



INTEGRATED LEGAL & JUSTICE APPROACHES TO COMBAT SGBV, VAWG & HP



**Spotlight
Initiative**

*To eliminate violence
against women and girls*





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The United Nations Development Programme is the United Nations' global development network. It advocates for change and connects countries to knowledge, experience and resources to help people build a better life for themselves. UNDP works to eradicate poverty and reduce inequalities through the sustainable development of nations, in more than 170 countries and territories.

The Centre for Women's Health and Information (CEWHIN) is an independent, not for profit making, non-governmental organization established for the promotion of and respect for the human rights of women and young girls, especially their reproductive and sexual health and rights. We are committed to empowering individuals for improved quality of life and social change. CEWHIN envisions a society where women and girls are empowered to realize their mental, social and physical wellbeing.



Integrated Legal and Justice Approaches to Combat SGBV, VAWG and HP.



**Centre for Women's Health and Information
(CEWHIN)**



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TABLE OF CONTENT

01	Acknowledgements	
02	Abbreviations	
03	Chapter 1	Introduction
08	Chapter 2	A 3-Tier Approach to Sexual and Gender-Based Violence Prevention, Protection and Prosecution
16	Chapter 3	The Law and Gender-Based Violence
26	Chapter 4	Roles and Responsibilities of Law Enforcement Agencies in Prevention, Response and Prosecution of Sexual and Gender-Based Violence Cases.
32	Chapter 5	Human Rights-Based Approach, Inter-Agency and Multi-Sectorial Approach to SGBV Prevention and Response
40	Conclusion & Recommendation	
	Appendix 1	
	Appendix 2	



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Chapter 1

ABBREVIATIONS

CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
CEWHIN	Centre for Women's Health and Information
DSVRT	Domestic and Sexual Violence Response Team
FIDA	International Federation of Women's Lawyer
FGM	Female Genital Mutilation
GBV	Gender-based violence
HP	Harmful Practices
NDHS	Nigeria Demographic and Health Survey
OPD	Office of the Public Defender
SGBV	Sexual and Gender-Based Violence
SRHR	Sexual and Reproductive Health and Rights
UN	United Nations
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNFPA	United Nations Fund for Population Activities
UNICEF	United Nations Children Fund
VAPP	Violence Against Persons Prohibition Act
VAWG	Violence Against Women and Girls
WAPA	Ministry of Women Affairs and Poverty Alleviation



Chapter

01

INTRODUCTION



INTRODUCTION

Background

The European Union (EU) and the United Nations (UN) have embarked on a new, global, multi-year initiative focused on eliminating all forms of violence against women and girls (VAWG) - The Spotlight Initiative. The Initiative is so named as it brings focused attention to this issue, moving it into the spotlight and placing it at the centre of efforts to achieve gender equality and women's empowerment, in line with the 2030 Agenda for Sustainable Development.

UNDP in Nigeria in collaboration with UN Women, UNFPA, UNICEF and UNESCO Regional Office, Abuja are working with the European Union in Nigeria, Government and Civil Society partners on this Initiative.

Through a comprehensive approach, the Spotlight Initiative aims at realising a Nigeria where all women and girls, particularly the most vulnerable, live a life free from violence and harmful practices.

Addressing the linkages between sexual and gender-based violence and harmful practices with related aspects of sexual and reproductive health and rights as a cross-cutting theme will require concerted efforts from a broad range of stakeholders and, from individuals all the way to community and national government leaders.

With the support of UNDP, CEWHIN is implementing a series of activities aimed at strengthening the existing VAWG/SGBV prevention and



Addressing the linkages between sexual and gender-based violence and harmful practices with related aspects of sexual and reproductive health and rights as a cross-cutting theme will require concerted efforts from a broad range of stakeholders and, from individuals all the way to community and national government leaders.

response system in Lagos State. One of such activities is to build the capacity of community advocates in Ikorodu and Yaba areas of Lagos State, who will thereafter engage with different segments of the society to raise awareness on the root causes and forms of gender-based violence. Such engagement will focus on promoting positive gender-equitable norms, attitudes and behaviours, including and, in relation to women and girls' sexuality and reproduction, self-confidence and self-esteem, and, counter patriarchal conservative values and attitudes to end violence against women and girls.

Prevalence of Gender-Based Violence

Sexual and gender-based violence is one of the most

widespread, persistent and devastating human rights violations in our world today. Gender-based violence is one of the biggest impediments to the full realization of women and girls' rights. Data continue to highlight women's and girls' vulnerability to gender-based violence and negative social norms which support gender-based violence, especially violence against women and girls (VAWG) and harmful practices (HP) which remain pervasive in different parts of the country.

The Nigeria Demographic and Health Survey (NDHS) 2018, revealed that gender-based violence (GBV) is widespread with 31 percent of women aged 15–49 reporting experiences of physical violence. There is, however, a marked divide between girls



The percentage of women who have experienced physical violence since age 15 increased from

28%
in both 2008 and 2013 to

31%
in 2018.



Women who are divorced/ separated /widowed are more vulnerable to sexual violence as

15%
of them have experienced sexual violence, compared to
9%
of married women.



and women in urban (33 percent) and rural (24 percent) areas.

The percentage of women who have experienced physical violence since age 15 increased from 28% in both 2008 and 2013 to 31% in 2018.

The NDHS, 2018 revealed a nine percent prevalence of sexual violence among women aged 15 – 49, while 4% of women in the same category have experienced sexual violence in the year preceding the interview.

Women who are divorced/ separated/widowed are more vulnerable to sexual violence as 15% of them have experienced sexual violence, compared to 9% of married women. Among ever-married women, the most common perpetrator of sexual violence is a current husband/partner (65%). Occurrence of sexual violence is also high among children, compared to older females, as revealed by the data collected by Mirabel Centre, a sexual assault referral centre located within

the premises of the Lagos State University Teaching Hospital (LASUTH). Between July 2013 and June 2019, 80.7 percent of all reported cases of sexual assault at the Centre were children (17 years and below).

Purpose

Survivors of gender-based violence often face significant obstacles in accessing justice due to gaps in criminal law, procedure, gender stereotypes, victim blaming and responses of legal and justice institutions and professionals which often leads to secondary victimization.

To achieve gender equality and end all forms of violence against women and in line with the 2030 Agenda for Sustainable Development, a comprehensive and multi-sectorial approach is required. The handbook is designed to serve as a reference material for legal and justice sector practitioners in their response to cases of gender-based



violence within the society and, is aimed at enhancing knowledge, skills and institutional capacity in dealing with cases of GBV.

Structure

The handbook is divided into five chapters. The first chapter is the introduction while the second chapter provides a 3-tier approach to sexual and gender-based violence–prevention, protection and prosecution.

The third chapter explores the law and gender based–

violence, while chapter four examines the roles and responsibilities of law enforcement agencies in prevention, response and prosecution of sexual and gender-based violence. Also, examined in chapter five is the status of the law in relation to specific forms of GBV.

The last chapter gives an overview of the human rights based approach, inter-agency and multi-sectorial approach to SGBV prevention and response.



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Chapter

02

A 3-TIER APPROACH TO SEXUAL AND
GENDER-BASED VIOLENCE -PREVENTION,
PROTECTION AND PROSECUTION



A 3-TIER APPROACH TO SEXUAL AND GENDER-BASED VIOLENCE -PREVENTION, PROTECTION AND PROSECUTION

Gender-Based violence (GBV) has been defined as violence directed against a person because of his or her sex. It is the intentional and persistent abuse of anyone in a way that causes pain, distress or injury. It is a term used to describe a pattern of behaviour often used by one person to control and dominate another with whom they have, or had a close or family relationship. It may also include sexual violence, domestic violence, trafficking, forced/early marriage and harmful traditional practices.

Forms of Gender-Based Violence

Physical Violence

Physical violence, which is termed alternatively as physical assault or physical abuse, is any intentional act causing injury or trauma to another person by way of bodily contact, as in cases of domestic violence or workplace aggression. Acts

that constitute physical violence includes:

- i. beating, slapping, kicking, boxing, punching, pushing etc.
- ii. starvation;
- iii. denial of basic education;
- iv. intimidation;
- v. harassment;
- vi. stalking;
- vii. hazardous attack with offensive or poisonous substance, including acid bath;
- viii. damage to property
- ix. entry into the complainant's residence without consent, where the parties do not share the same residence; or
- x. any other controlling or abusive behaviour towards a complainant, where such conduct harms or may cause imminent harm to the safety, health or well-being of the complainant.



Sexual Violence

Sexual violence is defined as any sexual act that is perpetrated against a person's will or an abusive sexual behaviour by one person against another. It is often perpetrated using force or by taking advantage of another. Acts that constitute sexual violence include, but is not limited to

- i. rape
- ii. sexual harassment
- iii. incest
- iv. trafficking in women and girls
- v. sexual molestation
- vi. sexual assault
- vii. stalking
- viii. sexual exposure,
- ix. voyeurism
- x. forced prostitution etc.

Economic abuse

Economic abuse is a form of abuse when one intimate partner has control over the other partner's access to economic resources, which diminishes the victim's capacity to support themselves and forces them to depend on the perpetrator financially. Acts that constitute economic abuse include:

- i. the unreasonable deprivation of economic or financial resources to which a complainant is entitled under the Law or which the complainant requires out of necessity, including household necessities for the complainant, and mortgage bond repayments or payment of rent in respect of the shared residence; or
- ii. the unreasonable disposal or seizure of household effects or other property in which the complainant has an interest including any equitable; or legal interest.

Emotional, Verbal and Psychological Abuse

This is the act of forcefully criticizing, insulting, or denouncing another person. It is a destructive form of communication intended to harm the self-concept of the other person and produce negative emotions. Acts that constitute emotional abuse include:

- i. repeated insults, ridicule or name calling as to cause emotional pain;



- ii. repeated threats to cause emotional pain; or
- iii. the repeated exhibition of obsessive possessiveness or jealousy which constitutes a serious invasion of the complainant's privacy, liberty, integrity or security;

Effects of Gender Based Violence

The effects of gender-based violence on women goes beyond the immediate physical injuries they suffer at the hand of their abusers. Frequently, survivors suffer from an array of psychosomatic illnesses such as: insomnia, devastating mental health problems like post-traumatic stress disorder (PTSD), attempted suicide, use of drugs, excessive intake of alcohol and substance abuse. Other effects of GBV are eating disorders, anxiety and depression, poor social skills and, in some cases, death.

Victims may develop low self-esteem. They see themselves as unworthy of love and suffer from a significantly diminished self-perception making them less able to leave their abusive situations.

Why GBV occurs

The prevalence of GBV can be suspected to come about from:

- Lack of available resources or economic opportunities that may render the victim dependent on the abuser
- Lack of awareness of effects of GBV
- Lack of immediate justice for the victims and punishment to the perpetrators

Some Myths about GBV

There are some myths or misconceptions about gender-based violence (GBV) such as; GBV occurs due to poverty or lack of education, it is a one-off incident, it is a family affair and survivors don't need external help or only women and children are victims of gender-based violence. These myths are not true as several situations have arisen where the abuser is financially comfortable and highly educated.

Penalties

The consequences of SGBV are captured in the Criminal law of Lagos State, the Child Rights Act and the Child



Rights Law of Lagos State as follows:

- Chapter 21 of the Criminal law of Lagos State provides for 1 to 3 years imprisonment for assault
- Section 260 of the Criminal Law of Lagos State provides the penalty of life imprisonment on conviction for rape
- While the crime of defilement also attracts life imprisonment, this is also re-affirmed by Section 137 of the Child Rights law of Lagos State
- Penalty for unlawful sexual assault by penetration as provided for by virtue of Section 261 of the Criminal Law is life imprisonment and the penalty for attempted rape is 14 years imprisonment
- Causing another to engage in sexual activity without the person's consent is also criminalized and the penalty is 5 years, but life imprisonment where there is penetration

How to Help the Survivor?

Victims of GBV must be encouraged to believe in

themselves. Counsellors must listen with compassion and not judge. Victims should be given information on any support they can receive from government and other NGOs working to support victims of gender-based violence (GBV) and phone numbers they can call to get help. This will provide some degree of comfort for survivors.

How to Prevent/Curb GBV

There are several ways to prevent SGBV and some of them are by raising awareness of dangers of harmful practices such as Female Genital Mutilation (FGM), child marriages, raising awareness among school children, both girls and boys, about such practices. Prevention can also occur if survivors are encouraged to talk to someone they can trust and who will believe in them.

The use of social networks and media to promote gender equality will effectively help to reduce SGBV and if respected community leaders and elders are engaged in the



There should be continuous awareness in the society on the ills of gender-based violence and the awareness should not be for women alone but should also be for men in order to make them champions in the course of gender equality.



Government should ensure indigenous involvement and cultural sensitivity in all post-conflict reconstruction/rehabilitation efforts and GBV related interventions.

fight against Gender-Based Violence, it will also go a long way.

Other means of prevention is by encouraging education, tackling violence in schools and homes by speaking against it, while encouraging everyone including boys, girls and youths to become agents of change.

Protection against SGBV

In order for there to be adequate protection against SGBV, existing laws that protect women from discrimination and violence should be reinforced. There should be continuous awareness in the society on the ills of gender-based violence and the awareness should not be for women alone but should also be for men in order to make them champions in the course of gender equality. Women should be empowered socially, politically and economically. Women should also be encouraged to participate in politics in order to further their cause and give them a voice in the society.

Government Role

SGBV can only be prevented if there is the political will on the part of the government. The government has a major role, therefore, to play. The executive arm of government should adopt a system-wide approach to promote institutional support for policies and programmes addressing gender-based violence.

Government should ensure indigenous involvement and cultural sensitivity in all post-conflict reconstruction/rehabilitation efforts and GBV related interventions. Gender awareness and GBV training for service providers in the health, education and social services sectors should be made available. Faith-based initiatives should be encouraged for rebuilding communities. There should be establishment of toll-free GBV help lines across all geopolitical zones and states.

The legislative arm of government should ensure the passage of Bills, which address the prevention of and response to GBV.



Referral pathways are very important and notification of same should be highly publicized so that affected persons are fully informed of where to go and what to do in situations where GBV occurs.



There should be a creation and update of referral pathways to reflect changes made as well as the enforcement of existing laws and policies on GBV.

The judiciary and law enforcement officers should undergo specialized training on the handling and management of GBV cases. Adherence to standard ethical values and codes of conduct by governing authorities and institutions should be reinforced. There should be a creation and update of referral pathways to reflect changes made as well as the enforcement of existing laws and policies on GBV. Referral pathways are very important and notification of same should be highly publicized so that affected persons are fully informed of where to go and what to do in situations where GBV occurs.

Prosecution of GBV

For successful prosecution of sexual and GBV, prosecution will require the cooperation of the following: the victim, complainant, witnesses, medical report, doctor's testimony, proper identity of suspect by the victim, forensic evidence; blood stain, underwear.

There is a need for early reporting, proper investigation by the police and preservation

of evidence. Confessional statement of the suspect must be taken and other circumstantial evidence preserved. Criminal matters are to be proved beyond reasonable doubt, so it is essential that credible evidence is presented by the police and survivor in order to secure a conviction.

Where GBV Survivors Can Get Help

There are several places within Lagos State where victims of SGBV can get help and they are: Domestic and Sexual Violence Response Team (DSVRT), Ministry of Women and Poverty Alleviation (WAPA), WAPA Units in Local Governments and LCDAs, Ministry of Youths and Social Development, Directorate for Citizen's Rights, Ministry of Justice, Lagos State Secretariat, Alausa, International Federation of Women Lawyers (FIDA) Legal Aid Council,

Project Alert, and Mirabel Sexual Assault Referral Centre (SARC). These offices provide the necessary legal aid, counselling, empowerment



Gender sensitive training and capacity building for security sector and law enforcement institutions is critical. The only way forward to ending or at least reducing GBV is encouraging survivors to speak out, continued advocacy and awareness while also naming and shaming the perpetrators.

and psychosocial support to victims of SGBV. The relevant police stations that are well equipped to handle SGBV are those with Gender Desk Offices and they are at Police Command, GRA, Ikeja Divisional Police Station (Area F), Ajah, Ikorodu (Igbogbo), Badagry, Adeniji Adele, Lagos Island, Isokoko Agege, Ilupeju, Festac, Alakuko, Ketu and Ikotun.

Shelters

In a situation where the survivor requires shelter, the following places can be contacted: Cece Yara Foundation, Child Protection Network, Day Spring Helps Ministry, Echoes of Mercy, Hope Foundation, God's Home for Women Foundation, Project Alert on Violence against Women, Real Women Foundation, The Women's Helping Hands Initiative and Ministry of Women Affairs and Poverty Alleviation.

Conclusion

There has been increasing awareness of the need to address sexual and gender-based violence as part of the justice and security sector reform. Institutional reforms are necessary to prevent a surge of sexual and gender-based violence, to re-establish trust and build sustainable peace. Security-sector vetting, in particular, must disqualify perpetrators of such violence from providing sensitive services especially services relating to children.

Gender sensitive training and capacity building for security sector and law enforcement institutions is critical. The only way forward to ending or at least reducing GBV is encouraging survivors to speak out, continued advocacy and awareness while also naming and shaming the perpetrators.



Chapter

03

THE LAW AND GENDER-
BASED VIOLENCE



THE LAW AND GENDER-BASED VIOLENCE



Many survivors whose rights have been, and are still being trampled upon, have suffered in silence partly because of lack of knowledge of their rights and what they can do to get justice.

Due to socialisation, many survivors of abuse do not recognise their experiences as abusive. They think it is normal to be treated that way, especially by their male abusers. They sometimes consider themselves as the cause of the problem and, in their understanding, they deserve to be treated the way they are by the abuser.

Rights of Individuals

The first step to accessing justice is for individuals to be aware of their rights. If a

survivor does not know her right, she may condone acts of abuse, thinking that it is normal.

Many survivors whose rights have been, and are still being trampled upon, have suffered in silence partly because of lack of knowledge of their rights and what they can do to get justice. There are so many fundamental rights enshrined in different international and national conventions and laws. Below are some of such rights:



- Right to life
- The right to freedom from discrimination
- Right to education
- Right to privacy
- The right to bodily integrity & autonomy
- The right to have children under safe conditions
- The right to space births
- The right to vote and be voted for
- The right to hold public office
- The right to work
- The right to fair wages or equal pay for equal work
- The right to inherit and to own and be able to dispose of property
- The right to serve in the military or be conscripted
- The right to enter into legal contracts
- The right to have marital, parental, and religious rights
- Right to freedom from violence



Conventions and Laws Relating to Gender-Based Violence

International

- Protocol to the African Charter on Human and People's Rights, on the Rights of Women in Africa, 2003
- Africa Charter on the Rights and Welfare of the Child, 1999
- International Convention on the Rights of the Child, 1989
- African Charter on Human and People's Rights, 1986
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979
- International Covenant on Civil and Political Rights, 1966
- International Covenant on Economic, Social and Cultural Rights, 1966
- Convention on the Political Rights of Women, 1953
- Convention for the Suppression of Traffic in Persons and of the

Exploitation of the Prostitution of Others 1949

National

- Violence Against Persons Prohibition Act (VAPP), 2015
- African Charter on Human and People's Rights (Ratification and Enforcement Act) 2004
- Child Rights Act, 2003
- Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2015
- Criminal Code Act, Laws of the Federation of Nigeria, 1990

Lagos State

- Criminal Law of Lagos State, 2015
- The Protection against Domestic Violence Law (PADVL), 2007
- Child Rights Law of Lagos State, 2007

Although several laws exist as shown above, below is a description of at least one law at each of the following levels: international, national and state levels.



At the International Level

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)

This is a landmark legal instrument as far as the rights of women are concerned.

Article 1 of CEDAW defines Discrimination as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field”

- The first 4 parts have 16 articles.
- Civil Rights (right to vote, hold public office; rights to non-discrimination in education, employment and economic and social activities; equality of women in civil and

business matters; and equal rights with regards to the choice of spouse, parenthood, personal rights and command over property).

- Reproductive Rights (basic right of all couples and individuals to: decide freely & responsibly the number, spacing & timing of their children, have the information & the means to do so & attain the highest standard of sexual & reproductive health).
- Gender Relations (modify social and cultural patterns to eliminate gender prejudices and bias; revise textbooks, school programs and teaching methods to remove gender stereotypes within the educational system; and address modes of behaviour and thought which define the public realm as a man's world and the home as a woman's, thereby affirming that both



genders have equal responsibilities in family life and equal rights.

At the National Level

Violence against Persons Prohibition (VAPP) Act 2015

The Act was passed into law in a bid to eliminate violence in private and public life; prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.

Under the VAPP Act, rape, spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female circumcision, or genital mutilation, abandonment of children, harmful traditional practices, harmful substance attack such as acid baths, political violence, forced isolation and separation from family and friends, depriving

persons of their liberty, incest, indecent exposure, and violence by the state actors (especially government security forces) among others, are punishable offences.

At the Level of Lagos State

The Protection Against Domestic Violence Law (PADVL), 2007

The Lagos State law defines domestic violence as “any violent or aggressive behaviour within the home, typically involving the violent abuse of a spouse or partner. It is a pattern of behaviour which involves violence or other abuse by one person against another in a domestic setting, such as in marriage or cohabitation.”

Domestic violence is the wilful intimidation, physical assault, battery, sexual assault, and/or other abusive behaviour as part of a systematic pattern of power and control perpetrated by one intimate partner against another, by a parent against a child, between siblings, by a master



against a support staff in the home, etc. It also includes physical violence, sexual violence, psychological violence, and emotional abuse.

Acts That Constitute Domestic Violence

The Protection against Domestic Violence Law (PADVL) Section 18(g) lists the acts that constitute domestic Violence”. These acts include, but are not limited to the following: –

- Physical abuse;
- Sexual abuse/exploitation including but not limited to rape, incest and sexual assault;
- Starvation;
- Emotional, verbal and psychological abuse;
- Economic abuse and exploitation;
- Intimidation;
- Harassment;
- Stalking;
- Hazardous attack including acid bath with offensive or poisonous substances;
- Damages to property;

- Entry into the complainant’s residence without consent where the parties do not share the same residence;
- Any other controlling or abusive behavior towards a complainant, where such conduct harms or may cause imminent harm to the safety, health or wellbeing of the complainant; or
- Deprivation.

Different forms of assistance available to a survivor of abuse under the Lagos State Law on Domestic Violence

- Assistance by the police or relevant authority (shelter, medical report etc.)
- Issuance of Notice containing information as prescribed by the complainant
- Arrest without warrant
- Issuance of protection order



The Protection Order

The law allows a court of law to protect a complainant from further abuse by issuing a protection order to prevent a respondent from doing the following:

- i. committing any act or any further act of domestic violence;
- ii. enlisting the help of another person to commit any of such act;
- iii. entering a residence shared by himself and the complainant(s): provided that the court may impose this application only if it appears to be in the best interest of the complainant;
- iv. entering a specific part of such a shared residence;
- v. entering the complainant's residence;
- vi. entering the complainant's place of work;
- vii. preventing the complainant who ordinarily lives or lived in a shared residence from entering or remaining in the shared residence or a specified part of the

shared residence;

or,

- viii. committing any other act as specified in the protection order.

The court may impose any additional conditions which is deemed reasonably necessary to protect and provide for the safety, health or well-being of the complainant, including an order;

- i. to seize any arm or dangerous weapon in the possession or under the control of the respondent
- ii. that a police officer must accompany the complainant to a specific place to assist with arrangements regarding the collection of personal property.

Some Sexual Offences under the Law

[Difference between Rape, Sexual Assault and Defilement](#)

The differences between these three concepts are very important. The key issue is that of consent. A child



cannot be raped but can be defiled.

Rape

Rape is when a man has sexual intercourse with a woman or girl without her consent, or with incorrectly obtained consent. Consent can be incorrectly obtained where it is obtained:

- by force, impersonation, threat or intimidation of any kind
- by means of false and fraudulent representation as to the nature of the act

The punishment for rape under the law of Lagos State is life imprisonment, although the Judge can vary the punishment based on different circumstances surrounding the case; however, the minimum punishment is 14 years.

The VAPP Act is however more progressive as it gives a wider definition of rape. The challenge however, is that it is only applicable in the Federal Capital Territory and states that have domesticated its provision.

VAPP Act defines rape as when a person intentionally penetrates the vagina, anus or mouth of another person with any other part of his/her body or anything else without consent, or with incorrectly obtained consent. Consent can be incorrectly obtained where it is obtained:

- by force/threats/intimidation
- by means of false and fraudulent representation as to the nature of the act,
- by the use of substances capable of taking away the will of that person
- by a person impersonating a married woman's husband in order to have sex

With VAPP, the penetration does not have to be through the vagina or anus, and the penetration can be with any object other than the sexual organ of the offender. Furthermore, men and boys can be raped under VAPP.



Marital Rape

Although women who report being raped by their husbands abound, the Criminal Law of Lagos State explicitly states that sexual intercourse by a man with his wife cannot be unlawful. In other words, marital rape is not known to the law of Lagos State (A man cannot rape his wife under the Lagos State Law).

Defilement

Section 137 of the Criminal Law of Lagos State provides

that any person who has unlawful sexual intercourse with a child is guilty of a felony, and is liable to imprisonment for life.

Sexual Assault

“Any type of sexual contact or behaviour that occurs without the explicit consent of the recipient.” Sexual assault is basically an umbrella term that includes sexual activities such as rape, fondling, and attempted rape.



Chapter

04

ROLES AND RESPONSIBILITIES
OF LAW ENFORCEMENT AGENCIES
IN PREVENTION, RESPONSE AND
PROSECUTION OF SEXUAL AND
GENDER-BASED VIOLENCE CASES



ROLES AND RESPONSIBILITIES OF LAW ENFORCEMENT AGENCIES IN PREVENTION, RESPONSE AND PROSECUTION OF SEXUAL AND GENDER-BASED VIOLENCE CASES

There has been a long history of unequal power relations between men and women, a situation that has led to domination over, and discrimination against women by men.

This has also led to the prevention of the full advancement of women and has forced women into a subordinate position compared to men. Sexual violence is a form of gender-based violence. According to Article 2 of the UN General Assembly Declaration on the Elimination of Violence Against Women (1993): Violence against women includes physical, sexual and psychological violence occurring in the family, battering, sexual abuse of female children in the

household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women e.g., scrapping of the hair when a woman loses her spouse.

It extends to rape, sexual abuse and sexual harassment and intimidation at the workplace, in educational institutions and elsewhere; even trafficking in women and forced prostitution.

Key Approaches to Responding and Preventing Gender-Based Violence

All actions and activities in relation to the response to gender-based violence must be anchored in four key approaches:

- i. Rights-Based approach
- ii. Survivor-Centered approach



Law enforcement agencies as duty-bearers are obligated to promote and protect these human rights and all activities undertaken by the different agencies must be designed and implemented with this understanding.



Officers must always strive to avoid causing further harm or recycling victimization through their actions, attitude and behaviour when handling cases.

- iii. Multi-Sectorial approach and
- iv. Cultural-Age approach/
Sensitive approach

Rights-Based Approach

Gender-based violence are human rights violations and are criminal offences as enshrined under the Nigerian Constitution of 1999 as amended; Criminal Law of Lagos State, Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 (and subsequent revisions in 2005 and 2015).

Law enforcement agencies as duty-bearers are obligated to promote and protect these human rights and all activities undertaken by the different agencies must be designed and implemented with this understanding.

This approach requires a change in thought pattern of the law enforcement agencies. They should view that:

- i. Gender-based violence are human rights violations
- ii. Survivors of gender-based violence are right-holders. That is, they possess legal right to protection and

assistance.

- iii. Gender-based violence survivors can demand and exercise their rights for protection, assistance and support
- iv. Duty-bearers are accountable to meeting their responsibilities once rights have been violated.

By adopting a rights-based approach to the delivery of their day-to-day services, law enforcement agencies must recognize that they have a primary responsibility to respect, protect and fulfil the rights of survivors of gender-based violence. It calls for services that prioritize safety and well-being for survivors and care that is grounded in dignity, respect and sensitivity.

It equally calls for the highest attainable standards of policing services in terms of quality, availability, accessibility and acceptability to survivors. Officers must always strive to avoid causing further harm or recycling victimization through their actions, attitude and behaviour when handling cases.



Survivors should be able to access safety and security, health/medical treatment, community-based psychological and mental health care according to the survivor's wishes and needs.

Survivor – Centered Approach

This approach emphasizes that the responding law enforcement officer:

- i. Do ensure and respect confidentiality
- ii. Do believe the survivor's experience until proven otherwise
- iii. Do make referrals and promote access to community services
- iv. Do help the survivor plan for safety
- v. Do acknowledge the injustice
- vi. Do not pressure the survivor to tell you details of what happened to him/her
- vii. Do not trivialize the violence
- viii. Do not blame the survivor

Multi-Sectorial Approach

Due to the impact of the gender-based violence, survivors have multiple needs that are beyond one sector or agency, thus the need for this approach. The law enforcement agencies have to identify and establish procedures for intervention and referral. Survivors should be able to access safety and security, health/medical treatment, community-based

psychological and mental health care according to the survivor's wishes and needs.

Culturally and Age Appropriate/Sensitive Approach

The law enforcement agencies must take into consideration the survivor's circumstances and experiences including age, status, culture, gender, ethnicity and language preference.

It must appreciate the multiple experiences of discrimination experienced by survivors because of their race, gender, ethnicity, religion, disability, marital status and others.

When it involves children, all actors in gender-based violence prevention and response intervention should apply the aforementioned principles and must additionally adhere to a common set of principles to guide decision-making and overall quality care of the child. They should note and ensure that the minimum standards in providing quality care for child survivors are



maintained. That is to say:

- i. The best interest of the child should be considered, and due weight must be given to it.
- ii. Ensure the physical and emotional safety of children is critical during care and treatment.
- iii. Comfort the child because children who disclose sexual or other types of abuse require comfort and support from all service providers.
- iv. Ensure appropriate confidentiality: Information about a child's experience of abuse should be collected and stored in a confidential manner.

When the offence is that as contained in the Criminal Law of Lagos State, the police duties as provided in the Police Act will be deployed. This is because the law did not specifically provide for the role of the police. If the case falls within the Trafficking in Persons Act, then section 9 of the Act has provided for the duties of the police and other law enforcement agencies. The Act encourages inter-agency

collaboration to prevent and detect crimes.

In the case of Domestic Violence Law of Lagos State 2007; The Role and Responsibilities of the Police are provided.

Section 4 of the law states that:

- a. A police officer may without warrant of arrest, arrest any domestic violence perpetrator at the scene of the domestic violence, where the police officer reasonably suspects the domestic violence perpetrator of having committed an offence which falls within the definition of domestic violence.
- b. It is the duty of the Police to enforce all orders made by the court and to effect arrest where order for such is made.
- c. Section 2 (3) provides that a police officer may bring an application to court on behalf of a complainant.
- d. Section 8 (406) provides that where the Respondent has breached an order of



A police officer shall seize any weapon of threat from the Respondent or either party to the domestic violence act, where there was a threat or intention to kill, injure or harm himself or any other party in a domestic relationship.



Potential victims who are successfully identified are normally counselled and sent back to their states of origin and perpetrators placed on watch list.

protection issued by the court to the complainant, the complainant may hand the warrant of arrest issued by the court for such contravention to a police officer.

- e. A police officer has a duty not to refuse to institute a prosecution or withdraw a charge in respect of contravention of section 15 (a) of the law, unless he or she has been authorized by the Attorney General of the State. S. 16

NOTE: That the Police shall also:

- a. Make an arrest on the Respondent where there is sufficient reason to do so.
- b. Where there is no such sufficient reason to arrest the Perpetrator, the police shall serve a written notice to him to appear in court on a specified date and time.
- c. Shall forward a copy of the notice to be served to the Registrar of the Court.
- d. Shall inform the complainant of his or her right to lay a criminal

charge against the Respondent and the process of bringing such criminal charges.

A police officer shall seize any weapon of threat from the Respondent or either party to the domestic violence act, where there was a threat or intention to kill, injure or harm himself or any other party in a domestic relationship. The officer is required to hand over such seized weapon or weapons to the force and must be kept in accordance with the law.

There is no doubt that cases of sexual and gender-based violence generate a lot of sentiments from members of the public and the victim and the perpetrator are related. As part of police prevention measures, detectives are usually sent to high-risk areas of Lagos to conduct surveillance and stop potential victims from being trafficked for sexual exploitation. Potential victims who are successfully identified are normally counselled and sent back to their states of origin and perpetrators placed on watch list.



Chapter

05

HUMAN RIGHTS BASED APPROACH/
INTER-AGENCY AND MULTI-SECTORAL
APPROACH TO SGBV PREVENTION
AND RESPONSE



HUMAN RIGHTS BASED APPROACH/ INTER-AGENCY AND MULTI-SECTORAL APPROACH TO SGBV PREVENTION AND RESPONSE



Human rights-based approaches are about turning human rights from purely legal instruments into effective policies, practices, and practical realities.

What is Human Rights Based Approach (HRBA)?

HRBA is a conceptual framework for the process of human development that is based on international human rights standard. It is directed towards promoting and protecting human rights.

The application of a HRBA modifies the way that intervention programmes are designed, implemented, monitored and evaluated. Human rights-based approaches are about turning human rights from purely legal instruments into effective policies, practices, and practical realities. It means integrating human rights norms and principles in the design, implementation,

monitoring, and evaluation of policies and programs. The principle of equality and freedom from discrimination is central to HRBA including discrimination on the basis of sex and gender roles.

Human rights-based approach also means that all forms of discrimination in the realisation of rights must be prohibited, prevented and eliminated. It also means that priority should be given to people in the most marginalised or vulnerable situations who face the biggest barriers to realising their rights. Human rights-based approach is culturally sensitive as it is recognised that the root causes of most human rights violations especially gender-based



In most cases, human rights violations result from a combination of factors, ranging from deeply rooted cultural and sociological issues to more easily fixed legal or even administrative problems.

violence is cultural. Confronting the causes of human rights violations will eventually transform the attitudes and policies that enable such violations to persist. Discerning the causes of human rights violations requires understanding the culture and the perceptions of local people.

Human Rights Based Approach to SGBV Prevention and Response Programming

HRBA to SGBV programming seeks to empower rights holders to exercise their rights, especially their reproductive rights, and to live free from gender-based violence. This is done through programmes aimed at giving women, men and young people ('rights holders') the information, life skills and education they need to claim their rights.

Human Rights-Based approach to SGBV programming includes: protection of women and girls survivors of gender-based violence; increasing access, availability and affordability of

medical, psychosocial support, and legal services for survivors and capacity-building of women and community organizations to promote and protect rights thereby preventing SGBV.

Gender equality advocacy.

Advancing gender equality should be a primary objective of a human rights-based approach to programming. It means identifying gaps in gender equality, developing strategies to close those gaps, putting resources into gender equality, monitoring implementation and holding individuals and institutions accountable for the results.

HRBA also requires a holistic approach. In most cases, human rights violations result from a combination of factors, ranging from deeply rooted cultural and sociological issues to more easily fixed legal or even administrative problems.



Research and best practices show that a comprehensive and coordinated response to preventing SGBV, protecting the victims and prosecuting the perpetrators is most effective.

Inter-Agency and Multi-Sectorial Approach to SGBV Prevention and Response

Gender-based violence is a complex and multifaceted human rights violation. As a result, any attempt to successfully prevent and combat gender-based violence requires well-designed and effectively implemented measures, which address all its dimensions. The primary objective of this paper is to enable stakeholders to plan, establish, and coordinate a set of minimum inter-agency and multi-sectorial interventions to prevent and respond to sexual and gender-based violence.

Research and best practices show that a comprehensive and coordinated response to preventing SGBV, protecting the victims and prosecuting the perpetrators is most effective. Implementing policies or dealing with the different forms of gender-based violence in isolation is not sufficient to tackle such a deeply entrenched problem.

Achieving the right balance between prevention, protection and prosecution, while prioritising victims' rights and needs is, therefore, essential.

In view of the above, comprehensive and co-ordinated policies and measures which, combined, offer a holistic response to all forms sexual and gender-based violence is required. A comprehensive and co-ordinated approach looks at, and addresses the causes, manifestations and consequences of violence against women and girls.

Survivors/victims of SGBV need assistance to cope with the harmful consequences. They may need health care, psychological and social support, security, and legal redress. At the same time, prevention activities must be put in place to address causes and contributing factors to SGBV.

Providers of all these services must be knowledgeable, skilled, and compassionate in



Dealing with violence against women through the criminal justice system alone will yield few results, and the same applies to investing in support infrastructure without adopting substantial legislative changes.

order to help the survivor/victim, and to establish effective preventive measures. Prevention and response to GBV therefore require coordinated action from actors from many sectors and agencies. A comprehensive and co-ordinated approach looks at, and addresses the causes, manifestations and consequences of SGBV.

The best practice examples have revealed that a comprehensive approach to preventing and combating all forms of violence against women is essential in any attempt to properly address the issue. Dealing with violence against women through the criminal justice system alone will yield few results, and the same applies to investing in support infrastructure without adopting substantial legislative changes. Similarly, no intervention to reduce gender-based violence can be effective without a change in mentalities, negative mind-

sets and without tackling harmful stereotypes and attitudes towards women and stigmatising of victims.

Istanbul Convention
The Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) offered a good example of an integrated and well-functioning intervention system centred around three main pillars: the prevention of acts of violence against women, protection against such acts and the prosecution of perpetrators.

The Istanbul Convention explicitly requires that comprehensive and co-ordinated policies should be adopted and implemented so as to permit a holistic response to all forms of violence against women and domestic violence covered by the treaty. These include domestic violence, psychological violence, sexual violence and rape, forced marriage, female genital



Due to the complexity of the issue of violence against women, no single agency or institution can deal with violence against women and domestic violence on its own.



The purpose of multi-sectorial, multi-agency and multi-level interventions is to ensure the effectiveness and consistency of measures addressing all forms of violence.

mutilation, stalking, forced sterilisation, forced abortion and sexual harassment. Article 7, paragraph 1, of the Istanbul Convention requires States parties to “devise and implement policies comprising of a multitude of measures to be taken by different actors and agencies and which, taken as a whole, offer a holistic response to violence against women”.

Another key element in responding holistically is ensuring that all relevant authorities, institutions, and professionals involved in preventing and combating violence participate in the intervention systems. Due to the complexity of the issue of violence against women, no single agency or institution can deal with violence against women and domestic violence on its own. Best practices show that the results are enhanced when the police, the judiciary, non-governmental organisations, child protection agencies and other relevant partners join forces to work on a case or

work together to develop or deliver services.

This implies that strategies should be adopted across a broad spectrum of institutional and professional institutions, as well as at different levels and also that, an effective framework be set up in order to ensure proper coordination so that all sectors and levels are appropriately engaged.

Advantages of Multi-Sectorial, Multi-Agency and Multi-Level Co-Ordination

Gender-based violence is a complex social issue. Addressing such complexity requires an intervention system to be established that involves all relevant policy sectors, administrative levels and actors. The purpose of multi-sectorial, multi-agency and multi-level interventions is to ensure the effectiveness and consistency of measures addressing all forms of violence.



One benefit of local coordination is the potential to localise and contextualise responses to violence against women.

A multi-sectorial, multi-agency and multi-level coordination is an integrated approach which ensures that all relevant sectors and actors are co-ordinated effectively and synchronised action is taken at all administrative levels.

Effective multi-sectorial and inter-agencies interventions require that all interventions from policy sectors and actors, namely; law enforcement, the judiciary, health, social welfare and child services, employment, education, and general and specialised services for victims are synergised. In addition to sectorial stakeholders, other relevant NGOs working in the field of SGBV should be included.

Coordination across the national, state and local levels is also a key element for ensuring a cohesive response and for providing support to victims across geographical locations. It also improves consistency and effectiveness of action across all policy

sectors by aligning interventions across jurisdictions, and helps to prioritise violence against women across political agendas.

Coordinated approaches will also facilitate effective monitoring and evaluation of policies and practice, and it has the potential to bring consistency to data collection and analysis across sectors.

Effective co-ordination at the local levels is particularly important in terms of providing support and assistance to victims of SGBV. One benefit of local coordination is the potential to localise and contextualise responses to violence against women.

Responses will often vary depending on local contexts and community needs. Multi-sectorial, multi-agency and multi-level cooperation is best facilitated through well-designed national policy documents, such as



comprehensive strategies or action plans.

There is also need for a coordinating institution at the national, state and local level.

The Istanbul Convention in Article 10, for example, requires the establishment of one or more coordinating bodies tasked with the coordination, implementation, monitoring and evaluation of all policies and measures that are being taken in a State party in order to tackle all forms of violence against women.



CONCLUSION AND RECOMMENDATION



There is a need for Nigeria to adopt a national strategy to prevent and combat SGBV covering all forms of violence and addressing the links between these forms of violence in a coherent and consistent manner as a human rights violation and a form of discrimination.

Respect for human rights is not something that can be imposed from the outside. It is part of a value system that must be nurtured and cultivated from within a society. Effective response towards reducing the harmful effect of SGBV should include HRBA Programming which involves the working together of all stakeholders with the communities towards prevention and effective response to SGBV.

There is a need for Nigeria to adopt a national strategy to prevent and combat SGBV covering all forms of violence and addressing the links between these forms of violence in a coherent and consistent manner as a human rights violation and a form of discrimination. Non-governmental and civil society organisations should

be involved in the policy development process in order to guarantee the inclusion of the victim's perspective and the gender perspective in the formulation of policies and prevention measures. Existing policies, legislations and other measures related to gender-based violence and discrimination should be reviewed from a gender perspective and revised accordingly.

There is need to establish or designate a new or existing institution to coordinate and consolidate a mechanism at the national level to cover all forms of violence against women, including domestic violence and, to clearly identify responsibilities for all sectors and agencies involved in the national coordination mechanism.



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- <https://emergency.unhcr.org>
- <http://www.who.int>



APPENDIX 1

Dedicated official lines of the family support units

POLICE STATION	CONTACT TELEPHONE NUMBER
Gender Desk	09062887853
Adeniji Adele Family Support Unit (FSU)	09062887864
Ajah Family Support Unit (FSU)	09062887849
Alakuko Family Support Unit (FSU)	09062887861
Badagry Family Support Unit (FSU)	09062887852
Festac Family Support Unit (FSU)	09062887841
Ikeja Family Support Unit (FSU)	09062887863
Ikotun Family Support Unit (FSU)	09062887870
Ilupeju Family Support Unit (FSU)	09062887848
Isokoko Family Support Unit (FSU)	09062887856
Ketu Family Support Unit (FSU)	09062887860
Ikorodu Igbogbo Family Support Unit (FSU)	09062887858
Isokoko Family Support Unit (FSU)	09062887856
OC Human Rights, Ikorodu, Shagamu Road Police Headquarters	08060085899
OC Human Rights, Ipakodo Police Headquarters	07054113977



SHELTERS AND SEXUAL ASSAULT REFERRAL CENTRES IN LAGOS STATE

S/N	AGENCIES	CONTACT
1	Cece Yara Foundation	09085692612, 09085692326, 08008008001 09085692623, 07007007001 (TEXT)
2	Day Spring Helps Ministry	<u>0803 909 0064</u>
3	Echoes of Mercy Hope Foundation	<u>0805 661 6177</u>
4	Idera Sexual and Assault Referral centre	+234 700 333 3111, +234 701 194 8577
5	Mirabel Centre	08187243468, 07013491769, 08187243468
6	Project Alert	08180091072
7	Real Women Foundation	+ 234 8037178963
8	The Women's Helping Hands Initiative	0909 858 4941 (+234), 0809 713 2433
9	Women at Risk Foundation (WARIF) Centre	08092100009
10	Ireti Resource Centre	07003333111, 07011948577

OTHER SERVICE PROVIDERS

S/N	ORGANIZATION	ADDRESS	PHONE NUMBER	SERVICE PROVIDED
1	Centre for Citizens with Disabilities (CCD)	10 Irewole Street, Opebi, Ikeja, Lagos State	08033977025	Offers legal aids support, representation and capacity building
2	Centre for Women's Health and Information (CEWHIN)	34, McNeil Road By Sabo, Yaba, Lagos	08023130167	Promote research for women and young people's reproductive and sexual health and rights.
3	Child Protection Network (CPN), Lagos State Chapter	12, Industrial Estate Road, Ilupeju, Lagos	08034312243 08033009523	Members of the network offer a variety of services regarding prevention, impact mitigation and protection of children from all forms of abuse
4	Ministry of Women Affairs and Poverty Alleviation	Block 18 Lagos State Secretariat Alausa	08036256457	Provision of psychosocial support and empowerment for survivors of domestic violence
5	Ministry of Youth and Social Development	Block 18 Lagos State Secretariat Alausa	08172457792	Address issue of child abuse/ gender-based violence reported to the social welfare office located in the Local government/ LCDA in Lagos State
6	National Agency for Prohibition of Trafficking in Persons (NAPTIP)	165 Oba Ladejobi Street G.R.A Ikeja Ikeja Lagos State	08032203462 08183846635	Co-ordinate and enforce all other laws on Trafficking in persons and related offences. Adopt effective measures for the prevention and eradication of trafficking in persons and related offences.
7	Pastor Bimbo Odukoya (PBO) Foundation	12, Industrial Estate Road, Ilupeju, Lagos	08035800201 08093933439	Shelter, rehabilitation of abused children

APPENDIX II

INSTITUTIONS OFFERING LEGAL AID TO SURVIVORS OF SGBV				
S/N	AGENCIES	ADDRESS	CONTACT/ PHONE NUMBER	NATURE OF SERVICE PROVIDED
5	Directorate of Citizen's Rights	Lagos State Government Secretariat, Alausa, Ikeja	07038379705	Implements the State Government policy on provision quick and free of access to justice for all residents of Lagos via Alternative Dispute Resolution (ADR)
6	Directorate of Public Prosecution (DPP)	Lagos State Ministry of Justice, Lagos State Government Secretariat, Alausa, Ikeja		Offers legal advice and prosecute cases in courts
7	International Federation of Women Lawyers (FIDA) Nigeria	14/16 Makoko Road, Off Herbert Macaulay Way, Yaba, Lagos.	+234(0)8033065042, 08033387856	Provides services that promote, protect and preserve the rights, interests and well-being of women and children through the use of legal framework to ensure that they live free from all forms of discrimination, violence and abuse in the society.
8	Lagos State Domestic and Sexual Violence Response Team	Behind Ministry of Justice, Block 2 Alausa Secretariats.	08137960048 09062887857 08000333333	Offers services to sexual and domestic violence survivors and provides referrals
13	Office of the Public Defender (OPD)	Lagos State Ministry of Justice, Lagos State Secretariat Alausa, Ikeja	09062887857	Coordinates all domestic and Sexual Violence Services in Lagos State
17	Women's Advocates Research and Documentation Centre (WARDC)	9b, James Oluleye Crescent (Harmony Enclave), Ikeja, Lagos	08180056401	Offers referrals and other survivors support including free legal services



For more information, contact:

Centre for Women's Health and Information (CEWHIN)

34, McNeil, by Akintoye Street, Sabo, Yaba, Lagos.

Telephone Number: 08023130167, 09074187490

Email: info@cewhin.com, cewhin@yahoo.com. Website: www.cewhin.com

Twitter: [@cewhin](https://twitter.com/cewhin) Instagram: [@cewhin_ng](https://www.instagram.com/cewhin_ng) Facebook: [@cewhin](https://www.facebook.com/cewhin)



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