

**A COMPARATIVE ANALYSIS OF VIOLENCE AGAINST PERSONS  
(PROHIBITION) ACT, 2015 AND INTERNATIONAL HUMAN RIGHTS  
STANDARD**

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## **ABSTRACT**

*Nigeria's Violence Against Persons (Prohibition) Act, 2015 (VAPP Act) was hailed as a transformative legal framework for combating domestic and interpersonal violence. This article undertakes a critical comparative analysis of the VAPP Act against the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), which represents the gold standard in international human rights law on violence against persons. Using a doctrinal legal methodology, the article evaluates four key dimensions: (1) definitional frameworks of domestic violence; (2) scope of prohibited conduct (physical, sexual, psychological, economic violence); (3) structural and legislative coherence; and (4) emerging accountability mechanisms, including no-fault compensation. The analysis finds that while the VAPP Act aligns substantively with international standards in recognizing economic and psychological violence, it suffers from critical deficiencies: a misleading title, failure to designate domestic violence as a distinct offense, a problematic duality between domestic violence and spousal battery, incomplete state domestication, and the absence of a no-fault compensation framework. The article concludes with actionable legislative and policy recommendations to bring Nigeria into closer compliance with its international human rights obligations.*

**KEYWORDS:** VAPP Act; Istanbul Convention; domestic violence; human rights; comparative law; no-fault compensation; Nigeria; due diligence.

## 1. INTRODUCTION

Globally, violence against persons particularly domestic violence is recognized as a profound human rights violation and a public health epidemic. The World Health Organization (WHO, 2021) estimates that nearly one in three women worldwide has experienced either physical or sexual intimate partner violence in her lifetime. In Nigeria, the Nigeria Demographic and Health Survey (NPC and ICF, 2019) found that 31% of women aged 15–49 have experienced physical violence, and 13% have experienced sexual violence. Despite these alarming statistics, legal responses in Nigeria remained fragmented for decades, with victims relying on the criminal code (which did not specifically address domestic violence), customary law (often biased against women), or sharia law in northern states.<sup>3</sup>

The enactment of the Violence Against Persons (Prohibition) Act, 2015 (VAPP Act) was a watershed moment. For the first time, Nigeria had a federal statute that explicitly criminalized a range of violent acts, including domestic violence, rape, female genital mutilation, and harmful widowhood practices<sup>4</sup>. The Act drew inspiration from international instruments, including the UN Declaration on the Elimination of Violence against Women (1993) and the Maputo Protocol (2003). However, the VAPP Act is not a domestication of any specific treaty; rather, it is a standalone federal law that only applies in the Federal Capital Territory (FCT) Abuja unless adopted by individual states.<sup>5</sup>

International human rights law imposes on states an obligation of due diligence to prevent, investigate, punish, and provide redress for acts of violence against persons, whether perpetrated by state or non-state actors<sup>6</sup>. The most comprehensive treaty in this area is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention, 2011), which entered into force in 2014. While Nigeria is not a party to the Istanbul Convention, the Convention is widely cited as the benchmark for best practice in domestic violence legislation.<sup>7</sup> The Istanbul Convention

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<sup>3</sup>E. Durojaye 'The Violence Against Persons (Prohibition) Act and Human Rights in Nigeria', in Durojaye, E. and Mirugi-Mukundi, G. (eds.) *Sexual and Reproductive Rights in Africa*. (Pretoria: Pretoria University Law Press, 2018) 45.

<sup>4</sup> Ss. 1–25 of the VAPP Act, 2015.

<sup>5</sup>C. Okonkwo, 'The Violence Against Persons (Prohibition) Act: An Appraisal', (*Nigerian Yearbook of International Law*, 3(1), 2020)105–135.

<sup>6</sup> UN General Assembly, 1993, Article 4(c).

<sup>7</sup>G. Chinkin, and Kaldor, M. (2017) *International Law and Domestic Violence: Due Diligence Obligations*. (Oxford: Oxford University Press 2019) 89.

adopts an integrated, four-pillar approach: prevention, protection, prosecution, and integrated policies<sup>8</sup>.

This article uses the Istanbul Convention as the primary comparator because it offers the most detailed and progressive legal framework on domestic violence globally. Where relevant, the analysis also references decisions of the European Court of Human Rights (ECtHR) interpreting the Convention and related human rights instruments.

### **1.3 Research Questions and Methodology**

This article addresses three research questions:

1. To what extent does the VAPP Act align with international human rights standards regarding the definition and scope of domestic violence?
2. What structural and implementation gaps exist in the VAPP Act when compared to the Istanbul Convention?
3. What legislative and policy reforms are necessary to bring Nigeria into compliance with international standards?

### **1.4 Research Methodology**

The methodology adopted in this research is doctrinal legal analysis, involving a close reading and comparison of primary legal texts (the VAPP Act and the Istanbul Convention), secondary legal scholarship, and relevant case law from the ECtHR and other jurisdictions<sup>9</sup>. The analysis is critical in nature, identifying not only textual alignments but also practical and structural deficiencies that undermine effective implementation.

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<sup>8</sup>Arts. 6–10 of the Istanbul Convention.

<sup>9</sup>T. Hutchinson, 'The Doctrinal Method: Incorporating Interdisciplinary Approaches', in Hutchinson, T. and Duncan, N. (eds.) (*Research Methods in Law*. 2nd edn. London: Routledge, 2015) 79–105.

## 2. DEFINING DOMESTIC VIOLENCE: ALIGNMENT AND DIVERGENCE

### 2.1 The VAPP Act's Definitional Framework

The VAPP Act (2015) defines domestic violence in Section 46 (the interpretation section) as ‘any act perpetrated on any person in a domestic relationship where such act causes imminent harm to the safety, health, and wellbeing of any person.’ This definition is notably broad and includes acts that cause imminent harm to wellbeing, which arguably encompasses psychological harm<sup>10</sup>. However, the placement of the definition in Section 46 rather than within the substantive operative sections has been criticized as diminishing its interpretive weight<sup>11</sup>. In many well-drafted statutes, key definitions are placed at the beginning or integrated into substantive provisions to signal their centrality<sup>12</sup>.

More significantly, the VAPP Act does not expressly declare domestic violence to be a *distinct criminal offense*. Instead, the Act criminalizes various specific acts that it, physical assault<sup>13</sup>, emotional abuse<sup>14</sup>, economic abuse<sup>15</sup>, that may occur within or outside domestic relationships. As a result, a prosecutor charging domestic violence must locate the specific conduct within one of these provisions rather than invoking a standalone domestic violence offense. This is a critical structural gap because domestic violence is not merely a collection of isolated violent acts; it is a patterned, systematic course of conduct involving power and control<sup>16</sup>. The Istanbul Convention expressly recognizes this by requiring states to criminalize ‘psychological violence’<sup>17</sup> and ‘stalking’<sup>18</sup>, as separate offenses while also treating domestic violence as a distinct legal category requiring specific protective measures<sup>19</sup>.

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<sup>10</sup>C. Eze, 'The Definition of Domestic Violence Under Nigerian Law: A Critique', (*Nigerian Law Review*, 12(2), 2019) 65–88.

<sup>11</sup>A. Okoye, 'Domestic Violence Legislation in Nigeria: Gaps and Recommendations', (*Journal of African Law*, 65(2), 2021) 195–222.

<sup>12</sup>G. Voerman, 'Legislative Structure and Its Impact on Legal Interpretation', (*Journal of Legislative Studies*, 45(2), 2020) 112–135.

<sup>13</sup> S. 2 VAPP Act, 2015.

<sup>14</sup> S. 3, *ibid*.

<sup>15</sup> S. 4, *Ibid*.

<sup>16</sup> E. Stark, *Coercive Control: The Entrapment of Women in Personal Life*. (New York: Oxford University Press 2007) 12.

<sup>17</sup> Art. 33 of the Istanbul Convention.

<sup>18</sup> Art. 34, *Ibid*.

<sup>19</sup> Art. 3(b), *Ibid*.

The VAPP Act's definition of 'domestic relationship'<sup>20</sup> is expansive and progressive. It includes persons who are or were married including under law, custom, or religion; persons who live or have lived together in a relationship in the nature of marriage; parents of a common child; family members by blood, affinity, or adoption; persons in engagement, dating, or customary relationships; and persons who share or recently shared the same residence. By including former spouses, former cohabitants, and dating partners, the Act recognizes that violence often persists after relationship dissolution a finding supported by empirical research<sup>21</sup>. The inclusion of non-cohabiting dating partners is particularly important in the Nigerian context, where many couples maintain separate residences before or during marriage<sup>22</sup>.

## **2.2 The Istanbul Convention Definition**

The Istanbul Convention defines domestic violence in Article 3(b) as 'all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.' This definition shares the VAPP Act's expansive approach to relationship coverage. However, there is a crucial difference in that, the Istanbul Convention's definition appears in Article 3 as part of the substantive provisions, not relegated to a final interpretation section. Moreover, the Convention explicitly requires states to ensure that domestic violence is covered by the criminal law and that criminal proceedings are instituted without undue delay<sup>23</sup>. The implication is that domestic violence must be recognized as a distinct basis for criminal liability, not merely a descriptive label for various offenses<sup>24</sup>.

The European Court of Human Rights has reinforced this approach. In *A.E. v. Bulgaria*<sup>25</sup>, the Court held that Bulgaria's legal framework which required a victim of domestic violence to establish a de facto marital relationship before public prosecution could proceed violated the state's due diligence obligations. The Court emphasized that domestic violence often occurs in relationships that are not formally recognized, and restricting protection to

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<sup>20</sup> S. 46, of the VAPP Act, 2015.

<sup>21</sup>M.P. Johnson, 'A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence', (*Journal of Marriage and Family*, 70(5), 2018) 43–58.

<sup>22</sup> A. Adebayo, 'Domestic Violence Legislation in Nigeria: Progress and Persistent Challenges', (*African Journal of Legal Studies*, 13(1), 2020) 85–110.

<sup>23</sup> Art. 49 of the Istanbul Convention 2011.

<sup>24</sup>P. Kout valid, P. 'The Istanbul Convention and the Criminalization of Domestic Violence', (*European Journal of International Law*, 30(1), 2019)145–172.

<sup>25</sup> Application No. 53891/20, Judgment of 23 May 2023, final on 23 August 2023, para 85.

marriage or cohabitation excludes ‘a significant number of women from the scope of legal protection’<sup>26</sup>. The VAPP Act avoids this particular flaw by including dating partners and former partners. However, the Act does not explicitly require that domestic violence be treated as a distinct criminal category, leaving room for narrow judicial interpretation<sup>27</sup>.

### 2.3 Critical Analysis of Divergences

Three critical divergences emerge from this comparison. First, the placement of the definition in Section 46 (rather than in substantive provisions) is not a mere drafting technicality; it signals a lack of legislative prioritization. Courts in Nigeria have historically given less interpretive weight to definitions buried in final sections. in *Okonkwo v. State*<sup>28</sup>, where the court ignored a technical definition in favor of ordinary meaning. These risks undermining the VAPP Act’s protective purpose.

Secondly, the absence of an express declaration that domestic violence is a distinct offense undermines the Act’s ability to address coercive control. Coercive control, a pattern of psychological, economic, and physical abuse designed to isolate and dominate a partner is now recognized as the core harm in domestic violence<sup>29</sup>. The Istanbul Convention’s requirement that psychological violence<sup>30</sup> and stalking<sup>31</sup> be criminalized as separate offenses implicitly acknowledges coercive control. The VAPP Act criminalizes emotional, verbal, and psychological abuse<sup>32</sup> and economic abuse<sup>33</sup> but does not require that these be aggregated into a single coercive control offense. As a result, Nigerian courts may treat each incident in isolation, missing the systemic nature of domestic violence<sup>34</sup>.

Thirdly, the duality between domestic violence and spousal battery<sup>35</sup> is deeply problematic. Spousal battery is defined as ‘the intentional and unlawful use of force or violence upon a spouse, including beating or striking, with the intent to cause bodily harm.’ This provision is narrower than domestic violence which includes psychological and economic abuse and carries a specific penalty of imprisonment not exceeding three years or a fine not exceeding ₦200,000 (or both). Domestic violence charges under other sections

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<sup>26</sup> (para. 88), *Ibid.*

<sup>27</sup> Ogunyemi, T. 'Judicial Interpretations of the VAPP Act: A Case Law Review', (*Lagos Journal of Public Law*, 8(1), 2022) 120–145.

<sup>28</sup> (2018) 12 NWLR (Pt. 1543) 45.

<sup>29</sup> Stark, 2007, (n. 14) 23.

<sup>30</sup> Art. 33 of the Istanbul Convention 2011.

<sup>31</sup> Art. 34, *Ibid.*

<sup>32</sup> S. 3 of the VAPP Act, 2015.

<sup>33</sup> S. 4, *Ibid.*

<sup>34</sup> Eze, (n. 8) 72.

<sup>35</sup> S. 21 of the VAPP Act.

Section 2 on physical assault may carry different penalties. This creates forum-shopping as the prosecutor could charge a physical assault by a spouse as either domestic violence<sup>36</sup> or spousal battery<sup>37</sup>. The penalty for spousal battery for three years is lower than the maximum penalty for assault under Section 2 for five years. A defense lawyer would predictably argue for the more lenient spousal battery charge. This dual structure is irrational and unjustified<sup>38</sup>. The Istanbul Convention contains no such duality; it treats all domestic violence as a single legal problem requiring coherent sanctions<sup>39</sup>.

### **3. FORMS OF VIOLENCE COVERED**

#### **3.1 Physical and Sexual Violence**

Both the VAPP Act and the Istanbul Convention comprehensively prohibit physical violence, including acts or threatened acts of physical aggression such as slapping, hitting, kicking, and beating<sup>40</sup>. Sexual violence prohibitions under both instruments cover conduct that violates, humiliates, or degrades sexual integrity, including rape, sexual assault, and forced marriage<sup>41</sup>. In this domain, alignment is strong, and no significant divergence exists.

However, the VAPP Act contains a controversial provision on spousal rape. While Section 6 criminalizes rape generally, Section 7 criminalizes forced sexual intercourse between spouses or persons living in a domestic relationship. The penalty for spousal rape under Section 7 is lower than that for non-spousal rape under Section 6 of the VAPP Act<sup>42</sup>. This distinction has been criticized as perpetuating the outdated notion that marriage implies irrevocable consent to sexual intercourse<sup>43</sup>. The Istanbul Convention under Article 36 requires states to criminalize ‘non-consensual’ sexual acts without creating marital exceptions or lower penalties. The VAPP Act’s distinction is therefore inconsistent with international standards. While the Act does not exempt spousal rape entirely which would violate human rights, the differential penalty creates a hierarchy of harm that is unjustifiable.

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<sup>36</sup>Ss 2 and 46, Ibid.

<sup>37</sup>S. 21, Ibid.

<sup>38</sup>Okonkwo, (n.3 )118.

<sup>39</sup>Art. 45 of the Istanbul Convention 2011.

<sup>40</sup>VAPP Act, s. 2; Istanbul Convention, Art. 35.

<sup>41</sup>VAPP Act, ss. 5, 6, 7; Istanbul Convention, Arts. 36, 37.

<sup>42</sup>Okoye (n. 9) 210.

<sup>43</sup>Durojaye, (n.1) 56.

### 3.2 Psychological and Emotional Violence

The VAPP Act defines psychological and emotional violence in Section 3 as ‘a pattern of degrading or humiliating behaviour towards an individual, including repeated insults, ridicule, or name-calling, repeated threats to cause emotional pain, or obsessive behaviours that constitute a serious invasion of the individual's privacy, liberty, integrity, or security. This definition is progressive and aligns closely with the Istanbul Convention’s Article 33, which requires states to criminalize ‘intentional conduct of seriously impairing a person’s psychological integrity through coercion or threats.

The inclusion of psychological violence is crucial because domestic violence often manifests primarily through non-physical means. Victims may suffer severe psychological harm without visible physical injuries<sup>44</sup>. The European Court of Human Rights has repeatedly emphasized that states cannot limit protection to physical violence alone. In *T.M. and C.M. v. Republic of Moldova*<sup>45</sup>, the Court found that authorities failed in their obligation to protect applicants when they refused to initiate criminal proceedings because physical injuries did not meet a severity threshold. The Court concluded that such passivity amounted to ‘condoning such violence’<sup>46</sup>. Similarly, in *Luca v. Republic of Moldova*<sup>47</sup> the Court criticized domestic courts for failing to consider persistent psychological abuse, emphasizing that state inaction in the face of credible non-physical abuse claims constitutes a violation of the right to protection from inhuman treatment.

Despite this textual alignment, a critical gap remains: the VAPP Act does not require that psychological violence be assessed cumulatively. A single insult may not meet the threshold, but a pattern of insults over months should. The Act’s definition references a ‘pattern,’ which is good, but there is no guidance for courts on how to aggregate evidence. Without judicial training on coercive control, Nigerian courts may dismiss psychological abuse as ‘mere quarrels’<sup>48</sup>.

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<sup>44</sup> Humphreys, C. and Thiara, R.K. (2015) 'Mental Health and Domestic Violence: "I Feel Like I'm Drowning"', (*Journal of Gender-Based Violence*, 1(1), 2015) 87–102.

<sup>45</sup>Application No. 26608/11, Judgment of 28 January 2014, final on 28 April 2014, para 52.

<sup>46</sup>Para. 55, Ibid.

<sup>47</sup> *Luca v. Republic of Moldova* (2023, para. 68)

<sup>48</sup>Adebayo, (20) 95.

### 3.3 Economic Violence

The VAPP Act's recognition of economic violence under Section 4 is arguably its most progressive feature. Economic violence is defined as including forced financial dependence; denial of inheritance or succession rights; unreasonable deprivation of economic resources including household necessities, mortgage payments, or rent; and unreasonable disposal or destruction of property. This aligns with the Istanbul Convention's Article 3(b), which explicitly lists economic violence as a form of domestic violence.

Economic violence is a particularly pernicious form of abuse in Nigeria's patriarchal society. Historically, payment of bride price (lobola or dowry) gave husbands broad control over wives' labor and property<sup>49</sup>. Even today, many Nigerian women require spousal permission to open bank accounts, start businesses, or travel<sup>50</sup>. The VAPP Act's prohibition on forced financial dependence under Section 4(a), is directly challenges this practice by criminalizing any conduct that prevents a person from 'engaging in any lawful profession, occupation or trade'<sup>51</sup>.

However, the enforcement of economic violence provisions is weak. The Act requires the victim to prove 'unreasonable deprivation,' but what is 'unreasonable' in a context where cultural norms expect wives to defer to husbands economically? There is a risk that courts will interpret 'unreasonable' through a patriarchal lens, excusing restrictive conduct as culturally appropriate<sup>52</sup>. The World Economic Forum's Global Gender Gap Report 2023<sup>53</sup> found that while Nigeria has over 64% women in senior positions, women earn only 50% of men's income, explaining Nigeria's ranking of 54 out of 146 on economic participation and opportunity. Economic violence provisions cannot succeed in isolation; they require complementary policies on equal pay, property rights, and financial inclusion.

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<sup>49</sup> Nwogu, N. 'Bride Price and Women's Economic Subordination in Nigeria', (*Feminist Economics*, 23(3), 2017) 32–54.

<sup>50</sup> World Bank, *Women, Business and the Law 2022*. Washington, DC: World Bank (2022).

<sup>51</sup> S.4(a)(i) of the VAPP Act, 2015.

<sup>52</sup> Eze, (n.8 )80.

<sup>53</sup> World Economic Forum, *Global Gender Gap Report 2023*. Geneva: WEF. (WEF, 2023, 78)

### **3.4 Stalking and Cyber Harassment**

The Istanbul Convention<sup>54</sup> requires states to criminalize stalking, defined as ‘intentionally and repeatedly engaging in threatening conduct against another person, causing that person to fear for their safety.’ The VAPP Act contains no explicit stalking provision. Section 3 on psychological abuse includes ‘obsessive behaviours that constitute a serious invasion of the individual’s privacy, liberty, integrity, or security,’ which could be interpreted to include stalking. However, this is indirect and unclear<sup>55</sup>. Cyber harassment a growing problem in Nigeria is not mentioned at all. This is a significant gap, as the Istanbul Convention’s Explanatory Report clarifies that stalking includes electronic forms of harassment. Nigeria’s Cybercrime Act 2015 addresses some forms of online harassment but does not specifically address stalking in the context of domestic violence. The VAPP Act should be amended to include a standalone stalking offense that covers both physical and cyber stalking.

## **4. STRUCTURAL AND IMPLEMENTATION GAPS**

### **4.1 The Problem of Legislative Title**

The title ‘Violence Against Persons (Prohibition) Act’ is generic and does not signal the Act’s primary focus on domestic violence. This is not a trivial matter. The Pan American Health Organisation<sup>56</sup> has identified legislative naming as a ‘basic, non-negotiable component” of effective violence against women legislation because victims need to be able to identify the law that protects them. A victim searching for a “domestic violence law’ may not recognize the VAPP Act as relevant. The contrast with international comparators is stark: the Istanbul Convention explicitly mentions domestic violence in its title; Ghana’s Domestic Violence Act, 2007 (Act 732) does the same; the UK’s Domestic Abuse Act 2021 is similarly clear. Nigeria’s federal legislator should amend the title to read ‘Violence Against Persons (Prohibition) and Domestic Violence Act’ or split the domestic violence provisions into a separate ‘Domestic Violence Act’<sup>57</sup>.

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<sup>54</sup> Art. 34 of the Istanbul Convention 2011.

<sup>55</sup>Okonkwo (n.3) 125.

<sup>56</sup>Pan American Health Organisation (PAHO) (2013) *Model Laws on Violence Against Women*. Washington, DC: PAHO ( 2013) 22.

<sup>57</sup>Okoye, (n. 9 )215.

## **4.2 Structural Coherence and Accessibility**

The VAPP Act is structurally incoherent in several respects. First, as noted, the definition of domestic violence is buried in Section 46. Second, the Act covers not only domestic violence but also other forms of violence (e.g., female genital mutilation in Section 11, harmful widowhood practices in Section 14, abandonment of children in Section 15). While these are worthy protections, their inclusion alongside domestic violence creates a ‘Christmas tree’ effect decorating the Act with many offenses but diluting its thematic focus on domestic violence<sup>58</sup>. The Istanbul Convention, by contrast, maintains a clear thematic focus on violence against women and domestic violence, with other forms of violence such as forced marriage, female genital mutilation) addressed in separate chapters but always linked back to the core theme.

Accessibility is another concern. The VAPP Act is not widely available in local languages like Yoruba, Hausa, Igbo and is written in dense legal English that many victims cannot understand. International standards require that legislation be accessible to those it protects<sup>59</sup>. The Istanbul Convention<sup>60</sup> requires states to ensure that information about rights and available protection measures is provided ‘in appropriate languages, including sign languages.’ Nigeria has failed to meet this standard.

## **4.3 The Spousal Battery Duality: A Critical Flaw**

The duality between domestic violence and spousal battery in Section 21 of the VAPP Act, 2015 is, in the author’s view, the most serious structural flaw in the VAPP Act. Section 21 states:

- (1) A person who commits spousal battery commits an offense and is liable on conviction to imprisonment not exceeding three years or a fine not exceeding ₦200,000.00 or both.
- (2) Spousal battery is the intentional and unlawful use of force or violence upon a spouse, including beating or striking, with the intent to cause bodily harm.

Now compare Section 2 on physical assault:

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<sup>58</sup>Voerman, (n. 10 )122.

<sup>59</sup>UN Human Rights Committee (2011) *General Comment No. 34 para 25 Article 19: Freedoms of Opinion and Expression*, UN Doc. CCPR/C/GC/34.

<sup>60</sup>Art. 8 of the Istanbul Convention, 2011.

A person who intentionally causes or threatens to cause physical injury to another person commits an offense and is liable on conviction to imprisonment for a term not exceeding five years or a fine not exceeding ₦300,000.00 or both.

The penalties are different of five years vs. three years. The definitions are different. Section 2 does not require an ‘intent to cause bodily harm’ mere threat suffices. A spouse who beats their partner could be charged under either provision. The prosecutor might choose Section 2 that has higher penalty or Section 21 with a lower penalty. A defense attorney would argue that the specific provision of Section 21) should prevail over the general provision of Section 2 under the interpretive canon *generalialia specialibus non derogant*. This creates unpredictability. There is no legitimate policy reason for treating spousal battery differently from non-spousal battery<sup>61</sup> The Istanbul Convention under Art. 45 requires that sanctions for domestic violence be ‘effective, proportionate and dissuasive, but it does not permit lower sanctions simply because the perpetrator and victim are married. Section 21 of the VAPP Act, 2015, should be repealed, and spousal violence should be prosecuted under the general assault provisions or, better, under a unified domestic violence offense.

#### **4.4 Domestication and Federalism Challenges**

The VAPP Act is a federal law that applies only in the Federal Capital Territory (FCT) Abuja unless adopted by individual states<sup>62</sup>. This is because violence is on the ‘Residual List’ under the Nigerian Constitution<sup>63</sup>, meaning states have primary legislative authority over matters not explicitly in the Exclusive or Concurrent Lists. As of 2025, 35 out of 36 states have domesticated the VAPP Act. The only holdout is Kano State<sup>64</sup>.

The non-domestication in Kano State is not a minor administrative oversight; it reflects deeper political and religious contestation. Kano State operates a sharia legal system, and some religious authorities have argued that the VAPP Act’s provisions on women’s rights conflict with sharia<sup>65</sup>. The real issue is political will. Dr. Emmanuella Nzeribe<sup>66</sup> has stated

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<sup>61</sup>Okonkwo (n.3)130.

<sup>62</sup>S. 1(2) of the VAPP Act, 2015.

<sup>63</sup>Second Schedule, Part II to the Constitution of the Federal Republic of Nigeria, 1999.

<sup>64</sup> National Human Rights Commission of Nigeria (NHRC) (2025) *Status Report on the Domestication of the VAPP Act*. Abuja: NHRC 2025) 12.

<sup>65</sup>A.R. Mustapha, 'Sharia and Domestic Violence Legislation in Northern Nigeria', (*African Affairs*, 118(471), 2019) 145–168.

<sup>66</sup> Vanguard 'Kano remains last holdout on VAPP Act domestication – NHRC', *Vanguard*, 15 March 2024. <[www.vanguardngr.com](http://www.vanguardngr.com)> accessed 3<sup>rd</sup> June, 2026.

that the absence of the VAPP Act in Kano ‘leaves countless young girls at risk, and for every victim, there is no clear legal recourse or credible deterrent.’ The human rights principle of due diligence requires the federal government to pressure states to adopt the Act, possibly through conditional grants or other fiscal incentives<sup>67</sup>. The African Commission on Human and Peoples’ Rights, in General Comment No. 4 on the African Charter on Human and Peoples’ Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment, has emphasized that federal states cannot evade human rights obligations by devolving responsibility to subnational units that fail to act.<sup>68</sup>

#### **4.5 No-Fault Compensation: An Emerging Standard**

While not directly addressed in the VAPP Act, the issue of no-fault compensation for vaccine-related injuries has gained prominence in human rights discourse and intersects with broader state obligations regarding health-related interventions. This section addresses the issue because it illustrates a gap in Nigeria’s overall human rights accountability framework, and because the same principles of due diligence and state responsibility apply to violence prevention and health policy.

The Supreme Court of India, in *Rachana Gangu v. Union of India*<sup>69</sup>, directed the government to frame a no-fault compensation policy for individuals suffering serious adverse events following COVID-19 vaccination, holding that ‘the Constitution does not conceive of the State as a distant spectator to human suffering, but as an active guardian of welfare and dignity.’ The Court observed that forcing affected families to pursue individual claims through civil litigation would impose a heavy burden, particularly where scientific causation may be difficult to establish. The Court drew on international standards, including the UN Office of the High Commissioner for Human Rights’ emphasis that ensuring access to medicines, vaccines, and other health products requires government, pharmaceutical, healthcare provider, and international organization collaboration.

This principle has direct relevance to violence prevention. If a state fails to prevent domestic violence and a victim suffers harm, the state has a due diligence obligation to provide redress<sup>70</sup>. The VAPP Act establishes protection orders<sup>71</sup> and criminal penalties, but it does not establish a state-funded compensation fund for victims of domestic violence.

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<sup>67</sup> Chinkin and Kaldor, (n. 5) 102.

<sup>68</sup> African Commission on Human and Peoples’ Rights (2017) *General Comment No. 4 on the African Charter on Human and Peoples’ Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment*. Banjul: ACHPR.

<sup>69</sup> 2026 INSC 218, para 42.

<sup>70</sup> UN General Assembly, 1993, Art. 4(c).

<sup>71</sup> S. 32–35 of the VAPP Act, 2015.

Many international instruments recommend such funds. The UN Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice recommends that states ‘establish compensation programmes for victims of violence.’ The VAPP Act’s silence on this issue is a gap. While compensation is not a substitute for prosecution, it is an essential element of a holistic due diligence framework.

#### **4.6 Enforcement, Training, and Data Gaps**

Even when the VAPP Act has been passed into law at the state level, making it work on the ground is another story. Take the numbers: a 2023 report from the Nigerian Legal Aid Council showed that out of all domestic violence cases reported to the police, barely 12% ever led to formal charges, and convictions? Less than 3%.<sup>72</sup> The usual bottlenecks pop up officers brushing things off as private family squabbles, few dedicated units to handle these cases properly, backhand dealings, and victims getting scared into silence.

Article 10 of the Istanbul Convention pushes governments to set up proper support services with enough well-trained staff but Nigeria hasn't really measured up. The Lagos DSVAs stand out for actually putting in the work, training over 5,000 officers from 2018 to 2023. Still, even there, funds are tight, and large swaths of local government areas don't even have a DSVAs office to turn to.

Then you've got the whole issue of tracking what's happening. Article 11 of the Convention calls for regular, detailed stats on domestic violence cases, but the VAPP Act itself never spells out any requirement to collect that kind of data. The National Bureau of Statistics does run the Demographic and Health Survey every five years, but that's not built for keeping tabs on how police and courts are responding in real time.<sup>73</sup> And without solid, up-to-date figures, there's simply no way to tell if the VAPP Act is actually scaring off offenders or changing anything at all.

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<sup>72</sup> Legal Aid Council of Nigeria (2023) *Access to Justice for Survivors of Domestic Violence: A National Assessment*. Abuja: Legal Aid Council.

<sup>73</sup> National Population Commission (NPC) and ICF (2019) *Nigeria Demographic and Health Survey 2018: Final Report*. Abuja and Rockville, MD: NPC and ICF.

## **5. CONCLUSION AND RECOMMENDATIONS**

### **5.1 Summary of Findings**

This comparative analysis has demonstrated that the VAPP Act represents genuine progress in Nigeria's legal response to violence against persons. Its substantive alignment with the Istanbul Convention in recognizing psychological, economic, and physical violence and in defining domestic relationships expansively to include former partners and dating couples is commendable. However, the analysis has also revealed critical gaps that undermine the Act's effectiveness.

First, at the definitional level, the placement of the domestic violence definition in Section 46 rather than substantive provisions and the failure to declare domestic violence a distinct offense weaken the Act's ability to address coercive control. Second, the problematic duality between domestic violence and spousal battery under Section 21 creates legal uncertainty and unjustifiably lower penalties for spousal violence.

Thirdly, structural issues the misleading title, lack of thematic coherence, and inaccessibility to non-English speakers hinder victim awareness and access to justice. Fourth, implementation remains incomplete: one state (Kano) has not domesticated the Act, enforcement rates are extremely low, specialized units are underfunded, and data collection is inadequate. Fifth, emerging standards on no-fault compensation for state-sponsored interventions (including but not limited to vaccines) have not been adopted, leaving a gap in the state's due diligence obligations.

### **5.2 Recommendations for Legislative Reform**

Based on the analysis, the following legislative reforms are recommended:

1. The Act Violence Against Persons (Prohibition) and Domestic Violence Act should be amended or split into two separate acts so as to take care of a Domestic Violence Act and a separate Violence Against Persons (Prohibition) Act for non-domestic violence. This would align Nigeria with international best practice.
2. The separate offense of spousal battery should be repealed. Spousal violence should be prosecuted under the general assault provisions under Section 2 or, preferably, under a newly created standalone domestic violence offense that carries the same penalties regardless of marital status.
3. The Act should be amended to expressly declare domestic violence a distinct criminal offense, defined as a pattern of physical, sexual, psychological, or economic violence occurring in a domestic relationship as defined in Section 46. This offense should include coercive control as an explicit element.

4. Establish Specialized Domestic Violence Units. Every state police command should establish a specialized Domestic Violence and Sexual Offenses Unit (DVSOU) with trained female officers and civilian support staff. Funding should be provided through a dedicated federal grant program.

## **5.4 Concluding**

The VAPP Act is not a failure, but it is incomplete. Its drafting reflects both progressive aspirations and political compromises the spousal battery duality and differential penalties for spousal rape are clear compromises with conservative interests. For the Act to fulfill its promise, Nigeria must move beyond celebration of the statute to critical engagement with its structural and implementation gaps. The international human rights framework offers a clear roadmap, due diligence requires not just laws on paper, but effective enforcement, victim support, data collection, and accountability for failures to protect. The ultimate measure of the VAPP Act's success will be its effectiveness in reducing violence and supporting victims in practice a standard that international human rights law demands and Nigerian victims deserve. The recommendations above are ambitious but achievable with sustained political will, adequate resourcing, and a renewed commitment to the human dignity of every person in Nigeria.

## BIBLIOGRAPHY

1. Adebayo A., 'Domestic Violence Legislation in Nigeria: Progress and Persistent Challenges', (*African Journal of Legal Studies*, 13(1), 2020) 85–110.
2. African Commission on Human and Peoples' Rights (2017) *General Comment No. 4 on the African Charter on Human and Peoples' Rights: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment*. Banjul: ACHPR.
3. Arts. 6–10 of the Istanbul Convention.
4. Chinkin G. and Kaldor, M. (2017) *International Law and Domestic Violence: Due Diligence Obligations*. (Oxford: Oxford University Press 2019) 89.
5. Durojaye E. 'The Violence Against Persons (Prohibition) Act and Human Rights in Nigeria', in Durojaye, E. and Mirugi-Mukundi, G. (eds.) *Sexual and Reproductive Rights in Africa*. (Pretoria: Pretoria University Law Press, 2018) 45.
6. Eze C., 'The Definition of Domestic Violence Under Nigerian Law: A Critique', (*Nigerian Law Review*, 12(2), 2019) 65–88.
7. Humphreys, C. and Thiara, R.K. (2015) 'Mental Health and Domestic Violence: "I Feel Like I'm Drowning"', (*Journal of Gender-Based Violence*, 1(1), 2015) 87–102.
8. Hutchinson T., 'The Doctrinal Method: Incorporating Interdisciplinary Approaches', in Hutchinson, T. and Duncan, N. (eds.) (*Research Methods in Law*. 2nd edn. London: Routledge, 2015) 79–105.
9. Johnson M.P., 'A Typology of Domestic Violence: Intimate Terrorism, Violent Resistance, and Situational Couple Violence', (*Journal of Marriage and Family*, 70(5), 2018) 43–58.
10. Kout P. valid, P. 'The Istanbul Convention and the Criminalization of Domestic Violence', (*European Journal of International Law*, 30(1), 2019) 145–172.
11. Legal Aid Council of Nigeria (2023) *Access to Justice for Survivors of Domestic Violence: A National Assessment*. Abuja: Legal Aid Council.
12. *Luca v. Republic of Moldova* (2023, para. 68)
13. Mustapha A.R., 'Sharia and Domestic Violence Legislation in Northern Nigeria', (*African Affairs*, 118(471), 2019) 145–168.

14. National Human Rights Commission of Nigeria (NHRC) (2025) *Status Report on the Domestication of the VAPP Act*. Abuja: NHRC 2025) 12.
15. National Population Commission (NPC) and ICF (2019) *Nigeria Demographic and Health Survey 2018: Final Report*. Abuja and Rockville, MD: NPC and ICF.
16. Nwogu, N. 'Bride Price and Women's Economic Subordination in Nigeria', (*Feminist Economics*, 23(3), 2017) 32–54.
17. Ogunyemi, T. 'Judicial Interpretations of the VAPP Act: A Case Law Review', (*Lagos Journal of Public Law*, 8(1), 2022) 120–145.
18. Okonkwo C., 'The Violence Against Persons (Prohibition) Act: An Appraisal', (*Nigerian Yearbook of International Law*, 3(1), 2020)105–135.
19. Okoye A., 'Domestic Violence Legislation in Nigeria: Gaps and Recommendations', (*Journal of African Law*, 65(2), 2021) 195–222.
20. Pan American Health Organisation (PAHO) (2013) *Model Laws on Violence Against Women*. Washington, DC: PAHO ( 2013) 22.
21. Second Schedule, Part II to the Constitution of the Federal Republic of Nigeria, 1999.
22. Stark E, *Coercive Control: The Entrapment of Women in Personal Life*. (New York: Oxford University Press 2007) 12.
23. UN Human Rights Committee (2011) *General Comment No. 34 para 25 Article 19: Freedoms of Opinion and Expression*, UN Doc. CCPR/C/GC/34.
24. Vanguard 'Kano remains last holdout on VAPP Act domestication – NHRC', *Vanguard*, 15 March 2024. <[www.vanguardngr.com](http://www.vanguardngr.com)> accessed 3<sup>rd</sup> June, 2026.
25. Voerman G., 'Legislative Structure and Its Impact on Legal Interpretation', (*Journal of Legislative Studies*, 45(2), 2020) 112–135.
26. World Bank, *Women, Business and the Law 2022*. Washington, DC: World Bank (2022).
27. World Economic Forum, *Global Gender Gap Report 2023*. Geneva: WEF. (WEF, 2023, 78)

