



COI QUERY

Country of Origin	NIGERIA
Title	Forced marriage of adult women in Enugu State, including prevalence, legislation, state protection, support services and ability of an adult woman to refuse a forced marriage
Reference period	January 2022 to 31 August 2023
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COI QUERY RESPONSE – Nigeria

Forced marriage of adult women in Enugu State, including prevalence, legislation, state protection, support services and ability of an adult woman to refuse a forced marriage

1. Prevalence of forced marriage of adult women

Information on prevalence of adult forced marriage in Nigeria, including in Enugu state, was scarce among the sources consulted by EUAA within the time constraints of this query. Sources consulted by EUAA did not always differentiate whether forced marriages referred to children or adults, and sometimes used child/forced marriage terms interchangeably.

Under the Child Rights Act,¹ a federal law, 18 is the minimum age of consenting to marriage for both males and females.² Sources indicate that the law has not been adopted by all states, and that customary and Islamic law, especially in the North, still permit practices such as forced marriages.³ Forced marriage, especially of young girls, was among the key human rights problem reported to occur in Nigeria.⁴ Sources reported that cases of forced marriage of women over 18 have also occurred.⁵ An article posted on SabiLaw, an information service provider which focuses on legal, business and justice sector topics, stated that in Nigeria, ‘forced marriage is not limited to children, there are cases where even adults are forced into marriages,’ noting that they may be ‘forced, deceived, or cajoled into marriage against their wishes, under Customary and Islamic laws’. The same source stated that ‘it is not impossible to find people that are forced into marriages under the English law, such persons may have granted their consents under duress’.⁶

Sources indicated that sexual and gender-based violence (SGBV) was a significant problem in Enugu state.⁷ Women Information Network (WINET),⁸ produced an online study of 105 respondents in Enugu on SGBV that reported the main SGBV acts in Enugu State were ‘rape,

¹ HRW, Nigeria: Child Marriage Violates Girls’ Rights, 17 January 2022, [url](#)

² USDOS, Country Reports on Human Rights Practices for 2022 – Nigeria, 20 March 2023, [url](#), p. 34; for details on the law relating to child marriage under age 18, including punishments, see: Nigeria, Child’s Rights Act, 2003, [url](#)

³ HRW, Nigeria: Child Marriage Violates Girls’ Rights, 17 January 2022, [url](#); USDOS, Country Reports on Human Rights Practices for 2022 – Nigeria, 20 March 2023, [url](#), p. 34

⁴ USDOS, Country Reports on Human Rights Practices – Nigeria 2022, 20 March 2023, [url](#), pp. 1, 27, 34; HRW, Nigeria: child Marriage Violates Girls’ Rights, 17 January 2022, [url](#)

⁵ Africa News, Nigerian woman sues father for attempted forced marriage, 9 May 2023, [url](#); HRW, Nigeria: child Marriage Violates Girls’ Rights, 17 January 2022, [url](#)

⁶ SabiLaw, Forced marriage is an offence in Nigeria, 21 October 2020, [url](#)

⁷ Ifeanyi Eya, O., et al., Perception of Women on Sexual and Gender Based Violence in Nsukka, Enugu State, September 2020, [url](#), p. 268; WINET, Report Of Online Study On The Types Of Sexual And Gender Based Violence Most Prevalent During The Covid19 Lockdown In Enugu State, Nigeria, 4 February 2021, [url](#), pp. 12-13, 21; Hope Chime, O. et al., Prevalence and patterns of gender-based violence in Enugu, Nigeria: a cross-sectional study, [url](#), p. 6

⁸ WINET is a Nigeria-based NGO focused on women’s rights, media advocacy, and human rights. WINET, Twitter Account, n.d., [url](#)



Female Genital Mutilation (FGM), denial of inheritance, Child/forced marriage, intimidation, defilement, abandonment, sexual harassment, sexual abuse and wife battery'.⁹ In the online study, 83.8 % of participants replied that they had faced SGBV.¹⁰ Specifically, 23.8 % of respondents were aware of 'Girl-child/forced marriage' taking place in Enugu State and 11.4 % of them declared that themselves or someone they knew had experienced 'Girl-child/forced marriage'.¹¹

Further specific information on prevalence of adult forced marriages in Enugu state could not be found among the sources consulted by EUAA within the time constraints of this query.

2. Legislation

Forced marriage in Nigeria is criminalised under the Child Rights Act¹² and the Violence Against Persons (Prohibition) Act (VAPP).¹³ The Violence Against Person (Prohibition) Act (VAPP), interprets forced marriage as part of 'harmful practices' under Part VI, Article 46, which states that:

“harmful practices” means all traditional behaviour, attitudes or practices, which negatively affect the fundamental rights of women, girls, or any person and includes harmful widowhood practices, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage and forced isolation from family and friends.¹⁴

The VAPP states the following regarding punishments for harmful practices, under Part I, Article 20:

(1) A person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N500 000 [approximately EUR 608]¹⁵ or both.

(2) A person who attempts to commit the act of violence provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300 000 [approximately EUR 364] or both.

⁹ WINET, Report Of Online Study On The Types Of Sexual And Gender Based Violence Most Prevalent During The Covid19 Lockdown In Enugu State, Nigeria, 4 February 2021, [url](#), pp. 4, 11

¹⁰ WINET, Report Of Online Study On The Types Of Sexual And Gender Based Violence Most Prevalent During The Covid19 Lockdown In Enugu State, Nigeria, 4 February 2021, [url](#), p. 4

¹¹ WINET, Report Of Online Study On The Types Of Sexual And Gender Based Violence Most Prevalent During The Covid19 Lockdown In Enugu State, Nigeria, 4 February 2021, [url](#), pp. 12-13

¹² HRW, Nigeria: child Marriage Violates Girls' Rights, 17 January 2022, [url](#)

¹³ This Day Live, Forced Marriage in Nigeria, 9 July 2021, [url](#); SabiLaw, Forced marriage is an offence in Nigeria, 21 October 2020, [url](#); SabiLaw, Forced marriage is an offence in Nigeria, 21 October 2020, [url](#)

¹⁴ Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#)

¹⁵ All currency conversions were made on 6 September 2023 using InforEuro, the European Commission's official monthly accounting rate for the euro and the conversion rates, [url](#)



(3) A person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N300 000 [approximately EUR 364] or both.

(4) A person who receives or assists another who, to his or her knowledge, committed the offence provided for in subsection (1) of this section is an accessory after the fact and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N200 000 [approximately EUR 243] or both.¹⁶

At the state-level in Enugu, the VAPP law was in force since April 2019 according to the VAPP tracker kept by Partners West Africa Nigeria (PWAN). Similarly, sources reported that as of December 2021¹⁷ and January 2022,¹⁸ the VAPP was in place. The Westminster Foundation for Democracy (WFD)¹⁹ published an 8 February 2022 policy brief on ‘Overcoming the Limitations to the Implementation of the Enugu State Violence Against Persons Prohibition Law.’²⁰ In the publication, WFD stated that prior to the enactment of the VAPP, there was a lack of comprehensive legislation to address violence against women and gender-based violence across the country.²¹

The Enugu State Violence Against Persons (Prohibition) Law (VAPP), 2019, states in Part I, Article 2 that:

“harmful practices” means all traditional behaviour, attitudes and/or practices, which negatively affect the fundamental rights of any person and includes harmful widowhood practices, as provided in section 3 (1) (a-j) of the Prohibition of Infringement of a Widow’s and Widower’s Fundamental Rights Law 2001, denial of inheritance or succession rights, female genital mutilation or female circumcision, forced marriage and forced isolation from family and friends.²²

Regarding harmful traditional practices, including forced marriage, Part 2 (Offences), Article 19 states that:

(1) Any person who carries out harmful traditional practices on another commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or

¹⁶ Nigeria, Violence Against Persons (Prohibition) Act, 2015, [url](#)

¹⁷ Nigerian Tribune (The), Six years after, Nigeria’s VAPP law still struggling for domestication in 17 states, 14 December 2021, [url](#)

¹⁸ WFD, Overcoming the Limitations to the Implementation of the Enugu State Violence Against Persons Prohibition Law, 8 February 2021, [url](#), p. 11

¹⁹ WFD is a UK-based public body that supports democracy through implementing programs in 30 countries through research and policy work. WFD, What we do, n.d., [url](#)

²⁰ The policy brief was based on research in 12 states assessing the VAPP in Nigeria, five years after enactment, examining Abia, Akwa Ibom, Anambra, Bauchi, Cross River, Edo, Enugu, FCT, Kaduna, Lagos, Osun, and Plateau States. WFD, Overcoming the Limitations to the Implementation of the Enugu State Violence Against Persons Prohibition Law, 8 February 2021, [url](#), p. 7

²¹ WFD, Overcoming the Limitations to the Implementation of the Enugu State Violence Against Persons Prohibition Law, 8 February 2021, [url](#), p. 11

²² Enugu State of Nigeria, Enugu State Violence Against Persons (Prohibition) Law, 2019, [url](#)



to a fine not exceeding N100 000 [approximately EUR 121] or to both such fine and imprisonment.

(2) Any person who attempts to commit the act of violence provided for in subsection (1) of this section in order to hinder or prevent his apprehension or trial is guilty of an offence and is liable on conviction to imprisonment for a term not exceeding 2 years or to a fine not exceeding N50 000 [approximately EUR 60] or both such fine and imprisonment.

(3) Any person who incites, aids, abets, or counsels another person to commit the act of violence as provided for in subsection (1) of this section is guilty of an offence and is liable on conviction to a term not exceeding 2 years or to a fine not exceeding N50 000 [approximately EUR 60] or both such fine and imprisonment.

(4) Any person who receives or assists another who to his knowledge commits the offence provided for in subsection (1) of this section in order to hinder or prevent his apprehension or trial is an accessory after the fact and is therefore liable to imprisonment for a term not exceeding 2 years or to a fine not exceeding N50 000 [approximately EUR 60] or both such fine and imprisonment.²³

Other existing laws against violence against women in Enugu include the ‘1999 Constitution of the Federal Republic of Nigeria (as amended), the Criminal Code law of Enugu State, Enugu State Prohibition of Infringement of Widows and Widowers Fundamental Rights Law, and the Enugu State Marriage Causes Law’.²⁴ Further and detailed information on the applicability of these laws to forced marriage specifically could not be found among the sources consulted by EUAA within the time constraints of this query.

3. State protection

Sources reported that there was a lack of capacity to investigate cases of GBV in Nigeria.²⁵

In Enugu state, PWAN²⁶ published on 29 September 2022 the report Promoting Survivor-Centered Policing In Nigeria where it informed that there was not adequate funding for capacity-building for the Nigeria Police Force (NPF) and Nigerian Security and Civil Defence Corps (NSCDC) to investigate SGBV cases. Moreover, institutional corruption hampered effective ‘survivor-centered policing in Enugu State’ in SGBV cases where ‘there are instances of twisted investigations and unnecessary alliance with the perpetrator due to some financial favours received from them’.²⁷

²³ Enugu State of Nigeria, Enugu State Violence Against Persons (Prohibition) Law, 2019, [url](#)

²⁴ WFD, Overcoming the Limitations to the Implementation of the Enugu State Violence Against Persons Prohibition Law, 8 February 2021, [url](#), p. 11

²⁵ USDOS, Country Report on Human Rights Practices for 2022 – Nigeria, 28 March 2023, [url](#), p. 2; HRW, Nigeria: Child Marriage Violates Girls’ Rights, 17 January 2022, [url](#)

²⁶ PWAN is a women-led NGO aimed at increasing rule of law, citizen participation, and security governance in West Africa and Nigeria. PWAN, About Us, N.d., [url](#)

²⁷ PAWN, Promoting Survivor-Centered Policing In Nigeria, 29 September 2022, [url](#), pp. 76-77



A September 2020 study on women's perceptions of SGBV in Enugu, published in the International Journal of Innovative Research in Social Sciences and Strategic Management Techniques, surveyed 200 women respondents, and found that many women victims of SGBV felt shame and fear and considered that the government would not take action following the complaint.²⁸

Respondents to the WINET online study said that 88.6 percent of women victims of SGBV surveyed were aware of organisations or agencies where they could report SGBV. In 60 percent of cases, violence was reported. The survey found that when violence was reported, reports were made to Civil Society Organisations or Non-Governmental Organisations (CSOs/NGOs) (49.5 percent of cases); law enforcement agencies (36.2 percent); security personnel (22.9 percent) and community leaders (10.5 percent). The same study found that perpetrators were arrested in 63.8 percent of cases, but that victims reported 56.2 percent dissatisfaction with the handling of the case by authorities.²⁹

4. Support services

PWAN reported that in Enugu state, there was a lack of facilities to provide support such as accommodation and counselling for SGBV victims by law enforcement and security authorities'.³⁰ WFD reported that there were no shelters in the state for abused women set up by the government however there were two centers aimed at providing support to survivors of sexual violence.³¹ Other mechanisms such as mediation engagements, gender desks in 'some police stations' and family courts to deal with SGBV cases were according to the source 'not functional' at the time of publication.³²

5. Ability of an adult woman to refuse a forced marriage

Information on the ability of an adult woman to refuse a forced marriage in Enugu state could not be found among the sources consulted by EUAA within the time constraints of this query.

²⁸ Ifeanyi Eya, O., et al., Perception of Women on Sexual and Gender Based Violence in Nsukka, Enugu State, September 2020, [url](#), p. 268

²⁹ WINET, Report Of Online Study On The Types Of Sexual And Gender Based Violence Most Prevalent During The Covid19 Lockdown In Enugu State, Nigeria, 4 February 2021, [url](#), pp. 17-18

³⁰ PAWN, Promoting Survivor-Centered Policing In Nigeria, 29 September 2022, [url](#), pp. 76-77

³¹ WFD, Overcoming the Limitations to the Implementation of the Enugu State Violence Against Persons Prohibition Law, 8 February 2021, [url](#), p. 13

³² WFD, Overcoming the Limitations to the Implementation of the Enugu State Violence Against Persons Prohibition Law, 8 February 2021, [url](#), p. 13



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28 Too Many; Africa Reports (The); All Africa; Amnesty International (AI); Asylum Research Center (ARC); Christian Solidarity Worldwide (CSW); Daily Trust; Demographic and Health Surveys (DHS) Programme; ECOL.net; France – Office Français de Protection des Réfugiés et Apatrides (OFPRA); European Union – EUAA COI Portal; French Institute for Research in Africa (IFRA-Nigeria); Guardian (The) Nigeria; Human Rights Watch; International Centre for Investigative Reporting (ICIR); New Humanitarian (The); Nigeria - National Agency for the Prohibition of Trafficking in Persons (NAPTIP); Nigerian Tribune; United Kingdom (UK) – Home Office; United Nations - Office of the High Commissioner for Human Rights (OHCHR), UN Women; Premium Times; VOA Africa; Women’s Aid Collective Nigeria (WACOL); Women Empowerment Education and Peace Building Initiative (WEPBI).