



# **The Violence Against Persons (Prohibition) Act, 2015: A Beam In Unmasking Violence In Tertiary (Polytechnic) Education In Nigeria**

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## **ABSTRACT**

Tranquility and Peaceful co-existence are core goals in humanity, desired and clamoured by all and sundry. Certainly, no one is an island, hence, the need for interface and interaction between people, in every given community or place. Thus, violence in all form, is abhorrent and despicable. No right thinking person or community desires violence, because, it hampers success or fulfilment. This accounts for the need to engender peace and harmony in institutions of learning, especially Tertiary education, because, the goals and objectives in any institution of learning is unattainable where violence is the order of the day. Consequently, this discourse attempts an espousal of the Violence Against Persons (Prohibition) Act, 2015) hereinafter known as VAPPA. This article explores the statute as aforementioned, and thus, it illuminates its provisions on the fight against violence in Nigeria. This discourse is centered on curbing hidden and ‘behind the scene’ violence in institutions, homes, offices and society at large. This article exposes vivid innovations of the Act. Nonetheless, the Act is bereft of germane provisions. Fortunately, these are revealed herein. The paper further employs the doctrinal research method and proffers plausible suggestions for use in the elimination of violence in institutions of learning, for the reach of the society at large.

**Keywords:** Violence, Persons, Beam, Unmasking, Polytechnic Education

## **INTRODUCTION**

The beauty of humanity is peace ‘on all sides’. Every person deserves the right to peaceful and enjoyable existence in his interaction with other persons in the community and world over. In same vein, institutions of learning must experience optimal peace and harmony in their pursuit of educating and inculcating the right values in the students. Indisputably, there seems to be violence and chaos in Tertiary Institutions, especially in Polytechnic Institutions. This may be as a result of the fact that these institutions are centered on vocational training of youths. Undoubtedly, youths are virile and energetic and are thus, prone to influences from peers, which tilt towards criminality. As such, where these group of persons (Youths) interact and interface with each other, there will necessarily be expressions of violence and unhealthy vices. Hence, the need for a machinery of peace and tranquility. To this end, the law in its function of order and dispute resolution, seeks to create an enabling environment for peaceful co-existence and the attainment of desired goals in the society, especially in the Tertiary (Polytechnic)

Institutions. Consequently, the Violence Against Persons (Prohibition) Act, 2015 (VAPPA), is a basic innovation and a giant stride towards the elimination of violence in virtually every nook and cranny of the society, which of course, includes the Tertiary (Polytechnic) Institutions. Therefore, an espousal of the content of this legislation (VAPPA) is deemed fit and will necessarily be the aim of this discourse. Nevertheless, it is apt to initiate this task by defining salient terms in this paper. To this end, a concise definitional attempt is here made of the keywords.

**Violence:** This is defined as using excessive physical force or intensity<sup>1</sup>. It is said to be behavior involving physical force intended to hurt, damage, or kill someone or something<sup>2</sup>. According to the United Nations, violence is:

*“any act... that result in, or is likely to result in, physical, sexual or psychological harm or suffering to women (men inclusive)<sup>3</sup> including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or private life”.*<sup>4</sup>

It is further defined by the World Health Organization as, *“the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development, or deprivation”.*<sup>5</sup>

Violence is also said to be *“an offence that has as its element the use, attempted use, or threatened use of physical force against the person or property of another...”*<sup>6</sup>

The Violence Against Persons (Prohibition) Act, 2015 (VAPPA) clearly defines violence as:

*“any act or attempt act, which causes or may cause any person physical, sexual, psychological, verbal, emotional or economical harm, whether this occurs in private or public life, in peace time and in conflict situation.”*<sup>7</sup>

This is indeed a vivid explanation of what constitutes violence on daily basis. Thus, in the interaction of persons whether in private or public, violence is as defined. To my mind, violence is that which is offensive, injurious, hurtful and will necessarily do harm (whether infinitesimal or not) to any person or thing. It is an unjust experience and an expression of pain, either to the victim or the victor (culprit). The perpetrator of violence, will necessarily intend to cause harm or damage. This therefore, displays the intent (*mens rea*)<sup>8</sup> and the act (*actus reus*)<sup>9</sup> of the actor. It is an unhealthy conduct.

**Persons:** This denotes the plural of person. A person is a human being regarded as an individual.<sup>10</sup> Thus, a person here is anybody whether male or female, boy or girl, minor or adult, old and young. Nonetheless, a person may represent a natural or artificial person<sup>11</sup>.

<sup>1</sup> Oxford Mini Reference Dictionary (Oxford University Press, Great Clarendon Street, Oxford, New York, 1995) p.468.

<sup>2</sup> Google Dictionary, expressing definitions from Oxford Language. Accessed 18<sup>th</sup> June, 2021.

<sup>3</sup> Emphasis is on women, however, it includes men.

<sup>4</sup> Definition of violence by the United Nations (UN) <<https://www.ncbi.nlm.nih.gov/pmc>> Accessed 18<sup>th</sup> June, 2021

<sup>5</sup> Violence as defined by the World Health Organization (WHO) <<https://www.who.int>> Accessed 18<sup>th</sup> June, 2021.

<sup>6</sup> As defined by the Cornell Law School, in consonance with the 18 U.S. Code s.16. <<https://www.law.cornel.edutext>> Accessed 18<sup>th</sup> June, 2021.

<sup>7</sup> See P.VI, S.16 VAPPA (2015)

<sup>8</sup> This refers to criminal intent. The literal translation from Latin is “guilty mind”. This is the state of mind statutorily required in order to convict a particular defendant of a particular crime.

<sup>9</sup> This is an action or conduct which is a constituent element of a crime, as oppose to the mental state of the accused. For instance, “the failure to prevent death may be the *actus reus* of manslaughter”.

<sup>10</sup> Ibid, n.2

<sup>11</sup> A natural person is a human being (individual) while, an artificial person may represent an inanimate object like ship, vessels, company, etc.

**Prohibition:** This is basically a restraint or a deterrent from an act. It is the action of forbidding something, especially by law. It is a ban on a conduct or act of a person.

**Beam:** This is a structural element that primarily resists loads applied to a thing or structure. Beams are characterized by their manner of support; profile (shape of cross-section), Equilibrium, conditions, length and their material<sup>12</sup>. It is a long piece of timber or metal carrying the weight or part of a building, a ship's breadth, ray of light or other radiation, a bright look, smile radiantly. Consequently, a beam here will be a support for the course of the law. In-so-far-as the law seeks to do justice by eliminating violence amongst persons then, a beam will be anything, piece of tool which is used as a machinery for achieving the course of the law. It is any material or thing that gives support to the functioning of the law. Therefore, the VAPPA as a beam in this discourse, is the application of the elements of this criminal legislation as a support or backup for elimination of violence in Polytechnic Education.

**Unmasking:** It is basically the exposition of a true character of a thing or the hidden truth about a thing. It is to revile or reveal the nature of a thing<sup>13</sup>. Consequently, the target here is to unveil, unmask violence, and reveal the law as a beam. Polytechnic Education is characterized as the institution of higher learning, which allows students to learn the practical use of acquired scientific and technical knowledge in the context of socio-economic conditions<sup>14</sup>. A polytechnic plays a crucial role in providing excellent education and training in all vocational programmes, especially when it comes to practical skills and hands on job<sup>15</sup>. The institution of polytechnic is set up to train professionals to support the technological and economic development of the State. Catering to the wide range of abilities, aptitudes and interests of their students, the Polytechnics seek to train students with relevant and specific skills for the workplace, to give a competitive edge. Today, polytechnic graduates are valued as practice-oriented and knowledgeable professionals, much sought after by industries<sup>16</sup>.

To attain the set goals, the polytechnic must be devoid of undue and underscored vices and violence by its members (whether staff or students). Appropriate teaching and learning can only occur in an atmosphere of peace and tranquility. Where there is chaos, ruthlessness and indiscipline, whether by the staff or scholars, or, where the polity is heated; then it is seemingly implausible to teach or learn. Further, where violence prevails, then scholars and trustees cannot interact or communicate with one another. This accounts for the unhealthy practices in institutions of learning today, especially at the tertiary levels of education. It is indisputable that, in virtually every university or polytechnic, there is no season or semester or term where students do not engage in fights, protests (peaceful and unpeaceful), squabbles, quarrels, altercations (verbal and emotional), crimes, such as rape (in private and public life), and cultism, to mention a few. Therefore, it deems fit to suggest or crave for a curative to these unwanted and destructive tendencies or vices (no matter how insignificant, they appear to be). Mind-bogglingly, the female gender in every society and kids (where applicable) are the most vulnerable and tend to be victims of these ugly circumstances. Hence, the need to curb, restrain, deter and absolutely eliminate crime and violence in the institutions of learning in Nigeria and the world over.

### **THE VIOLENCE AGAINST PERSONS (PROHIBITION) ACT, 2015 (VAPPA)**

The VAPPA is a criminal legislation made to regulate and eliminate acts of violence against any person, male or female, old or young. Thus, it protects the infant, minor, youths and old persons. This Act is a novel legislation which came into force on 25<sup>th</sup> May, 2015. It is comprised of 48 sections and 9 schedules

<sup>12</sup> As derived from Wikipedia <<https://www.en.m.wikipedia.org/wiki>>

<sup>13</sup> Ibid, n.2. As derived from Oxford Dictionary in Google.

<sup>14</sup> As derived in <<https://www.iises.nef>publication>>

<sup>15</sup> The Role of Polytechnics in imparting Technical Education, by Daily Excelsior – 10/09/2012.

<<https://www.dailyexcelsior.com>> Accessed 18<sup>th</sup> June, 2021

<sup>16</sup> Polytechnics – ‘Where Do I Want To Go’. A Clip from the Ministry of Education, Singapore (2021).

<<https://www.moe.gov.ng>>

(which consist of 6 forms). By virtue of the long title of the Act, the object of this law is to eliminate violence in private and public life, by providing maximum protection and effective remedies for victims and punishment of offenders. Thus, it suffice to highlight some of its vivid provisions and objects.

### Rape

It is pertinent to note that, this Act is the **first criminal legislation in Nigeria to clearly define and expand the concept of rape beyond penetration of the vagina and anus, by the penis, and thus, includes penetration of the mouth, by the penis.**<sup>17</sup> This is indeed exciting and impressive because, other legislations<sup>18</sup> seemed to disregard **anal** and **oral** (as best described by the writer here) rape, which verily occur on daily basis, especially in institutions of learning, such as the Polytechnic. It is no news that, in institutions in Nigeria, students are induced and coerced into sexual intercourse by their lecturers, especially between male lecturers and their female students. This is quite disheartening and may discourage such student from continuing study or may very well lead to undue success or failure of the student. This is especially so, where carnal knowledge is got without consent.<sup>19</sup> However, the point must be made here that, by the wordings of the Act, where consent is obtained by force, intimidation, or by use of threat or intimidation of any kind, or by fear of harm (**which includes – ‘a promise to cause failure in a course’**) or, by means of false and fraudulent representation as to the nature of the act or by the use of any substance or additive (including alcohol) which is capable of taking away the will of such victim, or, in the case of a married person, by impersonating his or her spouse.<sup>20</sup> Further, the Act prescribes a punitive remedy for the offender (with a life imprisonment). Where the offender is less than 14years of age, he is liable to a maximum of 14years imprisonment. Interestingly, the law makes provision for the victim (with the award of appropriate compensation by the court, as it deems fit in the circumstance). Also, a mind-blowing fact here is that, **a register for convicted sexual offenders shall be maintained and accessible to the public.**<sup>21</sup> Of course, no reasonable person wishes to be enlisted among criminals. This may very well be a warning to all hidden offenders and even to those that desire or intend to ‘attempt’.

Suffice it to say that, this Act is commendable because, it widens the horizon on rape. The traditional concept of rape is that, it is restricted to non-consensual penetration of the vagina, by the penis. Prior to this Act, no law specifically criminalized anal rape. Nevertheless, anal rape may be punished under S.214 of the Criminal Code and S.284 of the Penal Code, which are to the effect *inter alia* that, ‘any person who has carnal knowledge of any other person, against the order of nature’, is punishable with 14years imprisonment. It is immaterial that the other person (victim) consented to the act. The phrase, ‘against the order of nature’, depicts anal rape. This was clearly established in the case of **Mogaji v. Nigerian Army**,<sup>22</sup> to mean, anal intercourse.<sup>23</sup> In this case, Major Mogaji was convicted by the General Court Martial on a charge of sodomy under **S. 8(1)(a) of the Armed Forces Decree No. 105 of 1993**,<sup>24</sup> for having had carnal knowledge of four (4) males. Though in this case, the punishment was 7years imprisonment, the VAPPA makes it a life imprisonment for rape. Also, it is clear that a woman can also be guilty of Rape. Thus, any gender may rape a person of same gender or, of opposite gender. The case is not clear on the fate of a person of transgender.

<sup>17</sup> S. 1(a) VAPP Act (2015)

<sup>18</sup> Compare with Criminal Code Act Cap (38) Laws of the Federation of Nigeria (LFN) 2010, S. 35(7) and the Penal Code Act Cap P3 (LFN) 2010, S. 282. The Criminal Code is hereinafter termed “CCA” and the Penal Code is similarly termed “PCA”.

<sup>19</sup> S. 1(b) VAPPA, 2015

<sup>20</sup> Ibid, paragraph 6 – c

<sup>21</sup> Ibid subsection 2(a-c) respectively.

<sup>22</sup> (2008) 34 NSCOR (Pt.1) 108

<sup>23</sup> Ibid, p.139

<sup>24</sup> Now repealed by the Armed Forces Act, Cap. A2LFN, 2010, S. 8(1)(a)

### **Female Genital Mutilation**

Another interesting provision in the Act is the prohibition of Female Genital Mutilation.<sup>25</sup> It clearly prohibits FGM (as hereinafter called) and makes it an offence to circumcise a girl child or woman.<sup>26</sup> This is indeed a novel provision on the subject matter, considering the fact that, there had been no such provision or stipulation. **Subsection 2**, is to the effect that, any person who performs FGM, or engages another to so do, commits an offence and is liable on conviction to a term of imprisonment, not exceeding 4years or to a fine not exceeding ₦200,000.00 or both. Also, an attempt to commit the offence, makes a person liable on conviction to 2years imprisonment and to a fine not exceeding, ₦100,000.00 or both.<sup>27</sup> Further, inciting, aiding, abetting, counselling another person to commit the offence, makes a person liable to 2years imprisonment or to a fine, or both.

### **Coercion**

By virtue of **section 3 of the VAPPA**, it is an offence to coerce another to engage in any act, to the detriment of that other person's physical or psychological wellbeing and thus, makes the offender liable to a term of 3years imprisonment. It suffices to state that, this provision of the law, must necessarily be brought to the notice of the Tertiary Institutions (Polytechnic) students, who often induce their friends (peers) to engage in vices such as smoking, drug abuse (especially the in-take of substances such as cocaine, tramadol, heroine, etc). The point here is that, where these substances adversely affect the victim, then the offender shall be liable.

### **Physical Injury**

The Act stipulates that, a person who willfully or knowingly inflicts physical injury on another by means of any weapon, substance or object commit an offence and is liable on conviction, to a term of imprisonment, not exceeding **2years or a fine of ₦100,000.00 or to both**.<sup>28</sup> Also, an attempt to commit the offence makes an offender liable to a term of 1year imprisonment or fine. A person who aids, abets, or, counsels another person to commit the offence is liable to a term of 1year imprisonment, or fine or both; a person who receives or assists another who has committed the offence as aforementioned and is thus, an accessory after the fact, is liable on conviction to a term not exceeding 1year or a fine or both.

### **Offensive Conduct**

Also, the Act makes it an offence to compel a person, by threat or force to engage in any conduct or act, sexual or otherwise, to the detriment of the victim's physical or psychological wellbeing.<sup>29</sup> Liability here will necessitate a term of 2years imprisonment or to a fine not exceeding ₦500,000.00. The subsequent subsections provide for attempt to commit the offence and, aiding, abetting, inciting and counselling another person to commit the offence and, accessory after the fact.<sup>30</sup>

### **Forceful Ejection from Home**

By the wordings of the Act, a person who forcefully evicts his or her spouse from his or her home, or, refuses him or her access, commits an offence and is liable on conviction to a term of imprisonment not exceeding 2years or, to a fine not exceeding ₦300,000.00 or both.<sup>31</sup>

### **Deprivation of Liberty**

This is to the effect that no person shall deprive another of his or her liberty, except pursuant to a court order. Consequently, an offence in this respect, tantamount to 2years imprisonment or to a fine of

<sup>25</sup> S. 6 VAPPA, 2015

<sup>26</sup> Ibid, S. 6(1)

<sup>27</sup> Ibid, S. 6(2)

<sup>28</sup> Ibid, S. 4(1)

<sup>29</sup> Ibid, S. 5(1)

<sup>30</sup> Ibid, S. 5(2) (3) (4)

<sup>31</sup> Ibid, S. 9(1) (2) (3) (4)

₦500,000.00. It also provides for incidences such as inciting, aiding, abetting, counselling and accessory after the fact.<sup>32</sup>

#### **Damage to Property with Intent to Cause Distress**

Further, no person shall cause mischief or destroy or damage the property of another, with intent to cause or likely to cause distress or annoyance to the victim.<sup>33</sup>

#### **Forced Financial Dependence or Economic Abuse**

Section 12 is to the effect that, a person shall not cause forced financial dependence or economic abuse of another.<sup>34</sup> Thus, usurpation of a person's rights, and compulsion which culminates into dependence, is abhorred.

#### **Forced Isolation or Separation from Family and Friends**

This provides that, a person who forcefully isolates or separates another from family and friends, commits an offence and is liable.<sup>35</sup> Consequently, any act that gives rise to this, is abhorred.

#### **Emotional, Verbal and Psychological Abuse**

This is another novel provision of the law. It is to the effect that, a person who causes emotional, verbal and psychological abuse on another, commits an offence and is liable on conviction, to a term of 1year imprisonment or to a fine of ₦200,000.00 or both.<sup>36</sup> It also has incidental matters.<sup>37</sup> Therefore, every person must tread with caution in the school environment or society at large.

#### **Harmful Widowhood Practices**

This is novel and prohibits a person from subjecting a widow to harmful traditional practices. To this end, commission of this crime tantamount to a liability and imprisonment not exceeding 2years or to fine of ₦500,000.00. This therefore makes it unlawful to treat a widow unjustly, unlawfully and to deny her, her right as enshrined in the law. This may give room for a review and elimination of undue and obnoxious cultures and practices mete out on widows. This is indeed a giant stride on the part of the law.

#### **Abandonment of Spouse, Children and other Dependents without Sustenance**

No doubt, this is novel and indeed applaudable, considering the fact that in Nigeria today, it is conventional and permissible for a man to abandon his family and loved ones. The extent of promiscuity and irresponsibility of men and women, has given rise to undue poverty on children and dependents. Thus, the law prohibits a person (whether man or woman) from abandoning his or her spouse, children and dependents, without sustenance. Therefore, family maintenance is crucial and may very well give room for this Act to be invoked, where there is a commission or omission of the offence.<sup>38</sup>

#### **Stalking**

This is a common practice in Nigeria today, where a person stalks on his ex-wife, her ex-husband or an ex-boyfriend, ex-girlfriend and the likes. A person who stalks another commits an offence and is liable to 2years imprisonment or a fine of ₦500,000.00. This is not without incidences of aiding, abetting, counselling or receiving an offender (accessory after the fact).<sup>39</sup>

#### **Spousal Battery**

This is quite novel and interesting. It is not uncommon to find spouses batter or assault one another, where there is squabble. In fact, some spouses go to the extent of battering and assaulting their spouses on streets, homes (to the notice of the children) and in churches, to express their grief. This is therefore, intolerable and unhealthy, and thus, the law prohibits spousal battery on all fours and makes it an offence to so do.<sup>40</sup>

<sup>32</sup> Ibid, S. 10(1) (2) (3) (4)

<sup>33</sup> Ibid, S. 11(1) (2) (3) (4)

<sup>34</sup> Ibid, S. 12(1) (2) (3) (4)

<sup>35</sup> Ibid, S. 14(1)

<sup>36</sup> Ibid, S. 14(1)

<sup>37</sup> See subsection (2) (3) (4)

<sup>38</sup> Ibid, S. 16(1) (2) (3) (4)

<sup>39</sup> Ibid, S. 17(1) (2) (3) (4)

<sup>40</sup> Ibid, S. 19

### **Harmful Traditional Practices**

This is to the effect that, harmful traditional practices on another is prohibited. A commission of this offence will necessitate 4years term imprisonment or a fine of ₦500,000.00 or both.<sup>41</sup> See the subsections for its incidences.

### **Attack with Harmful Substance**

A person, who uses chemical, biological or any other harmful liquid on another, commits an offence and is liable on conviction to a term of **life imprisonment, without any option of fine**. Also, an attempt of this offence will give rise to a term of **25years** imprisonment, without an option of fine.<sup>42</sup> In same vein, aiding, assisting, abetting, counselling and accessory after the fact, will earn the offender an imprisonment not less than 25years, without an option of fine.<sup>43</sup> This calls for caution on the part of students, who in their cliques or gangs will give unhealthy substances to friends and peers, or even to their rivals (as the case in cultism). Therefore, they must apply caution, where necessary.

### **Administering a Substance with Intent**

In similar vein, a person who intentionally administers a substance to, or causes a substance to be administered to or taken by another person, with the intention of stupefying or overpowering that person (victim), so as to enable any person engage in a sexual activity with the victim, is guilty of an offence and will be liable to 10years imprisonment or to a fine of ₦500,000.00 or both.<sup>44</sup> This makes it unlawful for gang rape, unwanted gangsterism and cultism, especially against opponents.

### **Political Violence**

This is a novel provision and stipulation of the law. Political violence is defined as any act or attempted act of violence perpetrated in the course of political activities, such as elections, and includes, (a) thuggery (b) smuggling (c) use of force disrupt meetings or (d) the use of dangerous weapons that may cause bodily harm or injury.<sup>45</sup> A political violence is a crime and is prohibited under the law.<sup>46</sup>

### **Violence by State Actors**

‘State Actors’ means group of persons; structured or organized institutions and agencies. This therefore, includes the police, soldiers, paramilitary, the court officials, etc. These group of persons are prohibited from commission of political violence (as defined in the Act)<sup>47</sup> and will thus be liable where found wanting.<sup>48</sup> This no doubt, will go a long way to eliminate corporate violence and undue practices during elections.

### **Incest**

Interestingly, a person who knowingly and willfully has carnal knowledge of another within the prohibited degrees of consanguinity and affinity (as contained in the Act), **with or without consent** of the victim, commits incest,<sup>49</sup> and is liable to a minimum term of the following:

- a) 10 years imprisonment, without an option of fine,<sup>50</sup>
- b) Where both parties consent to commit incest, provided that such consent was not obtained by fraud or threat, 5years imprisonment without an option of fine.<sup>51</sup>

The degrees of consanguinity and affinity is said to be the prohibition under the law of marriages between certain persons related by blood (consanguinity), and by marriage (affinity). This is as prohibited under the Matrimonial Causes Act.<sup>52</sup> This is basically to avoid incestuous marriage. **Section 46** of the **VAPPA**

<sup>41</sup> Ibid, S. 20(1)

<sup>42</sup> Ibid, S. 21

<sup>43</sup> Ibid, Subsection 2,3,4

<sup>44</sup> Ibid, S. 22

<sup>45</sup> Ibid, S. 46

<sup>46</sup> Ibid, S. 23

<sup>47</sup> Ibid, S. 46

<sup>48</sup> Ibid, S. 24

<sup>49</sup> Ibid, S. 25

<sup>50</sup> Ibid, paragraph (a)

<sup>51</sup> Ibid, paragraph (b)

<sup>52</sup> S. 3 Matrimonial Causes Act, Cap. M7, LFN, 2010

defines incest as sexual intercourse between a person and anyone who is to his or her knowledge, a daughter or son, granddaughter or grandson, a sister or brother; even granduncle.

This provision of the VAPPA may be argued to be a timeous innovation because, the trend in recent times, especially here in Nigeria, is the willful and unwillful sexual intercourse between fathers and daughters, mothers doing same with their sons; for unhealthy pleasure, rituals, occultism, undue wickedness, etc. This is disheartening and displeasing to the soul. A reasonable man will never sleep with his or her child because, the law rejects it, even our religions of Islam and Christianity; reject or abhor same. Consequently, the law in its kindness, forbids this act and abhors or mandatorily imposes a restraint on people related, from marrying. A notable case of this nature occurred recently, though unreported. In the said case, a man married a wife (a lawyer), they lived together for years without children. However, after a number of years, he decided to take on his wife's sister and thus impregnated her. She gave birth to a boy and daughter and thence, she asked that her sister must be sent out of her matrimonial home. With little or no pity, the man sent his wife packing and this led to the woman's ill health, which later resulted to death. The woman was only recently buried, after much pleadings by colleagues. The point here is that, it was a tough issue, because, her husband refused to partake in her burial, having married her younger sister (same parents). Nevertheless, thank God he later gave in to the pleas of his wife's learned colleagues and thus buried her.

Further, there are plethora of cases of incest, whether leading to marriage or not. Fathers now take on their daughters (with no shame) and even go as far as rebuking their daughter's boyfriend, out of jealousy and may even engage their daughters in a 'threesome' with her friends. Such acts must be discouraged, prohibited and uprooted from our society. This is the intendment of the Act.

### **Indecency Exposure**

This is another novel provision of the Act. The Act by its wordings in Section 26, establishes an offence known as **indecent exposure**. It provides that:

*"a person who intentionally exposes his or her genital organs, or a substantial part thereof, with the intention of causing distress to the other party, or that, another person seeing it may be tempted or induced to commit an offence under this Act, commits an offence termed indecent exposure."*<sup>53</sup>

Note that, subsection 2, is to the effect that, a person who intentionally exposes his or her genitals and induces another to either massage, or touch, with the intention of deriving sexual pleasure from such acts, commits an offence under this section. Also, the Act prescribes punishment of imprisonment for not less than 1 year or to a fine not exceeding ₦500,000.00 or both, for liability.<sup>54</sup>

To my mind, this is a very pleasant move by the law, because in our society today, especially in institutions of learning, we find students engage in prostitution and thus, dress as they so choose to classes, events and even examination halls. In fact, students now entice, induce and intentionally expose their genital organs or substantial parts thereof, to cause distress to their lecturers and to lure same to have undue and unhealthy intercourse(s), in bid to pass examinations, for higher scores, for supremacy on campuses, especially where there seems to be a competition between them and their rivals. Funny as it appears, the girls in these institutions, especially in Polytechnics and their counterparts (universities), now offer their bodies on platter, to the end that, the lecturers, authorities, examiners, etc, sleep with them and score them higher (even where they boldly fail). Further, this explains why most institutions are now concerned about dress sense and thus, bar unhealthy and undesired clothings worn by students, from entry into the school. No doubt, this is a tremendous step by the law makers and drafts persons.

### **Critique**

Flowing from the above, it is obvious that the salient provisions and innovations of the Act, have been highlighted, however, it is imperative that the law be constructively criticized, in the Act. They are thus:

<sup>53</sup> Ibid, S. 26(1)

<sup>54</sup> Ibid, subsection (3)



### Commendable Reforms

The Act to a large extent, is commendable and indeed a giant stride in criminal legislation. As earlier stated, it has reformed some provisions in the earlier criminal legislations like the Criminal Code and Penal Code respectively. Indeed, in some circumstances of the law, especially where there exist similar provisions in the CCA and PCA respectively, this Act (VAPPA) takes precedence and is thus supreme over the others.<sup>55</sup> By virtue of the provision in **Section 45, which provides for the consequential amendment**, the act saves some provisions of the CCA and PCA and thus, repeals some, where need be.

Further, the VAPPA as clearly buttressed earlier in this work, has widened the scope and extent of rape, to include oral (mouth) rape, in conjunction with the conventional patterns of vagina and anal rape. Moreso, it is clear that, by the Act, there is an offence of spousal rape, unlike the situations in the Criminal Code and Penal Code respectively.

In furtherance to its achievements, the Act has brought forth useful innovations on the law and is best appreciated by all and sundry, especially the institutions of learning, whether students, lecturers, staff, authorities, etc, because, it has come to relive the old legislations and as such, it touches on issues that affect the lives of persons, which no doubt, is a recurring decimal in our institutions of learning.

Finally, the Act commendably provides reliefs, compensations in cash and kind for victims of the offences captured in the Act. It may be impossible to underscore all these provisions here, but, it is apt to mention a few such as, interim protection for victims,<sup>56</sup> the court may direct that alternative accommodation be provided for the complainant by the victim,<sup>57</sup> prohibit the respondent from entry into the complainant's residence or place of work; and, monetary reliefs.

### Challenges

The Act is not without challenges; like every other legislation. These include the following:

**Jurisdiction:** This is a major challenge of this legislation because, jurisdiction is key and fundamental in every law. The Act by its wordings, vests jurisdiction on the High Court of the Federal Capital Territory, Abuja alone. Thus, it is impossible and impracticable for these prohibitions, provisions and protections granted here, to be heard or determined in any other court of law, except as stated. This is mindboggling because, without jurisdiction, a court sitting on a matter is nullity. Thus, it makes every effort to bring such matters to the court (where it is not as stated) futile. It is indisputable that, the High Court in Abuja, is for only matters within the Abuja vicinity or jurisdiction. Thus, a man from Rivers State cannot take a complaint all the way from Port Harcourt in Rivers State, to Abuja. The only way this will occur or be remedied is that, jurisdiction should be vested in the Federal High Court, Abuja; which by extension, will vest in other Federal High Courts sitting in other parts of Nigeria.

To this end, it is my opinion that, all States hurriedly subscribe to this law and bring same provisions, within the ambit of their localities.

Finally, another basic challenge here is that, certain provisions of the law, are not in existence or, are incorrect. This is clearly seen in **section 36(1)** which provides that a 'victim' is defined in **S.1 of the VAPPA**. With due respect to the framers of the law, there is no such definition in S.1. Rather, it is **section 46 (The Interpretation Section)** that attempts a definition of victim.

Secondly, **S.46** defines a 'Protection Officer' as "an officer appointed under **S.39** of the Act, in relation to and for the purpose of this Act." Unfortunately, there is no such provision or reference in **S.39**. Rather, they (Protection Officers) are mentioned in **S.40** with his or her duties specified in **S.41**.

Also, **S.2(2)** of the Act, must be amended. This subsection imposes a severe fine on a person who attempts to commit an offence, than that imposed by **S.2(1)** on the actual offender. This is an error on the part of the law, jurisprudentially. This can never be the intention of the National Assembly.

<sup>55</sup> Ibid, Pt. V, S. 45(2)

<sup>56</sup> Ibid, S. 29

<sup>57</sup> Ibid, S. 31

## **CONCLUSION**

Having delineated the provisions of this Act; its remarkable innovation; its relief modes (where deemed fit); its commendable reforms and highlighted its challenges; it is apt to say that this Act is good for the citizenry, especially here in Nigeria. It addresses real and practical issues at the home front; matters that are likely to occur in schools, especially polytechnics, and reflects the typical Nigerian society. Indeed, this piece of legislation mirrors the society and has brought to the fore, expedient issues and facts that ought to be addressed, for peaceful co-existence, tranquility and order in the Nigerian State. This is true because, it unveils some hidden acts of violence.

I deem it fit to end here, by saying that, the institution of learning especially the polytechnic institutions, in their pursuit, must refer to this Act, and must domesticate same in their respective laws, rules and regulations, in their abodes or schools. Therefore, the sooner this Act is published or publicized, the best for all, even the students, because, no law, no society. Indeed, the VAPPA is a beam and a pillar for the elimination of violence in our Nigeria today.

## **RECOMMENDATIONS**

To ensure that there is optimal peace and tranquility, and, violence-free Nigeria, especially in the polytechnic institutions, the following may be considered:

1. Necessary amendment must be made in the Act, for clarity and specificity.
2. The jurisdiction of the court must be extended to include all Federal High Courts, so that it can be accessed by all and sundry in Nigeria.
3. All States must subscribe to the Act and thus, make it 'user friendly' to every person. The law must do justice to all persons: Justice is not only for the rich in Abuja or the citizens resident in Abuja, it is for all. Therefore the Houses of Assembly, and all in authority should wake up from their slumber, to do justice by enacting or domesticating this Act in their States.
4. The VAPPA must be publicized or published, to the notice of al. it must be duly gazette in all States.
5. Every institution must adopt or apply the VAPPA in its operation. This should necessarily include Tertiary and Polytechnic institutions. This will keep all and sundry abreast with the law.
6. The VAPPA must be at the reach of all, whether homes, towns, rural and urban areas, for use and proper sensitization. Thus, there is need for awareness.
7. The VAPPA must be utilized for public safety and public order. It will also boost public morality.
8. VAPPA must be locally domesticated here in Nigeria. Thus, it must be employed as a tool to sensitize the rural areas, especially in town hall meetings, conferences, churches; to bring VAPPA to the knowledge of all and sundry.

## **REFERENCES**

1. Criminal Code Act, Cap. 38, Laws of the Federation of Nigeria (LFN) 2010
2. Google Dictionary, expressing definitions from Oxford Languages.
3. Matrimonial Causes Act Cap. M7, LFN, 2010.
4. Oji, Suleiman Ikpechukwu, Nigerian Criminal Law in Perspective, 2<sup>nd</sup> Ed., Published by Zubic Infinity Concept, Owerri, Imo State, 2018.
5. Oxford Mini Reference Dictionary (Oxford University Press, Great Clarendon Street, Oxford, New York, 1995)
6. Penal Code Act Cap P3 (LFN) 2010
7. The Constitution of the Federal Republic of Nigeria, 1999, as amended.