**TRADITIONAL, RELIGIOUS AND COMMUNITY INSTITUTIONS APPROACH TO SEXUAL AND GENDER BASED VIOLENCE**

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**THE ONIMESI OF IMESI-EKITI**

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**INTRODUCTION:**

Sexual and gender based violence is a major public health and human rights problems involving all ages and sexes. It relates to violence against women, men, girls and boys even though we all think it relates to women and girls alone, men as well are subject to violence too.

The United Nations defines it as “any act of violence that result in physical, sexual or psychological harm or suffering in women, including threats of such acts; coercion or arbitrary deprivation of liberty whether occurring in public or private life and includes acts that allows one gender to control another such as; punching, hitting, choking, hitting, throwing of objects at a person, kicking and use of a weapon including gun, knife, machete.

Sexual violence is any sexual act, unwanted sexual comment or advances or acts to traffic women’s sexuality using coercions, threats of harm or physical force by any person regardless of relationship to the survivor in any setting.

It is estimated that 8% to 70% of women worldwide have been subjected to physical and sexual assault by a partner at least once in their lifetime.

It is also mostly believed that women and female genders suffer from domestic and related violence but the truth is that men also have their own share of domestic violence even if under reported.

**WHAT CONSTITUTE GENDER BASED VIOLENCE:**

The acts that constitute gender based violence though vary from one society to the other. However it is generally believed as I have described in the introduction that acts of violence that result in physical, sexual and psychological harm or suffering to the victim in any form whatsoever would suffice and it includes the followings among others:

1. **Rape and Marital Rape:** This is an invasion of any part of the body of a victim or of the perpetrator with a sexual organ or of anal or genital opening of the victim with any object of the body by force, coercion, taking advantage of a coercive environment or against a person who is not capable of giving genuine consent.
2. **Child Sexual Abuse:** Defilement and incest which occurs when a child is used for sexual gratification and satisfaction under a subdued condition knowing the child is mostly incapable of forming a mind of resistance.
3. **Forced Sodomy/Anal Rape:** This involves forced or coerced anal intercourse usually male to male or male to female.
4. **Attempted Rape or Attempted Anal Rape:** This is a rape that is deemed to have occurred without penetration.
5. **Sexual Abuse:** This occurs when there is actual or threatened physical intrusion of sexual nature including but not limited to inappropriate touching by force or under unequal or coercive conditions.
6. **Sexual Exploitation:** This occurs when there is any abuse of a position of vulnerability or weakness or trust for sexual purposes and includes monetary profits, socially and politically from sexual exploitation of another, trafficking in person, pornography or prostitution for grant of goods, services, assistance, benefits and sexual slavery. For instance the prevalent circumstances of Nigerian girls being trafficked to Italy, Libya, Dubai for such purposes.
7. **Forced Prostitution:** This is similar in nature to Sexual exploitation but is only restricted to prostitution. In this case a victim is permanently engaged under the use of force or threat of force to be a prostitute for which monetary returns and or other benefits go to the enforcer.
8. **Sexual Harassment:** This is usually an unwanted, unwelcomed and repeated and unreciprocated sexual advances, unsolicited sexual attention, demand for sexual access or favours, sexual innuendoes and verbal or physical conduct of a sexual nature, display or pornographic material, when sexual advances is made a condition of employment or creating of an offensive work environment.
9. **Sexual Violence As A Weapon Of War And Torture:** This occur when sexuality is made a weapon of war where victims are subject to various degree of sexual abuse in war situations. The United Nations have over the years view sexual assault of any kind as a war crime whenever it occurs in a war situation. The ongoing war between Ukraine and Russia where cases of rape and other sexual crimes have been reported is a recent example.
10. **Kidnapping:** this is the new trend where individuals are kidnapped and sexually exploited by their captors. We have experienced the recent advent of Boko Haram, ISWAP and Bandits kidnapping victims like the Chibok girls and turning them into sex slaves, wives and selling them into slavery.
11. **Emotional and Psychological Violence:** This occur when victims are subject to emotional and psychological traumas particularly from spouses and those in position of authority and influence. It is aimed at subjecting the victims to control after a refusal of inordinate sexual advances and non committal to same.

Having given examples of what constitute sexual and gender based violence. It is apt to now consider the traditional, religious and community institution approach to same. While reviewing these, I will attempt to give my personal position and where possible proffer solutions to envisaged problems.

**TRADITIONAL AND CULTURAL APPROACH:**

It is safe to say that the prevailing traditional and cultural approach to sexual and gender based violence in Nigeria is still below the international standards. This is because the traditional and cultural practices in most states of Nigeria still allows for acts of sexual violence and discrimination against the female gender to thrive.

These however depend on the local culture and tradition of most communities and vary from one state to the other.

The following traditional and cultural practices in my respective view constitute sexual and gender based violence in Nigeria:

1. **Child Marriage:** When a girl child under the age of 18 years is made to marry and in some cases a male child too.
2. **Female Gender Mutilation:** this occurs where there is partial and total removal of the external female genital organ.
3. **Domestic Violence Against Women:** this particularly occurs in physical abuse and violence against women by their partners. As argued hereof, sometimes the husbands are also subjected to such violence particularly when they are old and unable to fend for themselves and their family even though mostly unreported.
4. **Right To Own Property:** Most societies prevent a woman from owning properties and at most what a woman can own is said to belong to the husband.
5. **Right Of Inheritance:** The various culture and tradition prevents a woman from inheriting properties from their father and from their husband as they are deemed not to be entitled by custom to be entitled to such inheritance thus preferring the male child to solely inherit from their father.
6. **Right To Leave An Abusive Marriage:** Culturally, the female gender is not usually permitted to leave an abusive marriage or a marriage that is not working. This tend to make the female gender discriminated against when in rare occasions they summon the courage to leave such abusive and violent based marriages.

Briefly, in my community as well as majority of communities, I am aware that the issue of child marriage is almost none existence as the Yoruba culture and tradition does not encourage such. Thus most marriages occur between individual adults of marriageable age which now is within the universal adult suffrage age of 18years and above. Within this context, I have always encouraged and so have my people, that individuals pursue a carrier in education and vocations before giving consideration to marriages even though one is conscious of the fact that decisions on marriages are usually a subjective one. But we do not have cases of child marriage in my domain.

On female gender mutilation, it is a fact that female gender genital mutilation is still prevalent in our society. This includes circumcision done on males too.

However, over the years, the tradition of circumcision which is viewed as a right of passage into adulthood has almost been eradicated and with education our people no longer perform circumcision on both the female and male children as it used to be.

Domestic Violence of any type is not encouraged as we have in place social mechanism where most cases are reported to head of the family and in some cases are referred to the various head of the Quarters for resolutions. In rare cases, such an incident that borders on extreme violence are reported to the “Gbamos” who are the traditional defenders of the community and monitors various activities that are against the norms and custom of our community. When these cases are not resolvable at the levels mentioned hereof, then they are brought to the Onimesi-In-Council where I as the king and my chiefs treat such matters and proffer solutions.

On the rights of a woman to own properties, I submit that most societies are patriarchal in nature. Thus women are prevented and at best discriminated against when it comes to owning a property. The Nigerian society has developed in such a way that such practices have been relegated to the background. I am equally aware of the decision of the Supreme Court of Nigeria in deciding against such cultural practices as being repugnant to natural justice, equity and good conscience.

In my community and as a personal view, female children are allowed to own properties and our culture encourages that.

I will discuss this along with the issue of the rights of the female child to inherit properties both from her parents and the wife to inherit her husband’s properties including money. While there is no denying the fact that female children are mostly discriminated against when it comes to inheritance, the norm is that among the Yoruba’s of the South West part of Nigeria, female children are allowed to inherit from their parents. In rare situations, when it is the issue of inheriting from her late husband, if it becomes difficult and or the family of the husband is preventing her from inheriting, there is a mechanism with which such issue are resolved.

The Yoruba system of **“Idi Igi”** and **“Ori o jori”** are used in settling matters of inheritance of properties for the wives and children of a deceased husband. Added to this is the age long practice called “Opo” where the wife of a deceased me mber of the family is allowed to marry the brother or male member of the family so that the lineage of the deceased would be kept and the wife and children will be catered for by the family through the male child that has taken over the family of the deceased family member.

And on the issue of the right of a female gender to leave an abusive marriage, it is my submission that often these rights are very subjective. Though our society frowns at separation and broken marriages, the trend in the society where these had led to violence and sometimes death of either or both of the partners calls for deep reflection and proffering of solutions to the emerging trend. I do not support a break in marriage but at the same time I abhor violence and would encourage individuals to assess their situations and do that which prevents the loss of lives.

**RELIGIUOS APROACH**

As we all are aware, religion play a vital role in the lives of individuals. We practice the Christian, Islamic and traditional beliefs and all these religious beliefs have a common denominator, that the female gender are meant to be submissive, in some areas they are to be seen and not even heard.

**My position is as follows:**

1. The religion that we practice sees the female gender as the weak sex. As such, they are not allowed to have their say or way in matters of life and at times on decisions that affect them.
2. The religions enjoin the female gender to be submissive in all ways. Thus, where a woman insists that her rights are being infringed on, the society sees it that the woman is not submissive to her husband or her siblings who are male.
3. The three religions mentioned above believes that it is God who determines the punishment that is to be meted out to an individual who have sexually and physically attacked a female gender or inversely a female who had inflicted similar attack on a male gender in rare cases. As such most if not all such cases that occur and are reported to our religious institutions are allowed to go free due to the believe that such should be left to God to resolve. We heard of recent accusations made against some pastors of churches and had been allowed to be kept in the coolers for years. The several cases within the Catholic churches are all there for us to see. I have come across an accusation against a Muslim cleric who had sexually abused a female child under his care. The recent case where a school proprietor was convicted for the kidnap and murder of his own pupil readily comes to the mind.

**COMMUNITY APPROACH:**

I will discuss this in the context of the government approach to the issue of sexual and gender based violence. This is so in considering the fact that the government represents the overall interest of the community and our society.

From my findings, I have discovered the following measures from Ekiti State Government; especially the office of the First Lady of Ekiti State – Erelu Bisi Fayemi, aimed at addressing the issues arising from gender based violence within the society.

In Response to SGBV in the state, five key intervention Areas are prioritized;

1. **POLITICAL WILL:**

The Government Inaugurated a **High level Multi Sectoral GBV management Committee,** whose membership includes the **Chairman Traditional Ruling Council in the state,** religious leader and other Government and Non-governmental agencies. This committee is the implementing mechanism of the state’s GBV law, therefore has oversight of all aspects of the implementation of the GBV law, including Access to Justice for victims, treatment care and protection, education and sensitization, as well as community engagements for prevention.

1. **LEGAL AND POLICY FRAMEWORK:**

In Ekiti we have the most Robust legal and policy framework for the protection of the rights of women and children. Ekiti State was the first to domesticate the National Gender Policy in 2011. These Laws and Policies include but not limited to; **The Gender Based Violence (Prohibition) Law 2019, The Sexual Violence Against Children (Compulsory Treatment & care) Law 2020** (this particular law was enacted out of concerns about the increasing cases of sexual violence against minors, this law makes it mandatory for medical facilities in the state to give immediate treatment to child victims of sexual violence and also an obligation imposed on the police to investigate such cases speedily with strict adherence to the best interest of the child).**The Ekiti State Gender and equal opportunities law (2013), The Ekiti State Victims of Crimes Law,2021, The Ekiti State Political Office (Gender Composition) Law (2022), THE VICTIM CHARTER”** (A Statement of Rights for Victim of Crime in Ekiti State) 2020, Attorney-General Advisory on Equality and Protection from Sexual and Gender Based Violence, 2021, The Ministry of Justice Gender Based Violence Policy, for Staff of the Ministry of Justice, 2021, The Mental Health Bill was also prepared & drafted for the Legislative Arm to pass the bill into Law, 2021, the Ekiti, State Ministry of Education Gender Based Violence Policy, 2021.

There is also the **Name and Shame** Policy which is a community notification policy that permits the public dissemination of information and profile of convicted sex offenders in their home communities and across all social media. This policy is specifically welcomed by the traditional ruling council as a means to curb the further defilement of young girls in communities and to ensure the safety of women and girls in their various communities across the state.

1. **ACCESS TO JUSTICE:**

In order to address the deep rooted problems of violence against women in Ekiti State, the government is continuously strengthening the ministry of Justice, women affairs as well as Traditional institutions in manners that enable access to effective remedies and reparation. These institutions are also mandated to collaborate to identify and respond to cultural, legal and institutional failures that allow GBV to happen and find solutions on how it can be curbed. In addition, for the speedy dispensation of justice, the Government established three gender courts across the state, one for each senatorial Zone.

1. **PROTECTION AND CARE OF GBV SURVIVORS**:

The Sexual Assault Referral Center (SARC) was established in to provide free medical and psychosocial care for victims of violence, a mega shelter to was also established to house up to 204 women and children who require protection and shelter at a time. There is also a statutory provision in the GBV law for Survivors fund, which is a form of financial support for survivors as they rebuild their lives.

Traditional rulers are also collaborating with the Government to reduce the rate of sabotage of cases of sexual violence cases mostly caused by people close to the victims and the perpetrators. Efforts are made to ensure that victims feel safe and protected and families and community leaders are discouraged from interfering with Law enforcement processes.

1. **SPECIAL INTERVENTIONS:**

Women Empowerment creating opportunities for women to lift themselves out of poverty. Women economic empowerment is critical for inclusive poverty reduction. Keep Girls In School (KGIS) – ensuring that girls have the enabling educational structure for them to become better persons- the keep girls in school program is a way of eradicating illiteracy and poverty and giving young pregnant girls an opportunity at a new lease of life where their education is not disrupted by reason of being pregnant and sent out of school while the men that caused the pregnancy continues their live(s) as if nothing happened. Majorly its purpose is to reduce the number of female school dropouts yearly.

However, in all of these laudable steps taking by the State Government to curb GBV, the Traditional and Religious institutions in the state have not been left out, note that they have all been carried along and all Government institutions have worked in synergy to ensure the protection of women and girls in all communities in the state.

**CONCLUSION:**

I submit that there are high levels of occurrence of sexual and gender based violence affecting women and men. This ultimately affects the well being of the public in all sphere of life. Thus with adequate enlightenment, education and implementation of extant laws and the assurance that offenders will adequately be punished without delay in the administration justice and implementation of extant laws, then, only then can we say that sexual and gender based violence and offences will be reduced to the barest minimum if not totally eradicated.

Thank you.

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**(OLAIBIYEMI II)**

**THE ONIMESI OF IMESI EKITI**