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Nigeria: The Dominance of Rape

By Chineze J. Onyejekwe¹

Abstract

Despite decades of feminist activism, men continue to rape women at appalling rates. This paper evaluates the failure of the Nigerian state to enforce laws to protect women against rape. Rape is also shown to be a global problem. The flaws in the Law's definition of rape are examined. Women's action-oriented responses and initiatives against these abuses are highlighted.

Keywords: Rape, power and control, the Law and women's action-oriented initiatives

Introduction

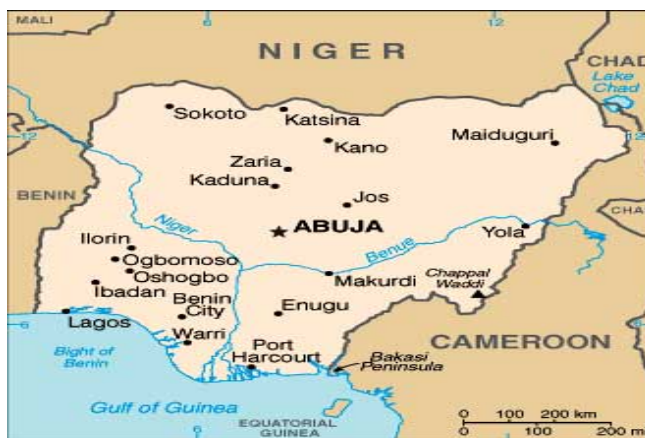


Image courtesy of the CIA World Factbook

Fig. 1: Map of Nigeria. <http://lcweb2.loc.gov/frd/cs/profiles/Nigeria.pdf>

Nigeria faces a number of problems such as endemic corruption, high unemployment, persistent poverty (estimated at 54.4 percent), and lack of basic medical care. According to the United States Library of Congress (2006), “The poor condition of health and health care in Nigeria is one of the factors responsible for an average life expectancy of only 47 years. In 2000 only 57 percent of the population had access to safe drinking water, and a slightly lower percentage had access to adequate sanitation.” Domestic violence and discrimination against women are widespread because the

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Government tolerates customary and religious practices that adversely affect them. Most often, the courts and police are reluctant to intervene to protect women who accuse their husbands because it is considered a “private matter” (United States Bureau of Democracy 2004).

Trafficking in persons for purposes of prostitution and forced labor is also a problem, and collusion of government officials in trafficking was alleged. Female circumcision otherwise known as female genital mutilation (FGM) remains widely practiced in some parts of the country. Human Immunodeficiency Virus (HIV) is another problem in a country named third in the world in 2005, after South Africa and India, with the highest number of people living with HIV/AIDS (Akande *et al*, 2005; U.S. Library of Congress 2006). Rape has also been added to the above problems that constitute development-challenges (The United States Bureau of Democracy 2004; Amnesty International 2006). A grave example is that described in the *Daily Sun* (2007) in which unknown men took advantage of a girl’s disability to exploit her sexually. Twice taken advantage of by randy vicious men who impregnated her, this girl now has two daughters, but not out of choice. This violence is also tied to the brutality of war.

The Odi (Bayelsa State), Ogoniland and Choba (Rivers State) experiences shows that women’s bodies have become battlegrounds in the conflict between the government and the indigenes of the Niger Delta and their secessionist movements - The Movement for the Survival of the Ogoni People (MOSOP), and the Movement for the Emancipation of the Niger Delta (MEND). The study on community conflicts and VAW in Nigeria by Akande, Awosika and Albert shows, that rape is used as a weapon of war to cause humiliation, and instill fear into the local population in this conflict. Yet, the authorities pay no attention to these crimes, even when photos of the assaults are shown in a national newspaper, and victims’ interviews are broadcast on national television (Akande *et al* 2005; Amnesty International 2006).

A culture of silence aggravates this problem partly, from humiliation and intimidation of victims by the police, as well as the "embarrassment" of public acknowledgement. Hutton, Omidian and Miller (2006) aptly describe this situation to include being ostracized by those who consider rape as bringing dishonor, to a woman's family and community. This culture of silence reinforces the stigma already attached to the victim rather than to the perpetrator, as the dominant perception is that women have generally provoked the abuser to attack. Consequently, victims in the Niger Delta are often unwilling to testify about their experiences.

The 2006 Jacob Zuma rape trial in South Africa is a classic example of what rape survivors go through during a criminal trial. For example, the victims have to prove their innocence. Zuma stated in his testimony during the rape trial that he believed the victim wanted sex due to her dressing (Gertholtz 2006). Gertholtz observes that “the grueling, humiliating cross-examination of the complainant about her sexual history in a packed courtroom,” in addition to the intimidating attitude of Zuma supporters who “burn pictures of the complainant outside the court.” Gertholtz also notes that “The trial represents the worst of the criminal justice system, highlighting how easy it is to undermine the constitutional rights of a rape survivor to dignity and privacy, under the guise of protecting the rights of the accused to a fair trial.”

Rape is a crime notable for placing the woman on trial particularly for cultural reasons. She is either charged as a false accuser, gold digger, frivolous, or a scorned woman. These stereotypes prevail, and sometimes, women are their worst accusers. Ndinda (2006) highlights this plight thus: “Indeed, it is a sad indictment of our society that women can come out in public and contemptuously intimidate a fellow woman traumatized by rape, while singing praises in support of the alleged perpetrator” (Ndinda 2006:328). By testifying that he had not bothered to use a condom, Zuma, the Vice President of the ruling party, the African National Congress (ANC) sent a deadly message against efforts to tackle HIV/AIDS, and the campaign against VAW.

The law's casual treatment of rape cases is the subject of Estrich's (1998) pioneering work in which she details America's attitudes towards sex and rape, a crime of violence (not sex) that should be brought into the public sphere, and dealt with in the courts. Estrich (1998) concludes that over the centuries, not much has changed regarding rape laws. Perpetrators still get away with impunity, and men still fear they will be blamed for victimizing women. Ironically, this is the same reason for the culture of silence among women victims of rape. Dealing with this becomes problematic as victim-blaming in cases of rape and domestic violence is often used as an excuse by authority figures and males in general to avoid being punished.

Political and economic conditions in Nigeria, as well as social norms support stereotypical divisions between men and women. Poorly defined criminal laws and weak law enforcement also create an environment where GBV such as rape is committed with impunity (Amnesty International 2006). This inadequacy of the law in solving these problems have seen women advocates trying to prevent future VAW by educating the public, ensuring that quality services are provided to victims, and, encourage accountability and perpetrators brought to justice. Some of the activists in the forefront of the fight against VAW, particularly rape in Nigeria are profiled in this paper along, with their challenges.

The Dominance of Rape

One of the more pervasive forms of VAW is a crime in which the assailant uses sex to inflict humiliation on the victim or exert power and control over the victim - Rape. The Declaration on the Elimination of Violence Against Women (DEVAW) adopted by the United Nations General Assembly in 1993, defines it (VAW) as “any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.”

The UN Declaration specifies that rape, marital rape and sexual abuse are forms of VAW. Article 2 makes it clear that “Physical, sexual and psychological acts of violence perpetrated or condoned by the State wherever it occurs” also fall within the definition of violence against women and that states must “refrain from engaging in violence against women (article 4 (b)) and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons” (Article 4c).

VAW first became a major issue for women's movements in the 1980s. This was followed with a shift from the focus on acts of overt physical and sexual violence to the

expansion of the definition in the 1990s, to include more structural forms of gender-based violence. With VAW also recognized as a violation of human rights, actions against this problem are being taken at the international level. The Vienna Tribunal on Violations of Women's Human Rights (1993) is an example (Reilly 2003).

Forcing women to have sex against their will is not considered as rape - at least, not if the man knows the woman and doesn't beat her up or wield a weapon. However, in the connection it makes between the most intimate of realms and the representation of such intimacy to the community and/ or State, much work on sexual violence has in the last 26 years helped reformulate theoretical categories of public/private violence and the imbrications of (State and non-State) structures of governance in such violence. At the same time, relying on police estimates of the problem is often problematic since most rapes are never reported to the authorities.

Estimates about rape depend on how it is defined or measured. Legal definitions are therefore crucial in ensuring that perpetrators are punished. Yet, sexual assault laws are often gender-neutral. Estrich calls for reform by stressing, that male standards are used to judge both men and women. She maintains that acquaintance rape, for example, frequently reported less often than stranger rape, prosecuted less frequently, and less often results in conviction has been characterized, by the courts and the general public as not "real rape." At the same time, while most rape victims would like to see their attackers punished, they seldom report forced sex. Sanday (1996) theorizes that rape is a result of male bonding and socialized ideas of machismo. She challenges the universality of rape and points to correlations between gendered conceptualizations of socioeconomic power and the existence/ frequency of rape.

For Mackinnon (1993; 1996), traditional approaches to human rights gloss over abuses, and since men make rape laws, these laws protect rapists from being punished. Mackinnon (1993) argues that sex should never be forced, and once there is force or substantially coercive circumstances between the parties, consent to sex should never be used to secure an acquittal for the perpetrator. Feminists and activists have pointed out that such abuses otherwise are not about sex but a way for the offender to gain a sense of power and control. Yet, current discourse on women's sexuality further perpetuates VAW by legitimizing the use of women's bodies for political, cultural and economic gains.

Pointing to the shortcomings of current development policies designed to tackle the problem of VAW Sobrino (2006) adds that "sexuality is rarely discussed in development theory and practice, except in terms of population or reproductive health. Within this discourse, women's sexuality is primarily equated with their reproductive function, their role as mothers and tied to national and economic well-being." Unfortunately, efforts so far made to tackle this problem have been thwarted by women's lack of access to legal information, aid or protection.

In fact, legal definitions in Nigeria often vary from jurisdiction to jurisdiction regarding how sexual behaviors are covered, who is covered, and what counts as force or lack of consent. Imam (2006) points out that the interplay between domestic Nigerian multiple and parallel legal systems of secular, Muslim and customary laws is problematic. This is because they give differential rights on different issues, and jurisdiction can be contentious. How then is rape defined under Nigerian law?

Under Nigerian Law rape is defined as forcible unlawful sexual intercourse, without a woman's consent (Imoukhuede 2007). Nogi Imoukhuede states:

Section 357 of the Criminal Code states: "Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if consent is obtained by force or by means of threat or intimidation of any kind, or by fear of harm, or by any means of false and fraudulent representation as to the nature of the act, or in the case of a married woman, by personating her husband is guilty of an offence called rape." The punishment for rape under section 358 is life imprisonment. (1) First there must be unlawful carnal knowledge. The criminal code defines carnal knowledge in section 6 thus: "When the term 'carnal knowledge' is used in defining an offence, it is implied that the offence, so far as regards that element of it, is complete upon penetration."

The same section 6 further defines "'unlawful carnal knowledge' as carnal connection which takes place otherwise than between husband and wife." Therefore under Nigerian law a husband cannot rape his wife. There is also a similar crime called defilement which is defined under section 218 of the Criminal Code thus: "Any person who has unlawful carnal knowledge of a girl under the age of 13 years is guilty of a felony and is liable to imprisonment for life. (2) Another important element to prove is consent. Did the victim consent to the sexual intercourse? The duty of the prosecution and the complainant therefore is to prove to the court that she did not consent to the rape. A careful reading of the definition of rape in our law shows that consent may be "obtained by force, threat or intimidation, fear of harm or by false and fraudulent misrepresentation" (Human Rights Watch 2007).²

As regards Islamic law (Sharia) in the Northern states:

Rape is criminalized in the Sharia penal laws which were introduced from 1999 and are now in force in 12 states in the north. The definitions of rape, however, do not conform to the principles underlying the Rome Statute definition, do not provide sufficient protection or redress for women and girls who have been raped, and also discriminate against married women and girls. In some cases, a woman's failure to consent has not been considered in criminal proceedings" (Amnesty International 2006).³

² This section on the Law on Rape in Nigeria is directly adapted from *Nogi Imoukhuede, Project Coordinator, Women's Rights Watch, Nigeria* (2007). Source: <http://www.rufarm.kabissa.org/pressrelease/Alarming%20increase%20of%20Rape%20in%20Nigeria.htm>.

³ This section on the Law on Rape in Nigeria is directly adapted from the November 2006 Amnesty International Report on Nigeria titled: *Nigeria: Rape-the Silent Weapon*. Source: <http://web.amnesty.org/library/Index/ENGAFR440202006>.

Sharia law is criticized for the imposition of draconian penalties, although no death penalties have been carried out in recent years. Testimony from women and non-Muslims also carries less weight in Islamic courts.

The burden of proof that courts place on a victim of rape such as having to prove tricky issues like absence of consent and penetration results in victims being subjected to yet another traumatic experience. In addition, strict adherence to cultural norms tends to worsen human rights abuses. Cultural orientation results in incidents not being reported due to societal stigma to rape and sexual assault victims. According to Okeke (2007), it is a taboo to discuss sex at home, and typical Nigerian parents go to extreme lengths to protect the public image of their daughters, especially as regards to rape.

Consequently, many cases are never reported because parents want to save the honor of their daughters and protect their family from embarrassment. In its description of the judicial and legal system concerning rape in Nigeria, the 2006 Amnesty International Report on Nigeria supports this observation.

Still unsolved also are “Ambiguous contradictions and gaps between the new Sharia Penal Codes and the Criminal Procedure Codes that determine procedures and evidence are still unresolved” (Imam 2006). This raises serious questions, such as: What counts as evidence? What are the procedures? How are offenses actually defined? Whether the Sharia Acts themselves or the nature of the punishments are subject to international human rights law has been debated.

The judicial system in Nigeria seems to be unsympathetic to the plight of victims of VAW. Cases are also not disposed of promptly and the strict requirement for corroboration and proof in some cases makes conviction impossible. In addition, the absence of witness protection programs and giving of evidence in open courts prevent victims from starting or concluding cases.

Furthermore, it seems obvious that the way current Sharia laws are framed make it virtually impossible to prosecute rape. Sharia laws on rape in the northern part of the country are, however, strict on rape. Currently, all sex outside marriage (adultery or *zina*) is illegal and rape and adultery are strictly dealt with strict Islamic laws. Lashing and stoning are prescribed as punishments for adultery (Amnesty International 2006; Badran 2008). Yet, it is evident that any attempts to pass new “un-Islamic” legislation in this section of the country regarding this issue will be a crucial test, of the country’s commitment to a secular state. The question is: how will rapists be tried under civil as well as Islamic law? The fear is that this may create confusion thereby allowing powerful religious lobbies to manipulate what is seen as a weak judicial system. Meanwhile, the government is not making any attempt to amend these laws.

The Nigerian Constitution (1999) does not specifically prohibit rape, and there is no federal or state legislation criminalizing VAW. The provisions relating to rape are both outdated and not adequately enforced in the criminal justice system. Moreover, it is difficult getting reliable statistics on VAW, and the police are also not well trained. Most bills initiated by non-governmental organizations on VAW are still pending.

The government’s apparent failure to tackle this problem therefore encourages a culture of impunity. There is, therefore, an urgent overhauling of the country’s legal

system (Amnesty International 2006). However, rape is not only a human rights violation but also a global public health problem.

Rape Globally

Women are still caught up in a cycle of human rights violations since the first United Nations Conference on Women in Mexico, 1975 (Ward, Horwood, McEvoy, Shipman and Rumble 2007). Estimates show that “A woman born anywhere in the world has a one in three chance of being raped, beaten, coerced into sex or otherwise abused in her lifetime” (*Reuters/AlertNet* 2006).

The absence of a functioning criminal justice system perpetuates a culture of impunity associated with this abuse. In addition, the end of armed conflict does not signal the end of VAW, for example, Sierra Leone and Congo (*International Rescue Committee [IRC]*, 2007). (Mazurana, Raven-Roberts and Parpart 2005; Ertark 2007).

In Darfur, Sudan the United Nations has since accused the *Janjaweed* - Arab militiamen - of abducting and gang-raping thousands of women and girl (Mariner 2004). There are reports of American troops raping fellow female troops in Iraq (Moffeit and Herdy, 2004). It is estimated that a third of all women and girls in Sierra Leone were subjected to sexual violence in the Sierra Leone conflict of 1991 and 2002 (Ross 2007). Gender has become a crucial factor in the ethnic conflict/civil war in Congo as women are bearing the brunt of one of the horrible weapons of war: rape (Cooper 2008). The Burmese Army is also committing savage and rampant sexual violence on ethnic Chin women, with impunity (*BurmaNet News* 2007).

Similar experiences were witnessed in the Bosnian war - 1992 (*International Herald Tribune* 2007), the Burundi civil war that began in 1993 (Mobekk 2006), Rwanda – 1994 (United Nations Children’s Fund [UNICEF] 1996), Chechnya (Vandenberg and Askin 2001), and Cote d’Ivoire (Amnesty International 2007). Kidnappings by Haiti’s violent gangs, part of a crime wave that developed after the ouster in 2004 of former president Jean-Bertrand Aristide are, increasingly being accompanied by the epidemic of rape used, to terrorize hostages and other victims, government officials and health workers (Delva 2007). Not long ago in Pakistan, Mukhtaran Mai, was gang-raped and left naked on the orders of a tribal council in 2002 as punishment for her brother's alleged affair with a woman from another tribe.

Entrenched attitudes about women also mean that rape goes unpunished in many Arab countries (Caldwell 2006). In Saudi Arabia, for example, where Islamic law forbids women from appearing in public with men who are not relatives, King Abdullah recently sentenced a 19-year-old rape victim to 90 lashes for appearing in public with an unrelated male (*Women Living Under Muslim Laws [WLUML]* 2007). Saudi Arabia, like Nigeria, has strict gender segregation laws and women are not allowed to mingle with unrelated men, and adultery is a punishable offence. Judges are also given wide powers to impose custodial sentences or corporal punishment. The country’s system of male guardianship severely limits the basic freedoms of women, the rights afforded in the 1979 Convention on the Elimination of All Forms of Discrimination against Women – CEDAW. It can therefore be said that the country’s Islamic Sharia law trumps on international women's rights treaty that Riyadh signed in 2000.

In such a situation, the prevalence of a patriarchal ideology with stereotypes and the persistence of deep-rooted cultural norms, customs and traditions discriminate against women thereby restricting women's legal rights in marriage, divorce, child custody, inheritance, property ownership and decision-making in the family, as well as choice of residency, education and jobs.

The condemnation by several governments and human rights groups, of the harsh sentences imposed on a Saudi woman sentenced to prison and flogging after she was gang-raped, led the Saudi government to complain of foreign interference in their national affairs. The justice officials statement was that the accused woman sentenced confessed to an extramarital affair - doing what God has forbidden (*BBC* 2007).

Sexual violence in war or peacetime violates Article 3 to the 1949 Geneva Conventions, and is punishable by the International Criminal Court (ICC). However, perpetrators are hardly prosecuted for their crimes. The climate of impunity makes it easier for subsequent rapes to take place. Women rape survivors often face a myriad of emotional, physical, legal, and medical issues, resulting in significant repercussions. Many are helpless and feel a prolonged fear for their safety. This trauma can last a lifetime. Sexual violence also magnifies the risk of HIV transmission (Vetten and Bhana 2001; Rothschild, Reilly and Nordstrom 2006). In Nigeria, sexual violence has been linked with sexually transmitted diseases and many women rape victims have HIV. The situation in the Niger Delta rape saga is a case in point (Amnesty International 2006; Kimani 2007:4).

Currently, the total HIV infections in the country are about 4 million, with more than 200,000 new AIDS cases and 184,000 AIDS deaths already recorded in 2007. About 1.8 million children are already orphaned by the AIDS epidemic (Chukwunyere 2007). Women also make up 60% of HIV/AIDS sufferers. The reasons include the pressures of poverty, domestic violence, and rape (Isiramen 2003). Rwanda, officials estimate that two-thirds of 60,000 women raped during the 1994 conflict were, infected with HIV/AIDS (UNFPA cited by *BBC* 2006). The same applies to Cote d'Ivoire where others were affected mentally and psychologically. In addition, these women victims of rape have difficulty, accessing health care, and have no support from outside (Amnesty International 2007). Justice and improved access to healthcare for women whose lives have been ruined by sexual violence are vital. Yet, in Burundi, partly due to trauma suffered, and the culture of silence women victims are not able to get legal or medical support (Amnesty International 2007).

At the 2007 World Social Forum (WSF 2007) activists from Africa and Asia reiterated that VAW remains a threat in the fight against HIV-AIDS. The failure of governments to address this problem (VAW) will make winning the war against this pandemic (HIV/AIDS), an uphill task (Muluma 2007). Rape impedes recovery, development and peace in countries devastated by war. In Afghanistan, for example, efforts to improve the lives of women and girls through education girls are being stifled by violence resulting in health and education programmes not reaching women. Schools are being burned down by the Taliban whose government was notorious for its oppression of women was toppled, in 2001 (*Khaleej Times* 2007).

The general observation seems to be that women always pay no matter whoever commits the crime of rape. The key question therefore is: How can women be better

protected from these abuses, particularly rape? How then can the problem of rape be recognized and effectively dealt with? The Geneva Center for the Democratic Control of Armed Forces (2005) recommends prevention through “awareness raising and training; research, effective collection of gender-disaggregated data; and protection through law and the universal ratification of international human rights and humanitarian law instruments,” for example, CEDAW.

CEDAW

Rape is a form of GBV – a violation of women’s rights. CEDAW addresses rights of women, stating that GBV is a form of discrimination. The Treaty requires its States Parties to eliminate this problem in all its forms. It can therefore be a useful tool in reducing VAW as well as other forms of discrimination against women and girls. Examples show that in countries that have ratified the Treaty, women have acted, to:

- Stop VAW: In Uganda provinces and cities have created programs and policies to campaign against domestic violence, using state funds
- Promote girl’s education: India integrated universal child development services education policies
- Improve health care: Argentina, Mexico and Australia have instituted programs to provide health care to indigenous and migrant women
- Ensure women’s legal rights: Since 1989, legislation in China has highlighted equality between men and women. Women are now guaranteed joint ownership of marital property and equal inheritance
- Improve women’s lives at work: Germany, Guatemala, the Philippines, Poland, Portugal, Spain, and the United Kingdom are among countries that have improved maternity leave and child care for working women in accord with Treaty provisions (www.amnestyusa.org/women/cedaw).

These achievements can be cited when bringing pressure on States to improve legislation, especially Nigeria, a state party to CEDAW which it ratified in 1985 (United Nations 2007). The country also ratified the optional protocol to CEDAW in 2001. As a party to this Treaty, the state therefore has an obligation to exercise due diligence to prevent, investigate and punish acts of violence, whether those acts are perpetrated by the state or by private persons, and to provide protection to victims. Yet, most legal adjustments in the country have often failed to address these problems (Amnesty International, 2006).

The government established a committee to the review of discriminatory laws against women in 2005. This Committee operated under the auspices of the National Human Rights Commission with a mandate to review discriminatory legislation, including in relation to rape, and submitted its final report to the Federal Minister of Justice in 2006. Though this was a positive move, not much came out of it (Amnesty International 2006).

The impact of the Nigeria’s ratification of CEDAW seems to be minimal. When concerns were raised by CEDAW (the Committee) in 1998, the government blamed women’s lack of reporting cases of VAW to the authorities, for its failure to act. The belief is that women are afraid of reprisal from husbands and family members. The study by Amnesty International in Lagos notes that situation remains unchanged (Kimani 2007).

Globally, the Convention (CEDAW) is still not universally ratified as targeted. As of March 2007, 185 nations had ratified this Treaty. The United States, Iran and a handful of other countries have yet to ratify CEDAW. Moreover, many States are still unprepared to fully abide by women's rights.

Commitments made at the international and national levels remain far from the day-to-day realities of women's lives because, while such agreements may give rise to obligations under international law, unless they have been specifically incorporated into domestic law, they give no basis for claims in national courts. It clearly appears that the problem of sexual violence in Nigeria will not be corrected by reforming the criminal justice system alone. To curb this menace, Nigeria women activists and organizations are drawing attention to the injustice against women victims of GBV, particularly rape.

Women's Activism

Innovative and courageous women activists in Nigeria are aspiring to change the world, and in the process, they are tackling some of the most vital issues of our time. For example, working hand-in-hand with community leaders to empower women and change community norms that promote or tolerate violence, providing counseling and legal aid. They are also active participants in the fight against the spread of HIV/AIDS through the promotion of behavioral interventions which include information, education and communication programs, condom promotion and behavior initiatives that encourage people to reduce the number of their sexual partners, and trying to change laws, social attitudes and beliefs towards rape.

Baobab for Women's Human Rights has through various programs, such as press briefings, media interviews, solidarity trek, popular theatre, thematic workshops, distribution of their publications sought to promote knowledge, and exercise of women's human rights, protect, defend, raise awareness of the abuse of these rights and other legal issues as they affect women. Baobab and the Women's Rights and Protection Association (WRAPA) successfully took up the cases of two women accused of adultery, summarily convicted and sentenced to death by stoning - Safiyatu Husseini of Sokoto State and Amina Lawal of Katsina State. The men involved in both cases were not prosecuted (Badran 2008).

The Women's Aid Collective (WACOL), Enugu, has succeeded in organizing a national women's court on 12 November 2002 where women victims of rape by soldiers sent to "keep peace" in the Niger Delta were able, to testify about their experiences of sexual violence (Akande *et al* 2005). The Ajegunle Community Project (ACP) focuses on rural empowerment, reducing social inequality among grass-roots women, fighting discrimination against women and girls, and raising awareness on women's rights (Akosile 2007). The Women's Rights Watch Nigeria is creating public awareness and generating publicity on gender issues, promoting and defending women's rights by advocating for gender equality and equity, sensitizing policy makers on the actual status of Nigerian women. It also advocates for law reform - the domestication of CEDAW and DEVAW. The Center for the Victims of Extra-Judicial Killings and Torture (CVEKT) also helps in raising awareness about incidences of rape in Nigeria.

Global Efforts and Initiatives

Globally, women are also mobilizing and making their voices heard. Women's activists and organizations are speaking up, drawing attention to this important problem – rape, and directing decision-makers towards a solution by engaging in activities aimed at ending the impunity associated with rape as well as creating effective legal mechanisms that protect women, and deny perpetrators sanctuary from prosecution and punishment. Hawkesworth (2006) demonstrates how “women have forged international networks and alliances to address specific gender issues beyond the borders of the nation-state, crafting policies to mitigate pressing abuses. While each woman or women's organization has a unique story and voice, they are connected by their common vision for a more equitable world, especially, as regards gender inequity, HIV/AIDS, girls' and women's sexual and reproductive health and rights.”

Women's movements can be located in various contexts, such as politics, women's rights, social change, religion, and economic endeavors. Though global in their organization or effects, as in the international feminist movement, these movements may also be global in their concerns but local or “grass roots” in their organization and immediate impact. Examples of organizations focusing on this problem at the international level include *inter alia*, Amnesty International, The Feminist Majority (FMF), International Rescue Committee (IRC), and Women won't Wait, a new international coalition of women's groups is urging policymakers to recognize the link between VAW and HIV/AIDS. Their programs include legal and social services for victims and their families, sensitivity training for law enforcement and government officials and, community-based education activities.

The Women's Center for Peace and Development, with funds from the United Nations Development Fund for Women (UNIFEM), the Nigerian non-governmental organization known as Women's Center for Peace and Development launched in 1998, a campaign project against GBV known, as Social Advocacy against VAW (SAAVAW). Included in its programs are legal and social services for victims and their families, sensitivity training for law enforcement and government officials and, community-based education activities aimed at young people (Fleshman 2000:5).

The collaboration between Women for Women International, Nigeria, Women Information Network (WINET), Civil Resource Development and Documentation Center (CIRDDOC) and the women of Ugwogo -Nike, Enugu, Enugu State, South-East Nigeria has seen the tackling of VAW in Ugwogo-Nike, and the sensitizing of the community on how to deal with domestic violence in their homes (Connor 2004). In 2005, South African women activists and groups also objected to the introduction into the market, of a controversial new anti-rape tampon-like female condom (intended brand name – Rapex) invented, by Sonette Ehlers (a South African woman), aimed at helping, to identify rapists. Pointing out that it would not prevent rape, critiques likened the device to chastity belts, and lamented that by wearing these devices, women are being made to adapt to rape (Clayton 2005).

On an individual basis, Mukhtaran Mai, a high-profile Pakistani gang rape victim has, become both a symbol of courage for women, and a women's rights campaigner. With the belief that education makes a difference, she fought back by building a school for girls in her village. Sexual violence is both personally and socially

destructive, and devalues women, demoralizes men and divides communities. That the 2007 International Women's Day (IWD) was subsequently marked with the theme "Ending Impunity for VAW and girls" was no surprise.



AI Morocco stages a protest in Rabat (Amnesty International 2007. <http://web.amnesty.org/wire/March2007/Darfur>)

United Nations agencies also launched joint effort to combat sexual violence especially during armed conflict. Known as "Stop Rape Now: UN Action against Sexual Violence in Conflict." The aim was to generate public awareness on the growing use of sexual violence as a weapon of warfare and how to prevent it; work towards ending impunity for perpetrators of sexual violence in conflict; improve and scale up services for survivors; and address the longer term impacts of sexual violence on communities and national development. The efforts and achievements of women activists do not go unchallenged. These women and their organizations often face many challenges. For example, lack of funds, being harassed, threatened, insulted, and charged with libeling the judiciary. VAW is a violation of their human rights, and the state is still in the best position to tackle this problem. What is the way forward for Nigeria?

The Way Forward

Suggested solutions to the problem of rape by Estrich (1998) tally, with those of Amnesty International's (2006) observations on Nigeria - that of providing support structures necessary for women victims. These include getting men involved in finding a lasting solution to this crime in such areas as, the police departments, hospitals and district attorney's offices. This way, men can be trained and given the expertise to deal sensitively with the physical and emotional issues involved, in order to win the victim's cooperation and successfully prosecute the perpetrator.

Support should also be given to developmental associations, civil society, human rights organizations, national councils, ministries, youth centers, mosques and churches to confront this problem. Accurate information and data must be available on the scope of the problem and how to confront it.

The African Charter on Human and Peoples' Rights Relating to Women's Rights in Africa, to which Nigeria is a party, offers a new hope. Nigeria ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2005). This Protocol specifically obliges states to adopt appropriate and effective measures to enact and enforce laws to prohibit all forms of VAW, including unwanted or forced sex, to punish the perpetrators of violence against women, and implement programs for the rehabilitation of women victims. The Protocol has, however, been

criticized for not addressing the specific needs of, or problems encountered by, African women. For example, African women still experience numerous and specific violations of their human rights seen in traditional values that encourage harmful traditional practices such as forced marriage, and female circumcision otherwise referred to, as female genital mutilation (FGM). Other practices that impede the enjoyment of women's human rights, such as customary inheritance laws and the treatment of widows, have also been highlighted (African Commission on Human and people's Rights 2007). Hopefully, once this Protocol is domesticated in the countries that have ratified it, for example, Nigeria, attention will be paid to the problem of VAW.

Conclusion

Rape is an impediment to economic development, a public health problem, and a violation of women's fundamental human rights. Entrenched, age-old social attitudes, practices and stereotypes that often lead to VAW, coupled with lack of education, unequal access to economic resources are also hampering progress, towards dealing with the spread of HIV/AIDS. The failure of the Nigerian government to investigate and punish those responsible for these grave violations is a violation of the general principles of the Human Rights Charter. At the same time, women's organizations are working actively for change in social attitudes, altering discriminatory attitudes and violent practices. These decades-old practices will take a long time to change. Advocacy and education have to be ongoing.

Advocacy implies working with other organizations and people to make a difference. In this regard, women activists have come together as representatives of their organizations to exchange, learn from each other, and increase collaboration to develop effective responses to create awareness for the prevention, treatment, care, and support for women victims of VAW, especially rape, at the national and regional level.

Overall, real change comes when women take action themselves, especially by working together. Women activists and their organizations have led successful efforts to confront violence and challenge the gender inequality that promotes a culture of violence. Laws may help, however, women activists can and must do much, much more.

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