

THE UNNAMED PANDEMIC OF SEXUAL AND GENDER-BASED VIOLENCE IN AFRICA

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ABSTRACT

The whole world has been shaken to its root resulting from the sudden invasion of a dreaded and seemingly incurable Coronavirus disease also referred to as 'COVID-19' (Coronavirus Disease of 2019). Since late 2019 when the said virus invaded China and from there spread to other nations of the world there have been undying global unrest, economic instability, untold hardship and massive deaths. The world was brought almost into a standstill resulting from the lockdown concept. People of the world got accustomed to staying at home. However, beyond this glaring pandemic, are some other crimes which are perpetuated in the shadow of the pandemic. School children and students are out from school, parents are out of work, a good number not even having any source of income at all for months. This has led some to crime and more especially to sexual related offences. There have been increasing cases of rape even against children. Also, Gender based Violence against females – women and girls are also on the increase. There is also a global rising call for help to protect women and girls from domestic violence meted against them. In this paper we shall be unveiling this showdown Pandemic that has merged the female folks in the pit of fear of uncertainty and untold depression. We shall consider the various forms of Sexual and Gender based Violence and the activities of

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International Federation of Women Lawyers (FIDA) to curb this menace and we shall recommend the role which everyone must play in the family and in the society so as to curb this showdown pandemic.

KEYWORDS: COVID-19 PANDEMIC, SEXUAL VIOLENCE, GENDER-BASED VIOLENCE, CHILDREN, WOMEN

Introduction

The current pandemic ravaging the world today was officially named Covid-19 by the World Health Organization (WHO) in February 2020. This Covid-19 is the short name for Corona Virus Disease 2019- ‘Co’ stands for Corona, VI for Virus and ‘D’ for Disease. This was as announced by The Director-General of the WHO-Tedros Adhanom Ghebreyesus PhD in early February, 2020. This novel corona virus has led to many casualties all across the globe. The name corona virus was gotten due to the spiky crown (or corona in Latin) that one sees on its surface when you see it underneath a microscope. The WHO noted that there is no sole corona virus but it’s a family of viruses that cause respiratory infections (Krouse Lauren (20 March, 2020).

The plague of Covid-19 in the globe has led to drastic change of activities in all spheres of human life. All across the globe, there has been sounds of cries, silence of fear, death of thousands of lives, cries of hunger and despair and so many untold hardships by families and communities. The educational, religious, industrial and economic sectors were all shut down; only essential services (such as medical and security services) were maintained. The world for the first time in the world history seemed to be put on a halt – no or highly restricted movement, no activities at all outside your home. Everyone was encouraged to stay at home compulsorily and people were meant to embrace their families, their phones and televisions for sourcing information. What a time?

The world had experienced several forms of pandemic which has led to the death of many souls all across the globe. The violence

against women and other forms of sexual violence is an age-long crime that has ravaged the society over the years. It is worthy to recognize that among the various pandemics that has occurred none has led to the locking down of every sector of the economy nationwide; thus, every activity that would lead to the interaction of person to person were frowned out and everyone was meant to inhabit perpetually within the confines of their homes. This restriction of people's movement and activities led to a worst pandemic and many do not seem to decipher and put an end to this unnamed pandemic. Within this year 2020 basically between February to August, 2020, there had been an outcry of the high and increased rate of sexual violence and some either gender based violent offences (SGBV). In this research, we unravelled the topic within this COVID-19 period and we earnestly believe that this work has contributed positive knowledge to the general public as everyone has a role to play in the fight against sexual and gender-based violence.

At this point when people were meant to be remorseful and aim towards reconciling with their Creator, some men maximized this stay at home and lockdown periods to perpetuate crimes at different kinds and more especially sexual and Gender-based violence. This crime is the unnamed Pandemic amidst this period of Covid-19 Pandemic. This crime of sexual and Gender-based violence is a silent Pandemic that has been on a tripled increase since the commencement of the global Pandemic and women and girls are the more vulnerable victim and thus globally, there is an outcry against this increased gender-based Violence.

What is sexual Violence and Gender –based Violence?

According to the Center for Disease Control (CDC, 2020), Sexual Violence (SV) refers to sexual activity when consent is not obtained or obtained under duress. Most victims of sexual violence are female. The World Health Organization (WHO) defines sexual violence to mean “Any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts to traffic or otherwise directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim, in any setting, including but not limited to home and work” (WHO (2020.p.1)

Sexual violence was further seen by Wikipedia as any sexual act or attempt to obtain a sexual act by violence or coercion, acts to traffic a person or acts directed against a person's sexuality, regardless of the relationship to the victim (Wikipedia (Sept.7,2020).

The WHO and Pan American Health Organization want further to explain that sexual violence ranges from verbal harassment to forced penetration and an array of types of coercion; from social pressure and intimidation to physical forces. From the foregoing, we are able to deduce that sexual violence has the following key elements:

1. It involves a sexual act or activity.
2. It also includes an attempt to obtain or engage in a sexual activity.
3. It also involves sexual advances or comments.
4. The victim does not usually consent to the said sexual activity.
5. It is not consent when the victim was forced or influenced to consent or consented under duress.
6. It involves force, coercion or assault.
7. The relationship between the victim and the perpetrator of the crime does not matter.

On the other hand, Gender-based Violence according to Sida (2015, p.5) is first 'a violation of human rights and a global health issue that cuts across boundaries of economic wealth, culture, religion, age and sexual orientation. It is also seen as the most extreme expression of unequal gender relations in a society'. (Sida, 2015, p.5).

Gender based Violence refers to 'violence that targets individuals or groups on the basis of their gender'. The United Nations' Office of the High Commissioner for Human Rights Committee on the elimination of discrimination against women (CEDAW) defined the gender-based violence (GBV) as violence which is usually directed against a woman because she is a woman or which affects women disproportionately. This can include an act that hurt or harms her physically, mentally, or sexuality and the threats of such acts even the deprivation of liberty. (The New Humanitarian (2020, p. 1)

It is a notorious fact that violence against women is a recurrent and least noticed pandemic in every culture and social group across the globe. Violence against women because they are females traumatizes women physically, psychological and even socially. (Minnesota Advocates for Human Rights (2003) supported the fact that gender-

based violence happens in all societies and it cuts across all the different social classes and the victims are women who are at risk from the men they know.

In explaining Gender-based violence, Minnesota Advocates for Human rights (2003) stated that it also includes any act or threat by men or male dominated institutions that inflict physical, sexual or psychological harm on a woman or girl because of their gender, some of which of which is culturally-based. Thus, they noted that gender-based violence can occur both in the family (private) and in the general community (public) but much more of the violation is perpetuated through policies of the state and the actions of the Law Enforcement Agents such as the Police, Military and Immigration Officers.

There are several examples of this gender-based violence and it includes domestic violence, sexual abuse-rape and sexual abuse of children by family members, forced pregnancy, sexual slavery, and traditional practices harmful to women (such as honour killing, burning or acid throwing, female genital mutilation, dowry-related violence), violence in armed conflict (such as murder and rape), emotional abuse (such as coercion and abusive language, trafficking of women and girls for prostitution, forced managed sexual harassments and intimidation at work.

Sida expounded the diverse forms of expressing of gender-based violence, it includes intimate partner violence, sexual violence, non-partners and conflict related gender-based and sexual violence.

This includes the framework of locations where the acts of sexual or gender-based violence is practiced or actualized.

1. **Family:** This is the primary site of gender violence. Violence within the family is usually seen as a private issue and so undisclosed in many instances. Some practices among the female and male children in the home even forms the beginning of the gender inequality among siblings and they grow up with it. Also, physical abuses such as spousal battering, sexual assault, sexual abuse and even psychological abuses. There are other forms of domestic violence such as forced marriage, forced abortion, forced pregnancy, confinement, neglect, threats and the likes.

2. The Community/society: This is a group of people sharing common socio-cultural heritage and bound together by location. The community is made up of many families, thus if the community applauds women suppression and does not punish women abuser then it becomes a norm, a habit and a culture too difficult to cleanse away. In some other communities, there are various harmful traditional practices that is melted down on women such as shaving or scrubbing off her hair upon demise of the husband, female genital mutilation. Furthermore, the workplace is another site within the community where females suffer sexual harassment and intimidation. The schools are not left out as female students also suffer the same fate in the hands of male lecturers and colleagues.
3. State: The state that ought to correct the wrongs and abnormalities of the family and the community are not even helping the females. The state through government policies and state enactments makes regulations which are discriminatory in nature. In Nigeria, earlier on in history, it was a Supreme Court judgment that only male children of the family should inherit from the deceased father's property until this 2018 when same was revoked by the case of *Ukeje V. Ukeje*.

The Effects of Sexual and Gender-Based Violence on Females

Gender-based violence poses a lot of risk factors to the females in the society compared to the men/boys who also claim that they are victims of gender-based violence.

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) observed that GBV is also a form of violation of human right. Sexual and gender-based violence can also lead to physical hurt, psychological harm, fears and threats. This can lead further to the retarded productivity of the affected females socially, politically and economically.

Victims of sexual and gender-based violence suffer from devastating developmental retardation for a long term in their lives (UNPD (2020).

Furthermore, victims of sexual and gender-based violence (SGBV) who are females suffer from undermined health and personal

dignity, they can also suffer sure sexual and reproductive health consequences (such could be preempted by forced or early marriage, forced or unwanted pregnancy, forced and unsafe abortion, traumatic fistula, sexually transmitted diseases) and all and any of which could result in the death of the woman or girl. (UNFPA (2020).

The World Bank (Sept. 25, 2019) noted that Gender based violence (GBV) or violence against women and girls (VAWG) is a global pandemic that affects 1 in 3 women in their lifetime. This pandemic does not only stigmatize the females but also their families and then the entire nation as they budget heavily to stop in curb the menace or the pandemic of gender-based violence.

On the hand, neglecting such social menace would make the children to grow up as survivors and as survivor of violent crimes; they are more likely to be perpetrators of crimes themselves. Statistics of sexual and gender-based violence against women and girls:

The World Bank (2019) estimated that about 35% of women worldwide have experienced either physical and/or sexual intimate violence or non-partner sexual violence. Also, that globally about 7% of women has been sexually assaulted by a non-partner and about 38% of murders of women are committed by an intimate partner. Furthermore, 200 million women have experienced female genital mutilation/cutting.

The UN women (2019, P.1) stated that evidence shows that women who have experienced physical or sexual intimate partner violence report higher rate of depression, having an abortion and acquiring HIV, this is compared to those women who have not.

Also, the UN women (2019.P.2) noted that globally, 49% of human trafficking victims are women and are used for sexual exploitation. However, they observed that the rate of girl marriage has declined over the past 10 years.

In African States like Egypt, Sudan, Guinea, Djibouti, Kenya, Nigeria and Yemen, the UN women and girls here had undergone female genital mutilation by a Health Care Provider.

In the school's environment, one out of three students (between age 11 to 15 years) must have been bullied particularly girls. Even in the Tertiary institutions, female students experience sexual

assault, harassment and misconduct by the male lecturers. Even in work places, male colleagues torture females with remarks, gestures, and images of a sexist and even humiliating sexual threat.

The World Health Organization (29 Nov, 2017) still affirmed that violence against women is a major public health problem and a violation of women human rights and the WHO estimates shows that 1 in 3 (35%) of women worldwide have experienced either physical and/or sexual intimate, partner violence or non-partner sexual violence in their lifetime. NDHS (2013) stated that nearly 3 in 10 Nigerian women have experienced physical violence by age 15.

Instances of SGBV in Nigeria

The rate of increase in sexual violence is alarming in Nigeria, more especially in this period of lockdown necessitated by the Covid-19 pandemic. The WHO has declared SGBV as a fundamental violation of human rights and a global public health problem of epidemic proportions. In Nigeria, some forms of violence at home and at school has been accepted as ‘normal’ and a ‘private affair’, hence the women are abhorred from speaking out, this thus lead girls not to live a free and full life. Even in this period of online communications, you still see a lot of women and girls being deceived and lured into danger and abused in the course of online communication.

UNICEF reported in Nigeria that one in four girls and one in ten boys in Nigeria had experienced sexual violence before the age of 18. (Wikipedia, 2020)

In 2012, The Center for Environment, Human Rights and Development reported that 1200 girls in Rivers State had been raped.

In Nigeria some of the forms of sexual and gender-based violence are:

- i. Girl child neglect
- ii. Girl child assault
- iii. Girl child labour through trading and hawking around on seductive dress (especially in the lockdown period)
- iv. Teenage pregnancies used as baby factories (some girls enter the factory just to make money while others are lured or forced to enter and procreate or reproduce while the baby factory owner sells off the babies (Wikipedia (2020)

- v. Female Genital Mutilation (FGM) or Female Genital Cutting (FGC)
- vi. Cultural preference of male children even in the family (families within boys or males are mocked as being incomplete and cannot sustain their family name)
- vii. Abduction of school children (girls) by Boko Haram
- viii. Early marriage especially in Northern Nigeria
- ix. Sexual exploitation mostly in Secondary schools and Universities
- x. Sexual harassment among female workers and even during interviews
- xi. Sexual exploitation occasioned by poverty.
- xii. Domestic violence

The International Growth Center (2020) noted that the increases in gender-based violence within the lockdowns has been labeled by the United Nations as the “Shadow Pandemic” and this threatens the lives and livelihoods of women and girls in Africa’s longest economy.

The IGC (2020) further stated that between March and April there was a monthly increase of 149% in the reported cases of gender-based violence following the lockdown orders. In these 3 states where there was full lockdown (Lagos, Abuja and Ogun State) the number of cases of domestic violence rose from 60 in March to 238 in April. On the other hand, in Benue, Ebonyi and Cross River States, the increase of gender-based violence was only 53% (these later states had lesser stringent lockdown measures). In Ebonyi State, the number of cases of domestic violence even dropped by about 10% for March to April. (International Growth Center, (2020).

According to the Iroanusi E. Q., (July 14, 2020) they published that the Nigeria Minister of Women Affairs and Social Development has reported that over 3600 rape cases were recorded across Nigeria during the lockdown (this was as at July, 2020). Also, the UN women reported a rise in gender-based violence in Lagos State indicating a 300 percent increase between March and April. Again, the Inspector-General of Police in Nigerian Police recorded 717 rape cases between January and May 2020.

Furthermore, the Minister of Women Affairs reported that during this lockdown, there has been reports of not less than 100 rape cases in

each state of the federation and it cuts across the 36 states of the federation. (We feel this is an over statement 36 x 100 is about 3,600). According to This Day Newspaper, (30 June, 2020) the Kastina Police Command reported arrest of 40 suspected rapists between April and June 2020. In Akwa Ibom, the police command reported within seven days about 12 cases of rape and defilement and this includes a pastor who had unlawful carnal knowledge of a minor and a father who committed incest with his daughters. In Enugu State, about nine cases were recorded in June and one instance was a father who had been having unlawful carnal knowledge of his daughter and even impregnated her and forced the abortion of the two pregnancies. (All Africa (Lagos). 30 June 2020).

Few Instances of rape cases in Nigeria

In 2014, it was the Chibok girls in Borno State, later on the same year, it was the Dapchi girls in Yobe State. In 2018, it was the rape case of a 3year old Ochanya Ogbaje who was allegedly rapes to death by her Uncle and his son in Benue State. In 2014, it was an 8-year-old girl 'Evidence that raped and murdered in Enugu.

In 2019, it was one sales girl aged 17years who gang raped to death in Edo State. In 2020, loudest of the sexual offences is the rape, torture and death of one the University Student at Benin, Edo State moved Uwa Omozuwa which was allegedly carried in a Church. Also is the defilement and torture of a three-month-old baby in Nasarawa State. All Africa (2020) Ibid)

In June, 2020, Nigeria declared State of emergency on Rape and sexual assault; this is following the increased rate of sexual crimes in all the 36 states of the country. The VOA News (June 2020) also reported that according to the United Nations, other countries of the world such as Argentina, Canada, China, France, Germany, Spain, Britain and United States among others have observed increased rate of domestic cases within this period of Covid-19 pandemic. (VOA News (June 12, 2020).

Isiaka A. (July 3, 2020) emphasized that this State of Emergency was declared following the brutal rape cases, assault and death of three students between the month of May and June- Barakat Bello was raped and killed in her home, Vera Uwa Omozuwa was

raped and assaulted in her Church in Benin City, and a 12-year-old girl was raped by 11 men in Jigawa State. Women Right Activists rose up and demanded that the violence against person's prohibition act be domesticated as state laws in all the 36 states.

Laws on Sexual and Gender-based Violence in Nigeria

There are various legislations that concern itself in one way or the other on the subject matter of sexual and gender-based violence. They are inter alia:

1. The 1999 Constitution of the Federal Republic of Nigeria CFRN, 1999, As Amended)
2. Child's Right Act, Laws of the Federation of Nigeria, 2003
3. Violence Against Persons (Prohibition) Act, 2015
4. The criminal code Act, Laws of the Federation 2004
5. Anti-Sexual Harassment Bill (still at the National Assembly)

There are some other United Nations declarations o the same subject matter and they include:

1. Universal Declarations of Human Rights
2. International Convention on Civil and Political Rights
3. United Nations 1979 Convention on the Elimination of all forms of Discrimination against Women (CEDAW)
4. United Nations 1984, Convention against Torture and other Cruel Inhuman or Degrading treatment or punishment.

Curbing the Menace of Sexual and Gender based Violence in Nigeria

Everybody should be involved because everyone has a role to play in ensuring that sexual and gender-based violence is eradicated or is reduced to its barest minimum in the society.

- i. The Family/Community: The family which is the smallest unit of the society has a role to play in instilling discipline and high moral standards on the children and youths. The community also joins in the training by standing VP against any act of sexual violence in the community. It is an Igbo adage that a child does not belong to the immediate family alone but for the community, so the community also trains the child. The parents of each child

- have the duty to teach each child sex education within the level of the child's intelligence domain.
- ii. The School: This is the place of learning, a place where knowledge is impacted alongside with training and building up of morals. The school and the educational institutions in general have a role to play in shunning the moral decadence in our society and teaching the children and the youth the benefits of abstaining from all forms of sexual violence and gender-based violence against the opposite sex.
 - iii. The Church/Mosque: These are the sacred places of worship in Nigeria and are the two major religions in Nigeria that attract large congregation of members. The Pastor/Minister and the Imams have a role to play in feeding and impacting words of knowledge and wisdom on her members which should also include the need to shun all forms of sexual and gender-based violence. Thus, it should also be practiced by allowing women to also be participating in all activities without discrimination of any kind.
 - iv. FIDA (International Federation of Women Lawyers): In Spanish language means *Federacion Internacional de Abogadas*. It is an International non-governmental organization that provides legal aid, legal literacy and educational programs in order to enhance the status of women and children (mostly the indigent ones). In Nigeria, FIDA was founded in May, 1982 to help offer pro bono legal services to the indigent women and children by providing legal literacy through diverse publications, seminars and diverse educational programs. In Nigeria, within this period of lockdown occasioned by the Covid-19 pandemic, this body FIDA has been out on an outcry in sensitizing the women and their children on how to stay protected from the untold pandemic of sexual violence. Also due to the untold increase in sexual crimes, this body has been making moves to ensure that all states in Nigeria domesticate the Child's Right Act and The Violence Against Persons (Prohibition) Act 2015. FIDA Nigeria came boldly in June, 2020 and cried out over the wicked acts of sexual violence which increased tremendously during this lockdown. (FIDA, June 3, 2020).

- v. **The Police: They are Law Enforcement Agents.** The police are the first point of call for victims of sexual violence that desire to alert and engage the criminal justice system. Other victim's just keeps quiet for many other reasons such as fear of stigmatization, fear of shaming them, delay in the justice/court system and so on. It was however noticed that during this period of lockdown the police did not want to arrest and detain people incessantly to avoid or curtail the spread of the said covid-19. Thus social distance was maintained even when police intervened in a scenario and in most cases the parties (the victim(s) and the perpetrators of crime) were asked to settle out of police and reach a consensus. This act of the police was also condemned by FIDA Nigeria. Thus, the Police have a role to ensure proper investigation, arrest and prosecution of any person suspected to be a perpetrator of sexual crime. They should shun all forms of bribery in the course of their work to avoid allowing guilty men go free.
- vi. **The Government:** There are three arms of government in Nigeria, the Executive, the Legislative and the Judiciary and their power are as stipulated in the 1999 Constitution. The legislative arm is concerned with making laws, we therefore urge them to subject every bill into intense scrutiny before passing it into law and also they should make laws that are gender friendly, this is because the abnormal norms and cultures that the communities cannot correct can be corrected by the laws and policies of the legislative arm of government both at the state level and at the federal level. The executive which includes the Governors and president should ensure that laws passed by the legislative arm are implemented without fear or favour. They should also ensure through their policies and radio jingles that sexual offenders have no hiding place. The governors should strive to domesticate relevant laws of the National Assembly as it affects especially the women and children in their state. The judiciary is the body that interprets the law. They are made up of the Bar and the Bench. They bench adjudicate over matters and cases and give judgment. These judgments have binding force and can be cited or referred to in lower courts when similar

issues are in place. We therefore enjoin the judges in Niger to put aside all forms of partiality and favoritism while administering justice in the court because any act of injustice done to a woman or girl child can be a precedent for years before it can be overturned. The Bar which is made up of the legal practitioners should also frown at and rightly counsel offenders of sexual violence to desist from same even when it does not stop the legal practitioner from representing them. The bar still owes the duty of truth.

CONCLUSION

We have carefully analyzed this topic ‘The unnamed pandemic of Sexual and Gender-based violence in Nigeria’. The study examined the crime of Sexual and Gender –based Violence (SGBV) in Nigeria before and within the period of Covid-19 pandemic in the year 2020. We also looked at the several elements and examples of SGBV. There are several locations where the acts of sexual and Gender-based violence are practiced. The effects of SGBV on females is fathomless as it poses a lot of risks on the women. The study further gave a statistics of SGBV against girls and women and several instances of SGBV and lastly we considered the several instances of SGBV and lastly we considered the several Laws on SGBV in Nigeria and how to curb the menace in the society. We have seen that the rate of SGBV is prevalent and everyone is entreated to play their roles in curbing this menace.

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