

Responding to Gender Based Violence

A Tool Book

**CLEEN FOUNDATION
AND
PROJECT ALERT ON VIOLENCE AGAINST WOMEN**

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TABLE OF CONTENTS

ACKNOWLEDGMENTS	iv
PREFACE	v
FREQUENTLY ASKED QUESTIONS FAQs?	vi
CHAPTER I	
<i>Introduction</i>	1
CHAPTER II	
<i>Forms of Gender Based Violence</i>	3
CHAPTER III	
<i>Legal Frame Work</i>	7
CHAPTER IV	
<i>Practical Steps To Be Taken by Victims</i>	10
CHAPTER V	
<i>Response by State Actors: The Police</i>	13
CHAPTER VI	
<i>Response by Non-State Actors</i>	17
CONCLUSION	20
APPENDIX	
<i>The Domestic Violence Bill</i>	21
<i>Other ways the Domestic Violence Bill seeks to protect women</i>	22
<i>List of Organisations</i>	23

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Preface

Almost on a daily basis, we witness, hear or read on the pages of our newspapers, cases of attacks on women and young girls. While some of these attacks are physical in nature, others are sexual. They occur both in the privacy of the victim's home, and in public. As aptly captured by Project Alert on Violence Against Women, in the title of its annual report of attacks on women in Nigeria, there is **no safe haven** for women.

Further compounding this problem, is the traditional insensitive and passive response to victims' complaint by the society in general, and the police in particular. The major duty of the police is to maintain law and order in society, and protect lives and property. These lives include those in the home.

This tool book is aimed at addressing this insensitivity. It is a product of series of activities carried out under this project, on responding to gender-based violence in Lagos State. The high point of these activities being the sensitization seminar, for selected officers and men of the Lagos State Police Command, along with other service providers from government and non-governmental organizations in the state.

This tool book is meant to be a daily companion to all those whose duty it is to provide one form of service or the other to victims of gender-based violence. It also provides a guide to victims. It is our hope that this tool book will provide solace, and restore hope and confidence to victims, while providing the much need information for law enforcement officers (the police) and other service providers, on how best to respond to cases of gender-based violence.

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FREQUENTLY ASKED QUESTIONS FAQs?

There are some frequently asked questions, any time the issue of gender and gender-based violence are discussed. Below are some of these questions.

- ***What is gender?***

Gender is a **social** construct. This means the different roles and responsibilities society assigns men and women. It is different from sex, which is the **biological** difference between men and women. It is a term indicating socially determined roles given to men and women in society. These roles are determined by structural and individual conditions, such as culture, tradition, religion etc.

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- ***Why do men feel uncomfortable any time the issue of gender is brought up for discussion?***

Gender as a concept acknowledges that there are disparities between the male and female gender. A discussion about gender relations reveals the fact that women are often discriminated against in almost all spheres of life – public and private. The concept assumes that the inequality between men and women can be changed, and equality between the sexes attained. This requires a change in attitude. This makes men uneasy. Why should they “lose” the power, control and identity “God gave them as men”. However a better understanding of gender and gender relations, improves communication and understanding between the sexes.

- ***What is gender-based violence?***

Gender based violence as defined by the United Nations, is any act of violence that results in or is likely to result in physical, sexual, psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty whether occurring in private (domestic) or public life. It is violence directed at women, because they are women.

- ***Is gender-based violence the same as violence against women?***

Gender-based violence and violence against women, are often used interchangeably, which means either one of them can be used to refer to various acts of violence against women and young girls. Though gender refers to men and women, the term gender-based violence as defined above, refers to violence against the female gender.

Men can also suffer from gender-based violence. However women are mostly the victims. However in recognition of the fact that worldwide, women are mostly the victims of gender specific forms of violence, the United Nations defined gender-based violence, as harm or suffering to women.

- ***Can men also suffer from gender-based violence?***

Yes men can also suffer from gender-based violence. However women are mostly the victims. However in recognition of the fact that worldwide, women are mostly the victims of gender specific forms of violence, the United Nations defined gender-based violence, as **harm or suffering to women.**

- ***Are all forms of violence experienced by women, gender-based?***

No, not all forms of violence experienced by women, are gender-based. For example when a family is attacked by armed robbers, the violence they experience is gender-neutral. However if the robbers go a step further to rape the women/girls in the family, then it is gender-based. This is violence directed against a woman, because they are women.

CHAPTER 1

Introduction

Background

Gender-based violence is a universal abuse of women's human rights. Women from different continents, countries, ethnic groups, religious, cultural and social backgrounds; literate or illiterate; rich or poor; in peace time or in war, continue to suffer one form of violence or the other at the hands of the state, the community, or their own family. In various countries and continents the world over, conscious steps are being taken to address this problem.

In Nigeria, various literature on gender-based violence has shown that the phenomenon is not only on the increase, but also has no respect for age, social status, or geography. Several forms of gender-based violence have been identified to be prevalent in the country. These include physical, sexual, and psychological violence occurring in the home or in the public. Specifically, these are domestic violence, rape, incest, harmful traditional practices (widowhood rites, female genital mutilation etc), child prostitution, and trafficking.

In spite of the growth in the number of victims of gender-based crime, the reporting rate to the police, has been very low in comparison with other crimes such as robbery and burglary. In a survey carried out in 2003 in Lagos-Nigeria, only 23 per cent of victims of gender-based crimes reported their victimization to the police. The figures will certainly be lower when you measure reporting rates in other cities and states in Nigeria that neither have the cosmopolitan outlook of Lagos nor the literacy level.

Among the reasons given by respondents for the low reporting rate of gender-based crimes to the police include:

- Police lack of sensitivity to the specific needs of the victims
- Inability of the police to do anything
- Ridiculing victims by the police
- Fear of inadequate protection in cases where the perpetrators are living with the victims
- Lack of where to go in the cases of domestic violence.

Yet the police are very critical in preventing and dealing with cases of gender-based violence in Nigeria in spite of the present state of affair. Not only are they needed in arresting and bringing the perpetrators to justice, they are also ideally placed to activate a chain of referral services including medical attention, counseling services, legal advise/aid; and shelter for victims and in creating awareness about gender-based crimes among the general population. This they can only do effectively if they are gender sensitive, provided with institutional capacity to respond to gender-based crimes, and networked with other state and non-state actors especially civil society groups such as women's rights organizations/human rights organizations.

Purpose of the Tool Book

The primary purpose of the tool book is to sensitize both state and non-state actors on how best to prevent and respond to all forms of gender-based violence in the society. This includes sexual violence and other forms of gender based violence (GBV) in the society.

In developing the tool book, there was no basic assumption that the users have extensive knowledge of the various issues covered. Thus the handbook seeks first to create awareness and familiarize all users and trainers on the various issues bordering on GBV; and secondly provide guidance on the best way to respond to cases of GBV.

The tool book therefore has as its objectives:

- Providing basic information on gender based violence
- Provide guidance on how best to respond to GBV

Target Audience

This tool book is designed for use by both state and non-state actors such as law enforcement officials particularly officers and men of the Nigeria Police Force, the social welfare ministry, Non-Governmental Organisations (NGOs), Community-Based organisations (CBOs), who come in contact with female victims of gender-based violence.

The handbook emphasizes the importance at every stage of active involvement of other local actors (referral systems) that can assist the police render the necessary assistance to GBV victims. This involvement of the referral system is fundamental to the success of a well coordinated action, and will allow for strengthening of local capacity and enhance sustainability.

Sections of the Tool Book

The tool book is divided into six chapters, but begins with **Frequently Asked Questions, FAQs** on gender and gender-based violence.

Chapter I is the **Introduction**, which gives a brief background to the issue; states the purpose of the manual; and the target audience.

Chapter II is titled **Forms of Gender-Based Violence**; while Chapter III titled **Legal Framework**, focuses on national, regional and international laws and instruments guiding response by state and non-state actors to gender-based violence. Also the different forms of legal redress available to victims is contained in this part.

Chapter IV focuses on **Practical Steps By Victims of Gender-Based Violence**, provides a guide to victims on what to do, and where to go to, after an assault (physical or sexual), has taken place.

Chapter V dwells on **Response of State Actors (The Police)** to gender-based violence cases. **Responses by Non-State Actors (NGOs, CBOs and Faith-Based Organisations)** is the title of Chapter VI.

CHAPTER 11

Forms of Gender-Based Violence

There are three distinctive forms of gender-based violence. These are **physical, sexual and psychological**.

Physical: The physical form of gender-based violence, includes acts such as slapping, hitting, kicking, stabbing, shooting, pouring acid or any other corrosive substance, and murder. These various types of assault can occur both in public and in private (the home). This means that a woman or young girl could either be assaulted by someone who is not related to her in anyway, in the public or by a family member inside the home.

Harmful Traditional Practices constitute yet another form of physical violence experienced by women in Nigeria. These include widowhood rites, widow inheritance/denial of inheritance rights and female genital mutilation, (FGM). Under the guise of culture and tradition, widows are subjected to all sorts of inhuman practices such as drinking the water used to bath the corpse, sleeping with the corpse; sitting on the floor and eating from an unwashed and/or broken plate etc. In some cultures, widows are either inherited as properties themselves or denied the right to inherit their late husband, even where there are children to feed, clothe, housed and trained. While some widows are forcefully ejected from their matrimonial home on the death of their husbands, others are physically assaulted.

Female genital mutilation is yet another form of harmful traditional practice. For a very long time, this practice was known as female circumcision. However the name female genital mutilation was adopted to emphasis the harmful effects of the practice on women/young girls. This Harmful practice involves the cutting and removal of part or all of the clitoris for reasons which are cultural and not medical or ethical. The consequences of FGM are numerous, including medical, gynaecological, emotional and psychological. Immediate complications such as severe blood loss leading to anaemia or dead could occur; while long term implications such as chronic pelvic inflammatory disease, infertility etc, could set in.

Sexual: This includes rape, indecent assault of young girls, incest, and sexual harassment, child pornography

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Rape is having sex with a woman without her agreement, which in law is called **Consent**. Rape is a crime. According to Section 357 of the Criminal Code, any person who has **unlawful carnal knowledge** of a woman or girl without her consent; if the consent is obtained by force or by 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...

By **unlawful carnal knowledge**, the law means the man's penis must enter the woman's or girl's vagina. Also if a man attempts penetrating a woman or young girl but does not either because the woman/girl is able to ward him off, or he is caught in the act, he is still guilty of attempted rape.

Indecent Assault is the sexual exploitation (seduction or prostitution) of a young girl below the age of sixteen years.

Incest is sexual relations between blood relations. In its commonest form, it is sexual abuse of young girls in the home by adult male family members such as father, brother, uncle, cousin, grandfather. Incest constitutes one of the most dangerous forms of gender-based violence because of the silence and denial that surrounding it. It is considered a taboo and as such the often young victim is not believed, and no attempts made to protect her from the abuser. As a result incest might go on for a long time before it gets exposed.

Incest constitutes one of the most dangerous forms of gender-based violence because of the silence and denial that surrounding it. It is considered a taboo and as such the often young victim is not believed, and no attempts made to protect her from the abuser. As a result incest might go on for a long time before it gets exposed.

Sexual harassment is yet another form of sexual violence. This means unwanted and unwelcomed sexual advances. It includes unwanted sexual speech, looks, and gestures that could lead to sexual assault/rape. Sexual harassment can take place at home, in schools, workplaces, and other public places.

Psychological: This form of gender-based violence is not immediately obvious to the eye. It involves threats to life, threats of physical abuse, verbal abuse resulting in deep rooted fear and trauma to the victim; neglect and abandonment physically, sexually, and financially.

How have various stakeholders in society responded historically to GBV?

Historically, the response by various stakeholders in the society, such as the police, service providers, religious organizations, family members and friends, has been highly insensitive to the plight of the female victims. Victims of GBV, are often blamed for their plight,

In domestic violence cases, it is often considered a private matter, with the female victims, being blamed for not being submissive enough, patient and tolerant. They become doubly victimized by being accused of having provoked their husbands into beating them. Sexually abuse children in the home (victims of incest) are not believed when they report. Instead they are often called *bad* children who tell lies. This response often exposes the young victims to further and more severe abuse from the perpetrator.



In the case of rape, victims are often accused of dressing provocatively, behaving in such a manner as to invite the rape upon themselves (e.g entering a man’s car, going out on a date with a man/boy; being in the same room/house with a man alone etc). By so doing no attention is paid to the perpetrator (suspect) and the fact that a crime has been committed. Instead the victim becomes the villain. The victims’ family on their part consider it too shameful to report and support the victims’ in seeking justice.

What are the major consequences of this historical response to gender-based violence?

There are three major consequences of the insensitive response to reported cases of gender-based violence. These are:

- Under-reporting
- Health problems (physical and mental)
- Death

Under-reporting. One of the characteristics of GBV, and in particular sexual violence, is under-reporting. Survivors/victims generally do not speak of the incident for many reasons, including self-blame, fear of reprisals, pressure from family members; ignorance of rights and options available; economic dependence on batterer; mistrust of authorities, and risk/fear of re-victimization.

Acts of GBV evoke shame and blame, social stigma, and often rejection by the survivor/victim's family and community. Stigma and rejection can be especially severe when the survivor/ victim speaks out or reports the incident.

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Health Problems. Survivors/victims of GBV are at high risk of severe and long-lasting health problems, which could be physical or psychological in nature. These include permanent physical disabilities because of injuries sustained; mental imbalance/psychological trauma due to social stigma and rejection; unsafe abortion; and sexually transmitted diseases including HIV/AIDS.

Death. This constitutes a major consequence of wrong response to reported cases of gender-based violence. Disbelieve, apathy, and blame of victim could result in murder or suicide.

CHAPTER 11

Legal Framework

In responding to various forms of gender based violence, the existing legal frameworks need to be clearly understood. Legal frameworks mean the laws that exist which prohibit gender based violence. **It is note worthy that there is no one general law on gender-based violence.** However there are various laws or legal instruments that prohibit the various forms of gender-based violence listed in Chapter 11 of this tool book. These legal frameworks can be divided into three – national, regional and international instruments.

National Instruments

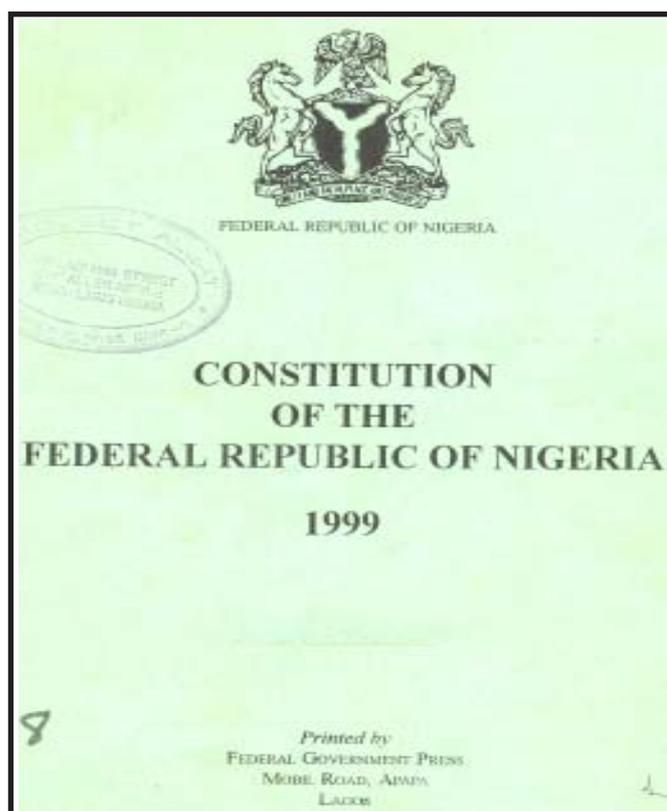
In Nigeria, there are various legal frameworks for responding to gender-based violence. These are the Nigerian Constitution, the Criminal Code and State Laws.

The Nigerian Constitution (1999) protects the dignity of the human person and guarantees the right of every Nigerian (man, woman and child), to equality (**section 42**) The section states that **every Nigerian has a right not to be subjected to** cruel, inhuman, and degrading treatment or punishment. All forms of gender-based violence are inhuman, degrading, and dehumanizing.

Section 42 of the constitution also provides that no Nigerian shall be subjected to discrimination on the basis of sex or gender. This means that violence that is targeted at women further violates the constitution, not just because it constitutes inhuman and degrading treatment, but also because it is **discriminatory.**

Gender based violence overwhelmingly involves physical and sexual assault.

Assault is a criminal offence and occurs when a person who strikes, touches, or moves, or otherwise applies force of any kind to, the person of another, either directly or indirectly, without his/her consent, or with his/her consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his/her consent, in such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his/her purpose, is said to assault that other person, and the act is called an assault¹.



¹ Chapter 77 (252)Criminal Code Act

The term “applies force” includes the case of applying heat, light, electrical force, gas, odour, or any other substance of thing whatever, if applied in such a degree as to cause injury or personal discomfort. (Refer to the work session of this manual for other laws on assault).

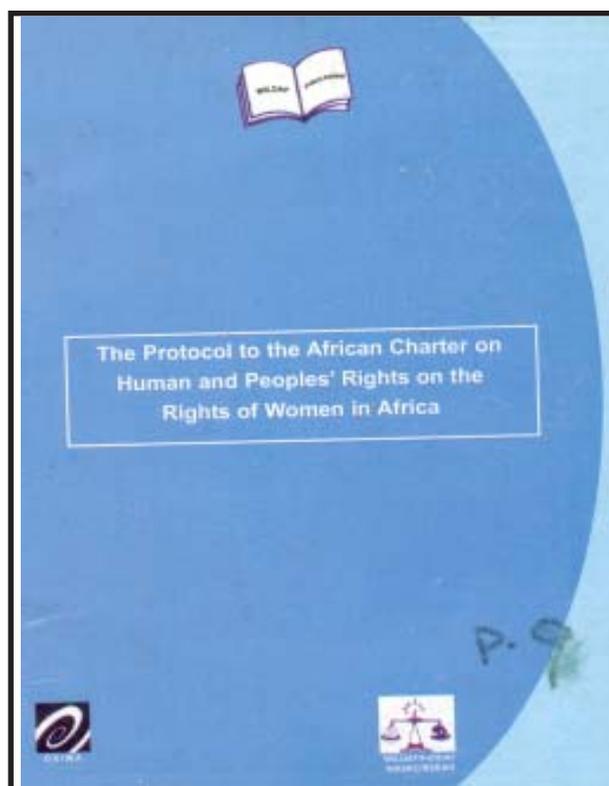
Though presently there is no law on domestic violence specifically, the law on assault as contained in the Criminal Code, does not exclude the domestic sphere. The **Criminal Code** prohibits unlawful assaults (assault being the technical term in law for violence). An assault is unlawful when it is not **excused, justified or authorized** by law. For the purpose of Criminal Law, an act of violence may be **excused** when it is done under provocation or mistake or insanity or intoxication; **justified** when it is done under necessity or in self-defence; **authorized** when there is legal power to use force without consent.² Thus domestic violence is unlawful assault as it is not excused, justified or authorized by law.

Various States Houses of Assembly have also enacted laws on various forms of gender based violence. For instance in Enugu State there is a law prohibiting Harmful Widowhood Practices. In Edo, Cross-River and Delta States, there are laws prohibiting Female Genital Mutilation, FGM.

Regional Instruments

In the African region, there are also treaties or regional instruments that prohibit gender-based violence. *The African Charter on Human and People’s Rights*, in Part 1, Chapter 1, Articles 1- 18 stipulates the basic rights of every African (man, woman and child). While Article 2 talks about non-discrimination based on sex, among other things such as race, colour, language etc; Articles 4 -7 talks about respect for life and integrity of human person; dignity and security of person; and the right to have his/her case heard.

Article 18, No.3 specifically states that the state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of women and children as stipulated in international declarations and conventions. All these are contained in Volume 1, Chapter 10 Laws of the Federation of Nigeria.



The Protocol on the Rights of Women in Africa is yet another regional instrument. It is an instrument for the advancement of women’s rights in the continent and was adopted on July 11, 2003 by the 53 member nations of African Union. The protocol came into force November 2005, when the 15th country (Togo) as required, ratified the instrument. The Protocol reflects the specific violation of women’s rights in Africa, justifying its adoption in the preamble, with the continued discrimination against women and harmful traditional practices despite states’ commitment at both regional and international levels.

² Atsenuwa.A. 2006 “*Gender Based Violence: Legal Framework for Response*’ being paper presented at Sensitization Seminar for the Police in Lagos State. July 18, 2006

International Instruments

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted in 1979 by the UN General Assembly, is often described as an international bill of rights for women. It defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination. Nigeria signed and ratified this convention in 1985.

The Convention defines discrimination against women 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”³

By signing and ratifying the convention, the Nigerian government was telling the whole world that it condemned all forms of discrimination against women, and agreed to pursue all appropriate means and without delay, a policy of eliminating discrimination against women.

What Legal Redress are Available?

Legal redress available to GBV victims can be classified into two levels. These are:

- Personal Level
- Institutional Level

Personal Level. This means that a victim can bring an action in court against a person who perpetrates violence against her directly; and also bring an action against those whose legal duty it is to protect her from violence, but failed to do so. It is possible for the court to award damages for these constitutional breaches.

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Institutional Level. It is the duty of the Nigerian state through laws and policies enforced by its agents such as the police, to take effective steps to ensure that gender-based violence is prevented, and where it has occurred, the perpetrators, are brought to book. It is based on this that a victim can on a personal level, sue the Nigerian state and its agents, where there is evidence of failure or neglect to carry out their constitutional obligations.⁴

³ Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1997

⁴ Atsenuwa.A. 2006 “*Gender Based Violence: Legal Framework for Response*” being paper presented at Sensitization Seminar for the Police in Lagos State. July 18, 2006

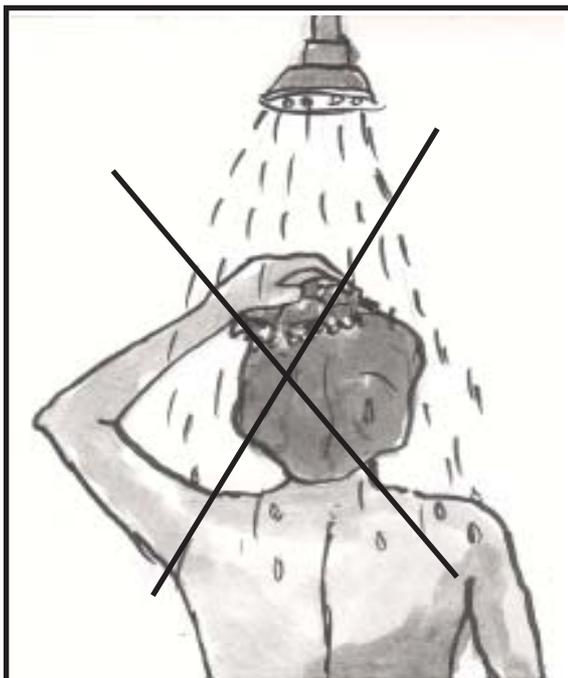
CHAPTER IV

Practical Steps To be Taken By Victims

Often times victims of gender-based violence do not know the next steps to take immediately after their victimization has taken place. Knowing what to do immediately after an assault has occurred, is very important in both getting support services, and ensuring justice.

Thus a victim of gender-based violence must take the following practical steps immediately after the assault/abuse takes place.

- leave the environment and go to a safe place such as a police station, hospital, friend's house, relatives or shelter.
- contact a friend or family member that is trusted for support
- If planning to make a report to the police, it is advisable not to clean up or dispose evidences of physical or sexual assault such as blood, semen, torn clothes, pants etc. Save all the clothing you were wearing at the time of the assault. Place each item of clothing in a separate paper bag, do not use **plastic** bags. Do not clean or disturb anything in the area where the assault occurred. It is also important to protect the evidence e.g. from another person's touch for evidence that may require finger print e.g. blood stain, foot path on the sands, and any physical object that the accused person may have touched.
- in the case of rape do not use the toilet unless it is urgent and **do not** wash up after the act.



- in the company of a relative, friend or any trusted person, report incident immediately at the nearest police station/post in the area where the crime occurred. It is always better to inform the police as soon as the incident occurs.
- go for a medical examination/treatment as soon as possible. In the case of rape, victim should be accompanied to the hospital for medical examination by a policeman/woman.
- whether or not you are sure that you want the matter charged to court, it is important that evidence of sexual assault and/or physical assault in the form of pictures, medical/forensic reports, are taken immediately it occurs. This is because all physical evidence such as semen, vaginal tear, blood, and other injuries disappear with time. Then the evidence is lost forever.



- discuss with your health care provider the risk of exposure to sexually transmitted infections such as HIV/AIDS, syphilis and the possibility of pregnancy resulting from the sexual assault.
 - Do not on your own go to a private hospital for medical examination (especially in rape cases), as reports from private hospitals are can not be presented in court. Only reports from government hospitals are honoured. If the assault occurred over the weekend, when it is difficult to get doctors in government hospitals except during accidents/emergencies, you can go to a private hospital, but remember to take the report first thing on Monday morning to the government hospital for endorsement.
 - take pictures of physical injuries and preserve the negative if possible. This is important if and when the case is charged to court.
- The victim is encouraged (particularly in sexual assault cases), to write down as much as she can remember about the circumstances of the assault, including a description of the assailant.

- Ask to be referred to a counselor trained in assisting rape victims cope with the emotional and psychological trauma they are undergoing because of their victimization. Counseling can help the victim learn more about what she is going through, and find support.



- If you are scared of going back home, for fear of further abuse and possible death, ask to be referred to a shelter.
- Do not hesitate to report to a higher officer e.g. the Divisional Police Officer (DPO), Area Commander, State Command, Investigating unit e.g. the State Criminal Investigation Department (CID), the Criminal Investigation Bureau (CIB) or State Monitoring Unit if you feel the policemen/women officers you met at the counter were either not sensitive in their response or were bias against you.
- You can also call the following organizations immediately after you have been physically or sexually abused or threatened at home, at work; or in any public place: **Project Alert on Violence against Women on 01-4737270, 08066370029, 08052004698; CLEEN Foundation on 01-7612479, 01-7922548, and 08033322740.**

CHAPTER V

Response by State Actors: The Police

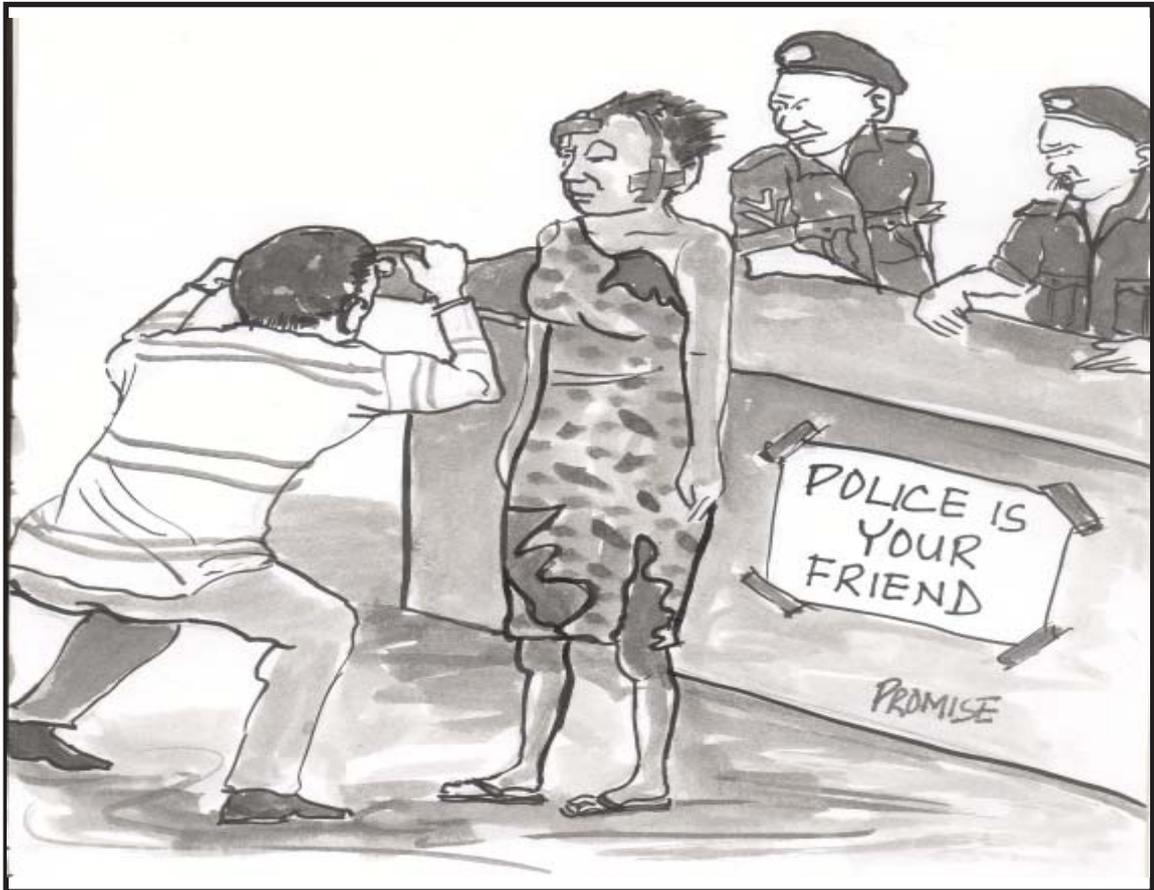
The response by various state actors especially the police is very important tackling GBV cases. Police response to reported cases of gender-based violence, could either save a life, or ruin it; encourage further violence or discourage it. Thus when a woman or young girl turns up at any police station to complain that she had been assaulted, the police are expected to respond sensitively by doing the following:

1. The police man or woman must show empathy to the victim. This will help the victim feel more comfortable, relaxed and feel safe.



2. Where the facility is available take the victim to an office, offer her a seat, allow her some few minutes to comport herself before taking her statement.
3. The charge room officer should be made aware of the presence of the victim in the police station immediately
4. The complaint of the victim should be taken in writing (statement) and referred immediately to the crime section of the police station
5. Investigation should be carried out by the crime section of the police station and an Investigating Police Officer, IPO attached to the matter

6. Where the victim has sustained injuries, photographs of the victim should be taken by a photographer (who could be a journalist, a policeman/woman, or any ordinary photographer). The negatives of the photographs taken should be well retained.



7. Where the victim is in need of medical attention or examination, the victim should be given a referral accompanied with a Police Medical Request Form to a government hospital by the police
8. Where there is a need for preservation of medical evidence and /or report, the police should liaise closely with the hospital(s) to ensure that this is done
9. Whether or not victim indicates interest in charging the matter to court, she should be advised on the importance of collecting evidences of sexual assault and/or physical assault in the form of pictures, medical/forensic reports, are taken immediately it occurs. This is because all physical evidence such as semen, vaginal tear, blood, and other injuries disappear with time. Thus it is important that such evidences are taken soon after the incident.
10. A file should be opened for proper documentation of statements taken, photographs taken, hospital reports, and all steps taken by the police in the course of investigating the matter.

11. Where it is obvious that the victim has been displaced and/or is in need of shelter, due to evident fear of going back home to their abuser, police should contact any of the referral centers listed below⁵
12. The suspect should either be arrested, or an official police letter of invitation sent to him, to respond to the allegations, by writing his own statement.
13. If detained at the police station, the suspect should be charged to court within 24 hours, or granted bail (if the victim does not die).
14. The IPO should ensure that the case file and all supporting documents are transferred to court on time.
15. The IPO should also make himself or herself available to meet with the victim's lawyer for pre-trial preparations
16. In some cases of gender-based violence such as domestic violence, the victim might not want the matter charged to court (especially if no grievous bodily harm has been inflicted), but want him to be warned to desist from such violent acts as it could lead to much more severe crimes such as murder. In such cases, both parties should be counseled. The batterer should be warned sternly to desist from further acts of physical assault and/or threats to life. He should also be made to sign an undertaking not to do same again. They should also be referred to organizations (government and non-governmental) who provide counseling to families in distress. *(Please find list of organizations behind)*
17. Where the victim wants the matter prosecuted, the IPO should ensure that the matter is prosecuted diligently, without fear or favour. Whereby the victim attempts withdrawing from the case midway, in an attempt to frustrate the prosecution, then the victim becomes criminally liable as a person who has given false information to the police. Hence it is important to let the victim know at the first contact with the police, that once the matter is charged to court, withdrawal would not be tolerated.

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⁵ CLEEN FOUNDATION, No. 1Afolabi Aina Street, Off Allen Avenue, Ikeja. www.cleen.org, gbv@cleen.org. Tel no: 01-7612479, 08033322740
PROJECT Alert on Violence Against Women, No.44 Kofoworola Crescent, Off Balogun Bus Stop, Ikeja. Tel NO: 01-4737270, 08066370029, 08052004698
Media Concern for Women and Children (MEDIACON), House 11 Dideolu Court, Dideolu Estate by Sweet Sensation, Ijaiye Road. www.mediaconcern.kabissa.org, info@mediaconcern.kabissa.org. Tel; 01-8944195

Police Duties after a Reported Case of GBV

After a victim of gender based violence must have reported her case to the police, it is the duty of the police to do the following:

- Investigate
- Invite the suspect/make an arrest
- Detain the suspect

Investigation

Investigation could be embarked upon by the police based on the nature of the complaint. Investigation is carried out for the following reasons:

- Gather sufficient facts or evidence to identify the perpetrator(s)
- Build up a prima facie case in order to bring the matter to trial

Investigation may take few hours, weeks, months or years depending on the gravity of the violence or attack and the consequences of such assault such as murder and whether the accused person is apprehended.

Invite the Suspect/Make an arrest

The police have a duty to invite/make an arrest of a suspect of an alleged crime for interview/interrogation. make an arrest when an offence has been committed. Arrest is when the police takes a person into custody and deprives him/her of freedom of movement for allegedly committing a criminal act.

An invitation and/or arrest is legal when all of the following conditions exist:

1. A written complaint/report has been made about a criminal activity e.g rape, assault etc.
2. The police issues the suspect an official invitation letter to the station
3. An arrest made at the crime scene, or with a warrant issued by a magistrate, and presented to the suspect at the point of arrest.

Detention

The police cannot detain/keep the suspect for more than 24 hours and 48 hours in serious cases ⁶ except weekends. The purpose of the time frame is to enable the IPO take and record personal information about the suspect, gather further information and evidence; allow witnesses to view the suspect and substantiate the case that the police is building up. The suspect may be asked to identify others involved in the crime.

⁶ See Section 35 (4) and (5) of the 1999 Constitution

CHAPTER VI

Response By Non-State Actors

Victims of gender-based violence also lay complaints of their victimization to non-governmental organizations (human rights organizations, women's rights organizations) and other societal structures/institutions such as family, friends, traditional rulers, religious leaders etc). In this chapter the complaints procedure with non-state actors is listed below, and also their response to reported cases.

Complaints procedure with non-state actors (human rights organizations)

The procedure is as follows:

- Victim is referred to the organization by law enforcement officials, the media, friends, relatives, neighbours, civil society groups etc.
- The victim either phones in or physically goes to the organization to lay her complaint orally.
- If she phoned in, she is given some safety tips on phone (especially in cases of domestic violence) to avoid further battering, while trying to get out of the environment.
- Thereafter after she is required to fill a complaint form where she is expected to give a detailed account of the act of violence meted out on her, giving the name of the alleged offender (if known to her); her relationship with him; his contact address and phone number
- In the complaint form, she is expected to state clearly, the form of assistance she is expecting from the organization.
- Based on an on the spot assessment of the physical and psychological well being of the victim, she is either advised on what steps to take, or offered a temporary shelter in the case of being thrown out by a spouse, in-laws, or parents; or where there is a threat to life by the alleged perpetrator. Steps to take often includes formal report to the police by either the victim, or the organization on behalf of the victim.
- If there are evidences of physical injuries, pictures will be taken and the victim taken to the hospital.
- The alleged perpetrator of the violent act will thereafter be either invited by the police, or by the organization, for a meeting to investigate the matter further, and for counseling.

Responses by Non-State Actors

In responding to victims of gender based violence, the following support services are rendered: **counseling, legal aid, and shelter**. Most organizations provide counseling and legal aid. Only one organization, Project Alert, provides shelter for battered women.

Counseling. This is primarily aimed at assisting the victim deal positively with the violence she has experienced. Ideally counseling should be done by a professional counselor, equipped with counseling skills, and quite knowledgeable in women's rights as guaranteed by the constitution, criminal code, and other regional and international instruments. However victims of gender-based violence do run to the following people for counseling:

- Religious leaders - priests, pastors, imams
- Family members - father, mother, uncles, aunties, other relations
- Friends - at work, at home, in school
- Traditional rulers - chiefs, obas, ezes, sultans etc

Through counseling, the victim, with the help of a professional counselor or any of the above-listed people/interveners, gradually takes the essential steps to healing, regaining self confidence and esteem; overcoming shame and self blame; and taking control of her life. She comes to terms with the fact that there is life after her experience of violence.

In counseling, a non-directive approach should be employed by non-state actors. This is a client – centred method of counseling. It gives very minimal directions and instructions. This method provides a warm permissive atmosphere in which the client feels free to discuss her problems frankly. The counselor/ intervener on his/her part should not be critical, show understanding and when necessary, reflect and clarify a client's expressions.

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There are some **do's** and **don'ts** every counselor/ intervener should observe in counseling victims of gender-based violence. Below are some of them:

Do's

1. Let the victim know that you believe her
2. Listen carefully, and let her express her feelings.
3. If she wants to cry, allow her time to do so, and then comfort her.
4. Give very clear messages e.g ***violence is never okay or justifiable; the safety of the woman and her children is paramount; wife assault is a crime; she is not the cause of the abuse; apologies and promises will not end the abuse; she is not alone; she is neither crazy or paranoid; she has choices.***

5. Let her know you will invite her alleged abuser for a meeting
1. Find out what other support she has around her (friends, relatives, neighbours, pastors etc)
2. Discuss a safety plan for her and her children.
3. Let her know the various options she has but **allow her to decide for herself**. When she decides for herself, she takes responsibility for her decision.
4. Help her find and concentrate on the good things about herself and her children.
5. Respect her confidentiality
6. If available, give her a list of referral sites available)

Don'ts

1. Don't tell her what to do. This includes when to leave or when not to leave her matrimonial home.
2. Don't tell her to go back to the abusive environment and try a little harder.
3. Don't ask her to stay back for the sake of the children.
4. Don't ask her to go back and beg her assailant

Legal Aid. Free legal advise/aid is given to gender based violence victims in order to ensure justice and protection of their human rights. Legal advise provides the victims with the various legal options they have in protecting their rights and the implications of each option. However the final decision on what course of action to adopt is that of the victims. It is important that female victims of violence decide for themselves, so that they can take responsibility for their decisions.

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In offering legal aid to abused women/girls the legal officer should do the following:

- Accompany the victim to the police station
- Ensure that the abuse is incidented at the police station
- Participate in any meeting that could be called between both parties at the station
- Follow up with the Investigating Police Officer, to ensure that the matter is treated diligently
- Represent the victim in court

Shelter. Presently there is only one shelter for battered women in Lagos State, and it is being run by Project Alert on Violence Against Women. The shelter, known as *Sophia's Place*, provides victims (women and young girls) a safe place away from their abuser. A woman or young girl who believes her life is threatened in marriage, in the family, her neighbourhood, etc, can be offered shelter, while the issue is being investigated. The shelter provides victims both time and space away from an abusive environment, for them to reflect on where they are coming from, and where they are going to. **Please call Project Alert on 4737270, 08052004698, 08066370029.**

Conclusion

One of the major challenges that the police may face while handling GBV cases is the withdrawal of complains by victims. If this occurs, the police should address the following questions:

- *Does the case have an element of a crime? If yes, under what category?*
- *If the answer to the above is yes, then the case should be charged to court because it is against the state and not just a civil matter and the police have the mandate to protect the constitution⁷.*

As stakeholders in promoting and protecting the rights of women/young girls from all forms of gender-based violence, it is important that we clearly understand the issue, and know the appropriate way to respond to it. Our response could either save a life, or take a life. **THE CHOICE IS OURS.**

⁷ Section 4 of the Police Act

APPENDIX

The Domestic Violence Bill

In the course of advocating for an end to all forms of gender based violence in Nigeria, it became glaring to human rights and women's rights organizations, that there was a need to review existing laws on various forms of gender based violence in general, and domestic violence in particular. The review, revealed that since presently there was no specific law on domestic violence, the general law on assault as contained in the Criminal Code, was what was and still is being used by lawyers and women's rights organizations to ensure justice for female victims of domestic violence. However, this law presents some obstacles to victims, and as such, abused women shy away from it. The obstacles include:

- Fear by victims that the incarceration of their partner will result in a loss of face or social status for the family or even economic support from the incarcerated spouse
- Fear of accusing their husband of having assaulted them, and placing their children in a situation where they will have to see their father go to jail.
- Fear that their partner will become more violent before or after the imprisonment or even by the only fact of her reporting the matter to the police.
- Victims' fear that their husbands' family and the community will apply pressure on them for having caused the imprisonment of their brother and son.
- They are often worried that they will be left without a source of income if their partner is in jail, especially if he is the major breadwinner
- They do not want the marriage to end because of fear or shame of being called a divorcee.

Based on the above, a domestic violence bill was drafted by a non-governmental human rights organization known as Legal Defence and Assistant Programme, LEDAP, to tackle the problem posed by the law on assault. The bill has been presented to 12 state Houses of Assembly across the country. However only two state Houses of Assembly have passed the bill. These are Cross River and Ebonyi states. The bill is largely victim-focused and is quasi-criminal in nature (i.e partly criminal, and partly civil). Amongst other things, it seeks to introduce the following:

- A system that is less complicated and quicker legal proceedings which will result in enforced discipline or separation of the perpetrator of violence from home for a certain period of time as well as rehabilitation of the victim.
- Facilitate what women need most – a cessation of violence without them having to leave their home.
- The Protection order being introduced under the Bill will compel the spouse to continue to provide for his family during the time he is under legal sanction and counseling.

Other ways the Domestic Violence Bill seeks to protect women

1. Quasi – criminal, quasi – civil procedure: the legal process under the Bill does not involve arrest, or trial or punishment of the perpetrator but only aims at protecting the survivor from further violence within the home.
2. The Protective Order of the Court: A survivor of domestic violence or third party who is qualified to do so may approach any court in the state and ask for a protective order against the perpetrator for a certain period of time, within which also the perpetrator undergoes counseling. It is a quasi criminal remedy, in that if the perpetrator continues with the violence despite the Protective Order against him or her, the court may make an order to protect the victim with respect to her subsistence, shelter and maintenance of the children while the perpetrator is compelled to comply with the protective order.
3. Confidential proceedings: The Bill enjoins the court to hear complaints under the Bill in strict confidence and in chambers. This is to protect the social, psychological and personal integrity of the parties, especially the survivor. It also aims at protecting the children from undue attention and publicity. In Nigeria, the Supreme Court condemned hearing of matters in camera, and held that all cases must be heard in public.
4. Third party complaint: a third party, usually, welfare officer, community health, social or welfare worker, the community itself, or such other person as defined by the Bill may intervene to obtain a protective order in favour of the survivor who has refused to seek legal remedy.

List of Organisations

	Name	Address	Tel. No.
1.	Project Alert on Violence Against women	44, Alhaja Kofoworola Crescent Off Obafemi Awolowo Way (By Balogun Bus-Stop)	01-4737270 0805-2004-698
2.	CLEEN Foundation	No 1, Afolabi Aina Street Off Allen Avenue, Ikeja Lagos	01-4933195 01-7612479 0803-3322-740
3.	Media Concern (MEDIACON) for and Children	House II Dideolu Court Dideolu Estate By Sweet Sensation Ijaye Road 2nd Gate Ogba, Agege, Lagos	01-4717448 0802-3331-036
4.	Baobab for Women's Right	76, Ogudu Road Ojota, Lagos	01-8980834 01-4962301
5.	Women Advocate Research and Documentation Center (WARDC)	Oshopey Plaza 17/19 Allen Avenue Ikeja, Lagos	01-4973613 01-4977101
6.	Ajgunle Community Project	69, Kirikiri Road Olodi, Apapa, Lagos	
7.	Ministry of Youth and Social Development Social Welfare Department	Secretariat Alausa Ikeja, Lagos	
8.	Women Consortium of Nigeria (WOCON)	13, Okesuna Street, Off Igboere Road Lagos	01-2635300
9.	Legal Defence and Assistance Project	270 Ikorodu, Obanikoro 3rd Floor, (LAMLAT HOUSE)	01-4935680 01-5550277
10.	Civil Liberties Organisation	13, Soji Adepegba close, Off Allen Avenue, Ikeja, Lagos	01-4939324-5 01-7746694

About the Organisations

CLEEN FOUNDATION was set up in 1998, to promote public safety, security and justice through empirical research, advocacy, demonstration programmes and publications in partnership with government and civil society.

The Organisation's Programme areas include:

- Public safety and security
- Accountability and Justice
- Research and Planning.

Project Alert on Violence Against Women was set up in 1999, to provide information on various forms of violence against women, and render support services to female victims of violence. These support services include:

- Counselling, Legal aid and Shelter for battered women.

The organisation does this through its three (3) main programme areas.

These are: Research and Documentation Programme RDP;
Human Rights Education and Monitoring Programme, HUREMOP;
and Support Services Programme, SSP.