institute.⁸⁰ by survivor-informed protocols and provisions of the VAPP Act, and state-participating courts need to establish mandatory protocols for expedited sexual assault cases. The police reform will include the deployment of Gender Desks by specially trained forensics police officers to all 774 (seven hundred and seventy-four) Local Government Areas,⁸¹ and with forceful anti-corruption intervention for the prosecution of convicted bribery or tampering of evidence police officers. A National Sex Offenders Registry⁸² connected to INTERPOL will deter impunity on the part of offenders, and a national 24/7 Emergency Legal Aid Hotline will be able to reach the victims and offer them medical and legal support. By convergence of the legal system, promotion of compliance, and institutional rehabilitation of integrity, Nigeria has the potential to leverage its system of justice as a strong tool for gender parity in the achievement of objectives, adherence to international and regional human rights covenants, and safeguarding the dignity and security of women throughout the country.

Table 2 illustrates how sociocultural and institutional impediments undermine gender justice in Nigeria. Legal pluralism, forced settlements, ineffective legal aid, corruption in the police, and negative religious interpretations erode the rights of survivors. The majority of support mechanisms are urban-centered, and rural women are left behind. These structural lacunae continue despite Nigeria's obligations under CEDAW, ACHPR, and the Maputo Protocol.

⁷⁹ JLC News. Kenya Unveils Mobile Legal Aid Units: AG Oduor and Bangbet Drive New Justice Model,” accessed January 30, 2026, <https://www.jlcnews.com/post/kenya-unveils-mobile-legal-aid-units-ag-oduor-and-bangbet-drive-new-justice-model>

⁸⁰ The National Judicial Institute (NJI) is Nigeria's premier institution for the continuing education and professional development of judicial officers and court staff, established under the NJI Act of 1991. See <https://nji.gov.ng/>.

⁸¹ Nigeria has 774 Local Government Areas (LGAs), each administered by a Local Government Council headed by an Executive Chairman and supported by elected Councilors, who form the legislative arm of the local government. See <https://algon.ng/index.php/lga>.

⁸² National Sexual Offender Register (NSOR): Nigeria's public database under the VAPP Act 2015, managed by NAPTIP, listing convicted sexual offenders to deter abuse and aid background checks. See <https://herstoryourstory.ng/wp-content/uploads/2021/06/Sex-offenders-Register.pdf>.

Table 2. Sociocultural Determinants and Human Rights Gaps in Nigeria

Aspect	Findings
Federalism and Legal Pluralism	Nigeria's federal structure enables states to resist national reforms, such as the VAPP Act. Northern states cite Sharia law and constitutional provisions to justify excluding gender violence laws.
Cultural Norms and Informal Justice	Group harmony is prioritized over individual rights. 68% of sex crimes in Kano are settled through coerced <i>sulhu</i> (conciliation), undermining formal justice (Article 12 Maputo Protocol).
Legal Aid and Access to Justice	Only 200 (two hundred) Legal Aid lawyers serve over 200,000,000 (two hundred million) Nigerians. 85% (eighty-five percent) of offices are urban; rural areas like Borno/Yobe have virtually no access to legal representation. Violates Article 8 ACHPR.
Police Corruption and Institutional Abuse	Police demand bribes from survivors; 40% (forty percent) of rape cases in Rivers State involve police collusion. Distrust is high (67% (sixty-seven percent) of the public). Violates principles of impartial investigation and accountability.
Judicial Failures and Evidentiary Tampering	Cases dismissed due to 'lost' evidence, often tied to bribery. In <i>State v. Chidiebere</i> (2022), DNA evidence disappeared. Undermines survivors' trust in the prosecution.
Religious Law and Gender-Based Violence	Sharia Penal Code exacerbates inequality. In <i>Hauwa v. Musa</i> (2021), the victim was forced to marry her rapist. <i>Sulhu</i> practices prioritize 'family honor' over women's rights (Maputo Protocol Article 4).
Infrastructure Gaps	SARCs exist in Lagos but are absent or defunct in most.

Source: Author's compilation based on the analysis of the VAPP Act, ACHPR, Maputo Protocol,⁸³ *Hauwa v. Musa* (2021),⁸⁴ *State v. Chidiebere* (2022)⁸⁵

To improve access to justice for Nigerian survivors of sexual violence and to bridge the gap between law and lived experience in achieving SDGs 5.2 and 16.3, coordinated action by seven key institutions and actors is required. First, the National Assembly should repeal discriminatory laws and enact a national GBV law consistent with CEDAW and the Maputo Protocol. Second, State Assemblies, particularly in northern states, should adopt the VAPP Act and revise evidentiary standards. Third, the Supreme Court should reinforce treaty-based rights, criminalize marital rape, and authorize support services such as mobile clinics. Fourth, the police should implement Gender Desks nationwide and eliminate corruption in rape investigations. Fifth, human rights bodies should monitor compliance and publish reports on GBV

⁸³ African Union. *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa* (Maputo Protocol). Adopted July 11, 2003. Entered into force November 25, 2005. <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>

⁸⁴ *Hauwa v. Musa*, (2021) Unreported, High Court of Lagos, Nigeria.

⁸⁵ *State v. Chidiebere* (2022) Unreported, High Court of River State, Nigeria.

responses. Sixth, the Presidency should condition funding on legal reforms and create a national offenders registry. Seventh, traditional and religious leaders should promote rights-based teachings, while researchers should develop and test survivor-centered justice tools.

3. CONCLUSION

This research sought to investigate the structural and legal hindrances to women's access to justice and protection from sexual violence in Nigeria. The findings indicate that while international and national legal frameworks such as CEDAW, the Maputo Protocol, and the VAPP Act are in place, their implementation is weak due to legal pluralism, institutional corruption, cultural pushbacks, and lack of support structures. The study acknowledges that while legal reforms provide an entry point to justice, their patchy uptake by states, especially in northern Nigeria, is a significant limitation, as is the absence of consistent survivor-centered infrastructure. Nevertheless, the actor-specific recommendations made herein demonstrate clear benefits in reducing the gap between legal norms and everyday life, including greater access to legal aid, greater accountability, and community-level transformation.

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