

**A MEMORANDUM ON THE VIOLATION OF RIGHTS OF WOMEN DURING  
THE LOCKDOWN**

**SUBMITTED BY**



**LAWYERS ALERT**

**TO THE**

**EXECUTIVE SECRETARY, NATIONAL HUMAN RIGHTS COMMISSION, 19, AGUIYI  
IRONSI STREET, MAITAMA, ABUJA.**



**SEPTEMBER 28, 2020.**

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## INTRODUCTION

Lawyers Alert is a Human Rights, nonprofit and non-governmental organisation that focuses its work on promoting and protecting the rights of vulnerable groups, especially women through pro bono legal representation, monitoring and documentation of rights violations for informed engagement with law and policymakers, etc. It has since its inception rendered pro bono legal representations to an estimated number of 1000 women amongst hundreds of persons within the community of other vulnerable groups.

Before now, Lawyers Alert was part of the Civil Society Organisations that submitted memoranda to the National Human Rights Commission on behalf of women whose rights were violated in Calabar, Cross River State.

Pursuant to the events that occurred in Nigeria during the COVID-19 lockdown, several rights violations have been alleged, both online and offline. These violations ranged from institutional to private violations.

In view of the recent overwhelming number of cases of violence against women, Lawyers Alert called for submission of violations from women who suffered any forms of violation such as rape, assault, etc. during the COVID-19 lockdown in Nigeria. For the purpose of the said call, complaints of rights violations were requested. This call however was made with the National Human Rights Commission in mind, as a body established by the Federal Government of Nigeria and given the powers to promote and protect the rights of Nigerians, as well as the power to make recommendations as to remedies to the rights violation.

Lawyers Alert hereby acts as a middle-person between women of Nigeria whose rights were violated during the COVID-19 lockdown and the National Human Rights Commission whose duties include making recommendations to the Federal Government as to the remedies that are applicable to persons whose rights have been violated. Lawyers Alert therefore by this memorandum brings to the notice of the Commission the gross violation of human rights of women across Nigeria by agents of the Government.

Further to the above, the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and all International Human Rights Instruments as applicable under the Nigerian jurisprudence frown at these violations just as the Administration of Criminal Justice Act, and other laws on Women's rights.

## **FACTS**

In the month of March 2020, a lockdown was instituted by the Federal Government on account of the COVID-19 pandemic which was feared may ravage the citizens of Nigeria. Citizens were made to stay indoors for safety. During this period, the economy was shut down. Activities too were shut down and this caused a lot of damage to homes and persons. Some persons were at some point forced to leave their homes in search of food. A lot was recorded to have happened. So many women had their rights violated by their husbands and neighbours. More so, the rights of these women were violated by agents of the Federal Government. These violations happened more often than not because these women were strong enough to pursue their daily income jobs that could barely feed their families.

In a case that took place in Delta State, a lady's rights were violated by her neighbour who took the lockdown opportunity to frustrate her. In her neighbour's dislike for her, she was always abused and fought. Her right to health was violated by the same who never hesitated to abuse her, always place her bucket urine and tricycle at the victim's door. The victim was one day accused of stealing the perpetrator's tricycle wire. She one day was accosted by the same neighbour which led to a police arrest. The victim who was at the time pregnant was stripped naked, beaten and dumped in the police cell. She was denied the attention and left to bleed until she had a miscarriage. After 24 hours, the victim was compelled to make payment in the sum of N4000 before she was allowed to go, and she did.

In two other cases that took place in South West, the women were battered severally by their partners and in one of the two cases, custody of children were taken away from the woman without her consent. Not just that, the children who were taken away from the woman are being maltreated by the woman's concubine.

In another case, women and children were physically, psychologically and emotionally abused. There was rape and assault in several instances. The police on the other hand tampered with evidence that would have aided the prosecution of a perpetrator.

## ISSUES & APPLICABLE LAWS

- Rape
- Detention in undignifying conditions
- Denial of access to family
- Oppression and Intimidation
- Extortion of money

### **Violence Against Persons (Prohibition) Act**

The Violence Against Persons (Prohibition) Act of 2015 was promulgated to “eliminate violence in private and public life, prohibit all forms of violence against persons and to provide maximum protection and effective remedies for victims and punishment of offenders and for related matters.”

Section 1 of the Act provides thus:

A person commits the offence of rape if-

- (a) He or she intentionally penetrates the vagina, anus or mouth of another person with any other part of his body or anything else;
- (b) The other person does not consent to the penetration; or
- (c) The consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by implementing his or her spouse.

Section 4(1) of the Act provides that it is an offence to “willfully or knowingly place a person in fear of physical injury.”

Section 14(1) of the Act makes it an offence to “cause emotional, verbal and psychological abuse on another.”

Section 18(1) of the Act makes it an offence to “intimidate another”.

The rape of some of the complainants of the cases above were carnally violated. They were sexually taken advantage of without their consent. The



act of raping a woman is against all laws of this nation and should never be condoned.

### **The Police Act of 1967**

This Act contains both the specific and ambiguous powers of the police when carrying out an arrest. One section relevant to this instant case is **Section 24** which provides for the power of the police to arrest without a warrant. It states:

“(1) In addition to the powers of arrest without warrant conferred upon a police officer by section 10 of the Criminal Procedure Act, it shall be lawful for any police officer and any person whom he may call to his assistance, to arrest without warrant in the following cases—

(a) any person whom he finds committing any felony, misdemeanour or simple offence, or whom he reasonably suspects of having committed or of being about to commit any felony, misdemeanour or breach of the peace;

Unfortunately, police officers went ultra-varies their powers to arrest citizens who did not commit any of the above-mentioned classes of offence. The victim was not only arrested for an unknown offence but she was also compelled to pay the sum of four thousand nairas (N4000) for her release which is illegal and amounts to extortion of money.

## **FUNDAMENTAL RIGHTS VIOLATIONS RESULTING FROM ARRESTS AND DETENTIONS**

### **Right to Dignity of Human Person**

Section 34(1) of the Constitution provides that “every individual is entitled to respect for the dignity of his person.”

The African Charter on Human and Peoples’ Rights, in Article 4 provides: “Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.”

In the case of **Purohit and Another v The Gambia** (2003) AHRLR 96 (ACHPR) the African Commission on Human and Peoples’ Rights (hereinafter referred to as the ‘African Commission’) held that:

“[H]uman dignity is an inherent basic right to which all human beings, regardless of their mental capabilities or disabilities as the case may be, are entitled to without discrimination. It is, therefore, an inherent right which every human being is obliged to respect by all means possible and on the other hand, it confers a duty on every human being to respect this right.”

In addition to being a substantive right, dignity is also an underlying constitutional principle. Section 17(2) of the Constitution provides “(b) the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced, and (c) governmental actions shall be humane.”

In this regard, the South African Constitutional Court in **Dawood v Minister of Home Affairs** 2000 (3) SA 936 (CC) held that human dignity informs constitutional adjudication in many ways: It is a value that informs the interpretation of other rights; it is a constitutional value central in the analysis of limitation of rights, and it is a justiciable and enforceable right that must be protected and respected.

The High Court of Kenya in **Anthony Njenga Mbuti & 5 Others v Attorney General & 3 Others** [2015] Constitutional Petition No 45 of 2014, at para 149, concluded that the State blatantly disregarded the “inherent dignity” of all people by subjecting them to the Peace Bond provisions that have their roots in 11th-century British criminal procedure. The Court also reasoned that subjecting people to such archaic procedures prohibit due process and equal protection under the Constitution.

The duty of officers of the Nigeria Police to respect the dignity of persons is set out in the Administration of Criminal Justice Act. It is also contained in various soft law principles:

- In 1979, the United Nations General Assembly adopted a Code of Conduct for Law Enforcement Officials (Resolution 34/169) which emphasised that police must respect the dignity and human rights at all times: Article 2 provides that “in the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons”.
- The African Commission on Human and Peoples’ Rights in its Resolution 259 on Police and Human Rights in Africa (2013), called on States Parties “to ensure that in the execution of their duties, police fully comply with the respect for human rights and the rule of law” and to take appropriate measures “to ensure that police services respect the dignity inherent in the individual in the discharge of their duties.”

- a.) The arrest of Maria Esiemure by officers of the Nigerian Police, Warri Chapter, and letting her have a miscarriage under very cruel conditions and with no attention or food, is a violation of her right to dignity. Maria Esiemure was unjustly arrested and made to suffer for a crime that she did not commit.
- b.) The maltreatment of the complainants above by their husbands is a gross violation of the rights of the same and thereby contradicts the provisions of the constitution.

### **Freedom from Cruel, Inhuman and Degrading Treatment**

Section 34(1)(a) of the Constitution provides that “no person shall be subject to torture or to inhuman or degrading treatment.”

Article 5 of the African Charter similarly provides that “all forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.”

The freedom from cruel, inhuman and degrading treatment is also entrenched in international and regional treaties which Nigeria has ratified, such as Article 7 of the International Covenant on Civil and Political Rights has a similar provision, and the United Nations Human Rights Committee, in General Comment 20, observed that this right allows no limitation.

The African Commission, in the case of **Huri-Laws v Nigeria** (2000) AHRLR 273 (ACHPR 2000), noted: “the term ‘cruel, inhuman or degrading treatment or punishment’ is to be interpreted so as to extend to the widest possible protection against abuses, whether physical or mental.” In this case, it was contended that “being detained arbitrarily, not knowing the reason or duration of detention, is itself a mental trauma.”

The Malawi High Court in **Mayeso Gwanda v State** [2017] MWHC 23, held that arrests for behaviour that was not in fact criminal amounted to inhuman and degrading treatment

- a.) The arrest and detention of Maria Esiemure by officers of the Nigerian Police, Warri Chapter, and letting her have a miscarriage under very cruel conditions and with no attention or food, is a violation of her right to dignity. Maria Esiemure was unjustly arrested and made to suffer for a crime that she did not commit.
- b.) The maltreatment of the complainants above by their husbands is a gross violation of the rights of same and thereby contradicts the constitution’s provisions on this



## **CONCLUSION**

Pursuant to the above, we humbly urge the commission to make concrete and far-reaching recommendations as to proffer remedies to women who have suffered violations.

## **RECOMMENDATION/PRAYERS**

The following are recommended.

- The Commission to summon parties involved in these complaints about proper investigations of same, as contained in this memorandum.
- The Commission to award compensation to victims of these complaints.

## **ANNEXURES**

Below are appendices of the facts in their elaborate forms:

### **1**

I am Esiemure Maria, a Female, and Christian from Orhoakpo Community of Ethiope East Local Government Area of Delta State, Nigeria. My home address is No. 4 Water Resources, Effurun, Uvwie Local Government of Delta State, Nigeria. I am 38 years old now. I am an unemployed graduate of the College of Education, Warri who work under private entrepreneur to earn a living.

My report goes this way. In my compound, No. 4 Water Resources in Effurun I have a neighbour whose room has demarcation with mine. her name is Favour. She claimed to be a Christian when I newly relocated into the compound so, I began to relate cordially with her. After five months she started attacking me in the following ways:

1. Favour began to ridicule me that she is a madam of her own while I serve business owners. Any time she sees me she would spit and make some hate speeches. She also accommodates different boys in her room.
2. Another evil Favour did was keeping her urine bucket exactly where I put my stove at my doorpost. Whenever I shift it to her side Favour would shift it back to my side whenever I removed the stove or when I am not around. When I reported to the landlady of the compound, she told Favour to remove it but she refused to remove it.
3. Favour went and brought her younger brother to partner with her in the crime. They started keeping their tricycle (Keke) in my frontage where they play all sorts of music but I did not complain until one Sunday afternoon when they gathered the whole compound people at my gate shouting that I stole their tricycle wire and calling me a thief. That day the landlady also stopped them from keeping their tricycle (Keke) in frontage of my house.
4. The fourth step she took was that when it was my turn to wash the toilet and the bathroom she started playing CD of witches and wizards and began to dance around the whole compound. Then when I finish washing, unwittingly to her another neighbour has used the toilet, she began to claim to shout that she saw a lot of faeces in the toilet even when other neighbours were telling her that somebody has used the toilet she insisted abusing me that I didn't wash it well. When I was telling her I wash it well she came directly to the bathroom where I am bathing hitting the bathroom that I am a witch that she wants to beat me up. My phone fell and spoiled that day I also reported her to the landlord but I did not fight her.
5. The fifth one that led to the arrest of me and Favour by the Enerhen Police Officers named Efe, Vivian and two other policemen who are friends to the said Favour (The Penetrator). That day morning Favour started shouting calling on the said Police Efe to come and carry both of us to the station that her tribe policemen are there to feed her including police Vivian her friend. After then she began to shout in my frontage saying "e don burst for your head oh, were you dey" every moment she came outside until evening period when I was saying in my house it is not my head she ran directly to my room that she wants to beat me up abusing me but I did not fight her. At that moment the other neighbours came outside asking what was happening so I explained to them that Favour ran to my room that she wants to beat me up. They blame her for such action. At that same moment, the said police Efe (her friend) carried her phone and call on the other aforementioned policemen to come and arrest

us. Immediately they came with a private vehicle to convey us to the station. Despite the fact that I was explaining to them that she ran to my room but we did not fight, they hide the written statement by both of us because they are of the same tribe with Favour and threw the both of us into the prison we slept in the prison till daybreak. Police Vivian took off my cloth they mocked me, beat me up, and destroy my two monthly pregnancy by watching me bleeding inside prison. They denied me any request and access to my phone. But to the said Favour, they gave her access to her phone, they carry her out to eat and accept any request from her.

The next day evening the D.P.O of the Enerhen Division decided the case in my favour and declared the said Favour guilty after our statement. He dismissed the case due to the corona lockdown. Yet the said Police Officers in charge of the case took us back to prison and obtained ₦4,000 from each of us.

From there, I followed my elder's home. All the foodstuff I bought against the coronavirus spoiled, after the April lockdown, I also lost my secretary job due to the distance and traffic congestion of my elder's place, where I resorted to from my place of work due to the crisis in my compound. Although the landlady has given her quit notice to evacuate the compound.



NAME OF COMPLAINANT: Community Advancement Initiative for Self-Reliance (CAI4SR)

Name of victim: Uzie Lovelyn

CONTACT ADDRESS: Mr Alo's Compound, Ilupeju Estate, Ofatedo

DATE AND LOCATION OF INCIDENT: 09/06/2020/ Osogbo

SUMMARY OF FACTS: Mrs. Uzie Lovelyn has four children for her husband but he doesn't give her the rest of her mind. He maltreats and frustrates her, beats her up without any reason every day since the lockdown started.

DESIRED REMEDY: She wants to divorce her husband so that she can settle down to take care of her children without any fear of him killing her.

NAME OF COMPLAINANT: CAI4SR for: Olawale Julianah

CONTACT ADDRESS: 13 Adeniran Street, St. Barnabas Church Street, Ataoja, Osogbo.

DATE AND LOCATION OF INCIDENT: 22/07/2020/ Osogbo

SUMMARY OF FACTS: Mrs Olawale Julianah a woman above 50 years of age residing at 13, Adeniregun Street, Ataoja, Osogbo came to the CAI4SR office on the 22nd of July, 2020 to lodge a complaint about the humiliation and maltreatment she suffers from her husband.

Mrs Julianah has been staying with her husband; Mr. Popoola Kamilu Olawale for over 20 years but he paid her bride price over 6 years ago. They have four children whose ages are; 23, 20, 16 and 10 years. Their staying together from the beginning has not been hitch-free. This is because the couple shares different religious beliefs. Mr. Kamilu is a Muslim while Mrs. Julianah is a Christian although the wife; Mrs. Julianah concurred to the demand of the husband to be converted to Islam at the initial stage of their union. Not long in the journey of their union, the husband who is a Bricklayer by profession decided to relocate himself to Abuja in search of greener pastures and comes home once or twice every year with his concubine which any protest from the wife in respect to bringing a strange woman into their home would attract beatings from the husband. The problem got worse when the wife realised she needed to pray and serve her God the way she was brought up, after all, the husband was not always around to teach and put her through the tenets of Islam. In August 2019, the husband suddenly came home from Abuja and took away one of their daughters. The wife agreed hoping that it would bring relief to her finances since the husband had stopped sending them money for their upkeep a long time ago. The news she got from her daughter in Abuja that the husband who is not always around



in town due to the nature of his work left her daughter in the care of his concubine who sells local concoction (agbo) kept her in shock. The daughter now hawks local concoctions in Abuja and she suffers maltreatment from the concubine. The daughter in Abuja called the mother some time ago to inform her of her father's plan to come and pick her other siblings to join him in Abuja. On hearing the news, the wife who lives in fear knowing full well that if the husband came and she objected to the idea, she would get the beating of her life, eloped with her children. The husband arrived from Abuja and got very angry when he didn't meet the wife and children at home. He removed the wife's prepaid meter and sold it to one of their neighbours, disconnected and destroyed the wiring connections in the house, turning the house upside down and informed the neighbours of his intention to sell the house. Since the wife and children eloped from the house, they had not gone back there because of the fear of the husband beating up the wife to the point of sustaining injuries and scars anytime he comes home. At present, they are all staying in a one-room apartment rented by the first daughter who is 23 years of age with printing skills. Presently, the husband is planning to sell the house they built which the land was bought by the wife. Mrs Julianah came to the CAI4SR office on the 23 rd of July 2020 crying for help.

**DESIRED REMEDY:**

- a) That she wants to be free from domestic violence and maltreatment she suffers from the husband to the point of sustaining injuries and scars which she sometimes nurses for months
- b) That the husband should be refrained from selling their house because she bought the land on which the house is built with her hard-earned money
- c) That the husband should not be allowed to take possession of her children because she is sure they will not be in safe hands.

**3**

The CAJR during the period under review most of the cases were reported to the police at their stations as a result of awareness and sensitization created over time. In some cases, evidence was tampered with before taking the victims to the hospital for proper investigation and onward prosecution, which further complicated the issues in terms of seeking justice on their behalf. While few cases were reported directly to us at the CAJR office, some victims reported to their husband's family, or relatives.

violence such as; domestic, sexual, psychological and emotional violence were reported during and after the COVID 19 lockdown in which the

perpetrators were mostly men and the victims were mostly young women and children based on the reported cases.

Note, that the information I received from FIDA was not detailed due to an issue of confidentiality as such the names and phone numbers etc. were withheld by the organization and figures were given against the requested format.

Below are highlights of the breakdown of the types/cases reported by victims during the lockdown;

**Sexual violence:** on sexual violence about 10 cases were reported via phone calls and physical contacts from different local governments between the month of April 5<sup>th</sup> through July 30<sup>th</sup> 2020. Some of the victims were raped by their relatives while others were raped by members of gangs/hoodlums in the communities.

**Psychological /emotional violence** about 5 complaints came in, in which the complainants stated that they were threatened by their spouses with a weapon such as; cutlass, a threat to life, abusive language/verbal abuse by their husbands telling them to leave the house and also unlawful denial of child custody. A particular woman complained of her husband disgracing her openly in the market and close down her shop hindering her from selling.

**Physical violence:** 5 complainants complained of battery from their husbands which sometimes result in injuries.

#### 4

#### A Report filed for Gender-Based Violence (Rape) on 7<sup>th</sup> August 2020.

This report was forwarded by the Director (SDGs), Hon. Maryam Begel, to Ikra foundation for women and youth development.

Ikra foundation, contacted the family of the victim for details. According to the contact person from the victim's family, the incident happened about a month ago, their fifteen years' daughter was raped in Alkaleri local government Bauchi state.

The contact person revealed the name of the perpetrator, as Hassan Labiru, who he said is the victim's teacher. He added that the case was reported to a police officer known as Dan Yarima in Alkaleri local government. After which the case was transferred to Bauchi State CID. The contact said he travelled

to Bauchi State CID, where the case was documented and he was asked to go to the court and swear an oath but he couldn't afford the charges. So he was sent home, that the case would be treated three days later, but they never got back to him, after the three days promised.

On getting home, however, it was reported to him that the perpetrator has returned home, of which he confirmed himself. He said, he confronted the perpetrator's teacher and asked why the case was manipulated. But he was told to exercise patience and forgive the perpetrator, of which he objected to. He was later contacted by some people who claimed to be human right activist, and they asked to negotiate fairly with him, but he refused to oblige, he stated that they should contact his spoke person who is also a human rights activist, but they insisted on speaking with him, they also threatened, that whatsoever happened to his daughter he would be blamed for it, he then agreed to speak with them. After a long persuasive discussion on meeting with them, he contacted some of the traditional rulers in Alkaleri, who advised him not to respond to them. He then concluded with them that the case is already with the police, and he wants justice.

He further reported the case to a family member, who's a traditional officer and he was assured that they would return to the CID station on the 9<sup>th</sup> of this month, which is Monday for proper investigation.

Ikra foundation asked the contact if the victim was taken to the hospital immediately for a checkup and proper documentation, he said the victim was taken to the general hospital Alkaleri for treatment and the case of rape was filed.

Ikra foundation asked if he would agree to social support from the organization, as they are specialized in such cases and would like to assist him by providing a lawyer to see to the case on Monday when he arrives in Bauchi. The contact complained of finance, but Ikra foundation said the support is totally free of charge. The contact then agreed to accept all the support given to him, stating that he is most grateful for the help.

Ikra foundation promised to provide a lawyer, that will assist them with the case to avoid further manipulations, Ikra asked the contact to ensure to keep them posted, when they leave Alkaleri to Bauchi.

Ikra foundation, also said they would send a representative to general hospital Alkaleri to get all the necessary evidence.

The contact revealed himself as Mallam Abdullahi, the father of the victim and the victim is Amina Abdullahi his daughter.

Furthermore, on the getting more details, a traditional leader in Alkaleri, by the name Ibrahim Alameen who identified himself as an uncle to the victim who was raped.

He narrated that the father of the victim had explained in detail to him what happened and stated that he reported the case to the police officers in his absence. After which he went to the police station to get all make enquiries. He was told that the case was documented as a rape case, but they do not have the jurisdiction to effect the law, so the case was transferred to the Bauchi State, CID. However, they provided the evidence by the doctor and other details taken down on the case.

He stated that he found out that when the case was taken to the CID in Bauchi State, through an officer, they proceeded to the gender desk. After which his brother who's the victim's father was asked to go the court for some documentation, the victim's father asked why, as the case was yet to be properly discussed at the police station, but they told him he needed some clearance papers from the court, after which they would return to the CID office for further discussions.

He then agreed to follow the officers to the court, on getting there he was asked to pay a sum of N5000, to get the clearance forms. But he complained he cannot afford it as he has been the one shouldering the victim's bills of proper care, especially at the hospital since the incident occurred. He was then excused from the meeting. The officer later came out and offered him N500 for his transport back home and he was told that they would get in touch with him. However, they never got back to him for more than a week. Instead on his arrival back to Alkaleri, he found out that the perpetrator had returned home too, and was in fact spiking the family. He, therefore, reported the case to him, and so he has taken the case as a traditional leader to ensure that justice is delivered. He said he would be available on Monday to provide all the necessary information needed, to support Ikra foundation.





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Before and during the COVID 19 pandemic period, Dorothy Njemanze Foundation (DNF) worked very actively as first responders to sexual and gender-based violence (SGBV). We create media content to sensitize the public on what constitutes abuse and how to deal with all appearances of the same plying legal routes. Being a survivor run organization, we have always done what we can to respond real-time to victims as we understand firsthand how closely linked to an opportunity to remain alive or to lose a life, response to SGBV is. Pre Covid19, DNF used to record an average range of 6-12 cases reported to us, weekly. During Covid 19, we started out having an average range of 4-7 cases reported daily. Currently, we have an average of 3 cases reported daily to us, since the ease of the government ordered lockdowns and curfews. Having given this background to our work, below are our complaints and reliefs sought:

1. Sexual and Gender-Based Violence (SGBV) was not considered when plans to curtail Covid 19 were put in place by Nigeria. This is a direct manifestation of the refusal of Nigeria, to in practice, treat SGBV as an emergency. This action directly endangered lives of first responders like us because we were not identified as essential service providers and so even when for instance, Abuja Municipal Area Council (AMAC) gave us passes to respond to victims unhindered, the officers of the Nigerian Police who were mostly those on the streets enforcing the lockdown refused to recognize us as essential service providers. **Remedy Sought: Declare as a matter of urgency, SGBV as an emergency and essential service.**

2. The constitution of the presidential task force on Covid19 had the minister of Women Affairs conspicuously missing. Her presence may have provided a gendered lens to all that the presidential task force did. The impact and proffered solutions to Covid 19 were assessed based on the realities of men and this endangered the lives of many women. **Remedy sought:** It should be mandatory for representatives of different clusters of Nigeria to be present in all issues that affect national decisions. Gendered lens to analyzing all situations is something that cannot be omitted in the interest of justice and equity.

3. Due to our inability to move around uninhibited to respond to people endangered by SGBV, many people dependent on public transportation for movement were additionally endangered. From our records, the majority of the victims that reached us, depend on public transportation primarily for mobility and could not go to hospitals or law enforcement offices. Being that

they had no passes and the news platforms repeatedly reported more violation of human rights of people moving around without government-issued passes than deaths from Covid19 which the government was guarding against by instituting the lockdown, victims were trapped and had to manage a lot of situations that they ordinarily shouldn't. We had victims of rape only able to access us to transport them to hospitals and law enforcement after the 72-hour window for administration of post-exposure prophylaxis. For those who could find their way to hospitals, funds to cater to the unplanned emergency was a problem. We had a lot of people need to prioritize between allocating funds for treatment (which in some instances was a regular occurrence) and feeding. **Remedy sought:** Treat SGBV as an emergency as is provided for in the National Health Policy and as a matter of urgency, commence the implementation of utilizing 1% Consolidated Revenue Fund (CRF) to fund emergencies. Most SGBV violations are time bound and in addition to saving the life of victims, medical corroborations tenable in courts for prosecution can be obtained. Many cases didn't make it to court because of the inability to appropriately document violations done and this directly translates to justice denied.

4. Law enforcement trivialized many of the cases that were reported and forced settlements, by reducing the crimes to 'family matter'. **Relief Sought: There should be public penalties for law enforcement officers that force settlement of SGBV. NOA should help broadcast penalties of such acts to encourage more people to amplify attempts to force them to drop SGBV cases.**

5. When palliatives were eventually released, the means of accessing them were not ... and the contents didn't take into cognizance the needs of women and girls. Biologically, women and girls menstruated and Nigeria still had pre covid19, a menstrual hygiene crisis. While the food was being prioritized as an essential service, to women and girls, as important as food, is care during the monthly menstruations. **Remedy Sought:** Having a mandatory gendered approach to everything in line with the national gender policy would have ensured the presidential task force on covid19 considered the holistic scope of the problems presented by covid19 in order to proffer appropriate solutions.

6. A lot of domestic violence cases we got were linked to demands for sex by men. This amplified how in practice in Nigeria, women and girls do not have equal opportunities and rights like men and boys. A lot of men, for the reason that there was nothing else to do and nowhere else to go resulted in opting to have sex to pass time. Consent of girlfriends, wives, acquaintances and strangers were not respected. We had many cases of husbands justify the rape of their wives with a dowry paid which they insist makes them entitled to getting sex whenever they want it. Boyfriends trivialized our actions of proving date rape to proving that since they had had sex with their

partners before, they are entitled to having sex over and over and as such, rape cannot be alleged. These were things that law enforcement used to declare these serious crimes as a family matter. We eventually began getting news reports of murders of females who denied sex. Many men alleged that resources were barely enough for food and women kept insisting on protected sex and they will rather not be brutalized by law enforcement officers restricting movement because they wanted to go to pharmacies to buy condoms and expected their partners to be more understanding but when they weren't sex was obtained by force. Many men accused women of demanding protected sex to avoid pregnancy or infidelity and gave conditions for the women to prove fidelity by having unprotected sex or be sent packing. Many women did not dare question men that were sexually inappropriate with relatives and minors because culturally, they shouldn't question men, who are heads of homes and covid19 had everyone stuck at home.

**Remedies sought:** **i.** Gender and Equal Opportunities Bill needs to become law as a matter of urgency. **ii.** National Orientation Agency (NOA) needs to stop shying away from massive advocacy campaigns promoting respect of consent and publicizing legal options of victims whose consent to sexual activity is not respected. **iii.** Children CANNOT CONSENT to sexual activity. All states in Nigeria should pass the child rights Act to protect children from sexual predation. Everyone who can consent to sex in Nigeria should be able to vote and be voted for. **iv.** If the gendered lens was applied in providing the palliatives, contraceptives would have been provided to ensure safe options of having sex. Many women were not necessarily avoiding sex but pregnancies and news of pregnant women unable to register for antenatal in hospitals heightened this fear.

7. Harassment of first responders by law enforcement: On 16<sup>th</sup> April 2020, at the intersection of Funmilayo Ransom Kuti street and Tafawa Balewa Road, Garki, our vehicle was stopped by SARS officers of the Nigerian Police Force and we were made to all comedown and screened like thieves for insisting we were on essential duty, responding to SGBV. Tendering identity cards our AMAC pass and the only COVID 19 official exemption pass issued by the police we had did not stop this from happening we were held there for quite a while and this affected the case we were responding to. On July 3<sup>rd</sup>, I was arrested by police for kidnapping a pregnant woman and her children that were ejected despite incidenting at a police station before taking the victims to get needed care that a case being investigated by NAPTIP that was escalating needed urgent medical and other attention. On 12<sup>th</sup> July, Dorothy Njemanze and a DNF driver were arrested by police on the road in Garki 2 and taking to Garki police station for impersonating essential service providers. We were told that the only essential service providers recognized by the government were doctors and nurses. Our AMAC Covid19 exemption pass was disregarded and we were told AMAC is a mere local government and



police takes orders from the federal government. It took intervention from the OC gender, NPF for us to be released as the DCO had ordered that statements be obtained from us under caution for us to be charged to court the next day. **Remedy Sought:** The police is not aware in the practice of the relevance of professional and timely response to SGBV survivors and this truly endangers responders to SGBV. The hostility towards us is totally unfair and infringes on our rights to function while rendering essential service.

8. The unhealthy rivalry between law enforcement offices: Several times, perpetrators of SGBV reported to NAPTIP went to the police and cooked up cases against the victims. We had a man forcefully eject his wife of 32 years from their home and his report to police bordered on her not being loving or submissive enough and he wanted to punish her. We requested that the police contact NAPTIP for details since a criminal investigation was already ongoing in that case but instead, the woman was detained by police in the Area command in Wuse for refusing to write a statement until her legal representation came by to guide her. There are many more of these cases. Police keep telling the victims that NAPTIP has no capacity to carry out criminal investigations and this is wrong. Frustrations owing to the unhealthy inter-agency rivalry has forced many victims to drop cases. It has also endangered human rights defenders. **Relief Sought:** Police should contact NAPTIP directly to get updates on cases instead of victimizing SGBV victims, who many times are already in situations of financial/economic abuse from their abusers and cannot meet police bail conditions that seldom do not have monetary requirements. This makes victims spend time in police custody and their abusers get to be perceived as so powerful, they are untouchable and makes many witnesses withdraw from cases. There should be consequences for deliberate sabotage of criminal investigations with unhealthy inter-agency rivalry.

9. Backlogs of cases that need to go to court are stalling because most victims cannot afford the costs of going to court. The fact many law enforcement officers are forcing settlements to give perpetrators of SGBV a soft landing is not helping matters. Many of the victims affected by this are battling resultant mental health issues. **Relief Sought:** Deliberate support of SGBV victims to get justice through courts. NOA needs to publicly encourage people to utilize the police and NAPTIP to get justice by going to court and let people know it is okay to go to court. There should also be numbers of victims being forced to settle can call to seek legal opinion probably run by Lawyers Alert.

10. Government-run shelters were closed in FCT. FCTSGBVRT told us countless times that those who were in the shelter pre covid19 were sent home to go and look for relatives to put up with. Prisons and police detention cells didn't do this. We couldn't get vehicles from the social development secretariat (SDS) to rescue victims or move victims to safety. **Relief Sought:**



Shelters to accommodate SGBV victims need to be provided for by the government in all area councils in FCT. In the event the SDS cannot respond real-time to victims, it should support NGOs like DNF ready to respond in real-time by sorting out mobility and coordinating security.

11. Housing needs and Economic empowerment for SGBV victims: Many SGBV victims are already in other forms of abuse like economic/financial abuse and need decent accommodation for themselves and in many cases, their children. Inability to afford this has left many trapped in situations that leave them waking up to retraumatization daily. Beyond housing is the need to have a means of livelihood that can support basic supplies of SGBV victims, to help them translate into survivors. **Relief Sought:** Conscious effort should be made to support victims of SGBV with accommodation to give them needed support to have a fighting chance at reintegration into society.

12. Victimization of law enforcement officers who didn't let SGBV cases be swept under the carpet. There was a case in the Kpegi community, where a policewoman was attacked by locals and demoted in the office for refusing to let the case of a 14-year-old girl be swept under the carpet. **Relief Sought:** Without visible consequences for acts against the brave policewoman, more people in communities will be scared of reporting SGBV cases or escalating cases where people are trying to avert justice.

13. Deaf women: We had many reports of deaf women who begged for money to get food for them and their children being forced to part with their nude photographs and further blackmailed to parting with more nude pictures or sex to avoid having their nudes released. Most of the cases we know of were victims who depend on public transport and the absence of that occasioned by the implementation of the government ordered lockdown made movement difficult for the women. They reported not trusting police enough to report to police because they feared further exploitation and could not afford the very expensive cost of justice. For those who were forced to part with sex for money like five hundred nairas and food, when the government began sharing palliatives, the women were not aware of this or how to access them. **Relief Sought:** This is an added flaw of the presidential task force not prioritizing SGBV. A gendered lens applied to analysing the Covid-19 problem would have been the first step towards keeping everyone truly safe during the period and it would have provided a better opportunity to notice the peculiarity of how SGBV affects women and girls with disabilities.

14. Inclusive messaging: Asides from the Covid19 briefings, messaging during the lockdown was largely not inclusive. News by media houses and public service announcements did not have sign language interpreters. **Relief Sought:** Urgent implementation of the disability rights Activists will make more government agencies and bodies like the National Broadcast

Commission consider persons with disabilities in every message meant for public consumption. National Orientation Agency needs to ensure that the barest minimum standard for public messaging captures the need of all clusters of the disability community.

15. Victim/Witness protection and restraining orders. Too many courts were seen around attending to violations related to Covid19 but SGBV which was increased but the government ordered lockdown was not prioritized enough to be attended to in the courts that sat. The judiciary started out being totally insensitive to the needs of SGBV victims for emergency interventions like victim/witness protection and procuring restraining orders. This handicap for many victims encouraged many perpetrators of SGBV to act with impunity as in addition to the trivialization of the crimes by law enforcement, these basics could not be gotten from the courts. **Relief Sought:** Online options for filing for restraining orders should as a matter of urgency be availed to the public. Standard emergency protocols for the judiciary should leverage on utilizing technology to better protect SGBV victims. Witness and victim protection including restraining orders should be able to be obtained within a maximum of 72 hours considering the fact that these could be the surest things to save lives of support victims getting justice by plying legal means. One of the cases this affected was the case that went viral about the physical and sexual violations of Elizabeth Oyeniyi by Abdulmimuni Danga, Commissioner for Water Resources, Kogi State.

16. Lack of sufficient legal framework: We had cases of SGBV reported to us from States near FCT that have not domesticated the Violence Against Persons Prohibition (VAPP) Act, Child Rights Act, Cyber Crimes Act. The absence of these laws being justiciable in the states robbed many SGBV victims of access to justice. A typical example will be the rape of a 14year old in Nassarawa which NAPTIP could not take on because the VAPP Act is not justiciable in the state. Getting the case to a police station was inhibited by police checkpoints enforcing the lockdown. The rapist, instead of being granted passage alongside the victim for instant medical attention was made to remove his clothes, roll in water and was beaten up and this ate into the time a time-sensitive case would have been legally acted on. Upon arrival at Nyanya hospital, hours after the journey to the hospital began, the child was told that the hospital was attending only to emergencies. **Relief Sought: VAPP Act, Child Rights Act, Cyber Crimes Act, should be justiciable in ALL states in the Federal Republic of Nigeria. The lack of these legal frameworks in all parts of Nigeria led to the #StateOfEmergencyGBV campaign and thus far, what seems to have happened was that the Nigeria Governor's Forum played lip service as not much has been achieved considering the rage we thought the governors had, to decisively tackle SGBV in their states.**