

**AN OVERVIEW OF THE LEGAL FRAMEWORK AGAINST DOMESTIC VIOLENCE
AND PROTECTION OF WOMEN UNDER NIGERIA LAW**

**BEING A PROJECT SUBMITTED TO THE FACULTY OF LAW, ALEX EKWUEME
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TITLE PAGE

**AN OVERVIEW OF THE LEGAL FRAMEWORK AGAINST DOMESTIC VIOLENCE
AND PROTECTION OF WOMEN UNDER NIGERIA LAW**

APPROVAL

The Long Essay titled “An Overview of the Legal Framework against Domestic Violence and Protection of Women under Nigeria Law” has been assessed and approved by the Undergraduate Studies Community of the Faculty of Law, Alex Ekwueme Federal University, Ndufu-Alike Ikwo.

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DEDICATION

This research work is dedicated to God Almighty and mother Mary for his love, mercies and grace all throughout my undergraduate days and to my loving mother Elizabeth Ngozi Amadi for her support and encouragement throughout the period of my studies.

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LIST OF ABBREVIATIONS

ENLR -	Eastern Nigeria Law Report
NCLR -	Nigerian Constitutional Law Report
All E.R -	All European Report
A.G -	Attorney General
LPELR –	Law Pavillon Electronic Law Review
NWLR –	Nigerian Weekly Law Report
IGP –	Inspector General of Police
Pt-	Part
Ors -	Others
J.S.C	Justice of Supreme Court
SC-	Supreme Court
CA -	Court of Appeal
WACA -	West Africa Court of Appeal

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ABSTRACT

Over time, the problem of domestic violence among couples transcends natural frontiers and has received global condemnation in legal instruments produced at both domestic and global institutions and treaties in which Nigeria as a country is signatory to or acceded. The major causes of this violence are distinct and include inter alia the socio-economic position of the genders. Domestic violence is an ill that is predominantly believed to be suffered by women and children only, but the truth is that men and women are affected or victims alike. Men are also abused verbally, physically, emotionally, psychologically and sexually. For instance, a man whose wife locked outside for returning late or a man denied food or beaten is a victim of domestic violence. It is a regular part of most women's experience in Nigeria, especially in the homes where the expectation of every member is the attainment of psychological uplift and growth. Nigeria has equally risen to the occasion over the years and laws have been put in place to combat this menace of domestic violence. Several governmental and non-governmental institutions have played roles in combating the issue of domestic violence with significant results achieved over the years. The main objective of this study is to critically appraise domestic violence as a hallmark of marriage instability: the need to review laws relating to marriage in Nigeria as well evaluate some legislations that are primarily targeted at putting an end to the menace of domestic violence in Nigeria. In the course of carrying out this research, doctrinal research methodology was adopted and we found out among other things that the rate of dissolution of marriage contract in Nigeria is speedily rising and one of its major causes is domestic violence among others. We recommended among others that the importance of raising awareness about issues relating to women's, children's, and men's rights cannot be over-emphasized and there is need to put in place stringent measures that would totally bring to an end domestic violence, and that Police and legal officers should be given special orientation and special guidelines on how to handle domestic violence cases. We also concluded that the laws on marriage contract should be reviewed so as to bring in provisions that would stamp out domestic violence.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Domestic violence is an ill that is predominantly suffered by women and children only, but the truth is that men and women are affected or victims alike. The domestic violence can be physical, verbal or psychological. For instance, a man whose wife locked outside for any reason or denied being served food or beaten is a victim of domestic violence.¹ This menace has been part of most spouse's experiences in the country.²

Generally, domestic abuse has been discovered to be experienced by most women in their lifetime³. The experience of being a victim of this menace can generate strong negative feelings about one self, including feelings of guilt and shame and this affects the victim psychologically. The assaulted victim may believe he/she is to be blamed for the abuse and such feelings of responsibility may decrease the likelihood that the victims may utilize available measures to get justice in such circumstance as it vehemently violates his or her fundamental right.

A woman could suffer violence for denying her spouse sex, nagging or challenging the man's behavior. She could be subjected to violence for not preparing meals on time, having or being under suspicion of having a sexual relationship outside the marriage. Violence against people in the home is generally regarded as belonging to the private sphere in Nigeria and is therefore shielded from outside scrutiny.

¹ J S Nadda, Across Sectional Study of Gender Based Violence Against Men in the Rural Area of Haryana, *Indian Journal of Law*. (2019) 3(1) 43.

² Mary Ezere, et al. Causes and Consequences of Intimate Partner Rape and Violence: Experience of Victims in Lagos, Nigeria. *Journal of AIDS and HIV Research*. (2001)1(6), 23.

³ Jam Bostock and Maureen Plumpton: Domestic Violence against Women: Understanding Social Processes and Women Experiences. *Journal of Community and Applied Social Psychology*, (2009) 19(2), 95.

A culture of silence reinforces the stigma attached to the victim rather than condemning the perpetrator of such crimes. Domestic violence goes beyond physical violence to include psychological or financial violence that takes place within an intimate or family-type relationship and forms a pattern of coercing and controlling behavior.⁴ Domestic violence is a serious infringement of fundamental human rights of a person.⁵ So, it is a severe issue that needs to be addressed in the society to guarantee safety and well-being of individuals, as it has adverse effect even to the children of the marriage.

The root causes are distinct and include among others; the socio-economic position of spouses even though domestic violence is an infringement of one's rights to life and dignity of a human person as guaranteed in Nigerian constitution 1999 as amended.

1.2 Statement of the Problem

Domestic violence is an abuse to the fundamental rights of human against inhuman treatment. As a violation of people's right, it becomes worrisome that the menace of domestic violence has been rapidly increasing in most homes in Nigeria especially among spouses. This has the adverse effect of reducing the esteem and dignity of its victims. Domestic violence leaves the victim with the fear of his or her life and self-esteem.

Domestic violence has far-reaching effects as it is a hurt unleashed by people who are family where support and encouragement are meant to emanate from. In many societies, this issue is left unattended because of the belief that a family is a private and peaceful cradle of safety and emotional support. Domestic violence assumes the forms of bodily harm, denial of needs, verbal

⁴ E.I Nwogugu, *Family Law in Nigeria*, 3rd Ed. (HEBN Publishers, 2006), 34

⁵ Section 34 of 1999 Constitution of Federal Republic of Nigeria (as amended).

abuse, neglect, battery etcetera. Children are not left out as they suffer domestic violence too. There are cases where a child has numerous marks on his body.

This menace mostly leads to loss of self-dignity and aspiration, death, children of such homes are not raised properly and the family does not progress.

1.3 Aims and Objective of the Study

The general objective of this research is to appraise domestic violence as a hallmark of marriage instability: the need to review laws relating to marriage in Nigeria.

Specifically, the following are the objectives of this study:

- a. To explain in clear terms what human rights entail.
- b. To discuss what constitutes domestic violence in marriages.
- c. To reveal the causes of domestic violence.
- d. To proffer possible solutions to menace of domestic violence.
- e. To identify the setbacks to the proceedings involving domestic violence.
- f. To know the aftermaths of domestic violence.
- g. To discover how domestic violence amounts to a breach of fundamental human rights.

1.4 Scope of the Study/Limitation of the Study

The focus of this study is Nigeria, and as such particular attention was paid to the relevant Nigerian laws that concern marriage, human rights and violence against persons.

However, given the nature of marriages in our societies today, especially to the fact that most cultural practices see women as a property of their husband, this long-essay focuses on why

domestic violence has been prevailing in our society today and the need to reform our laws that have to do with marriage.

The task of researching and writing on this topic was educating, inspiring and yet demanding.

The following are some of the major challenges that were encountered by the researcher;

- (a) Time Limitation: The researcher could not handle the process of getting the necessary information needed for this study to her satisfaction considering the fact that she also had class works and lectures to deal with.
- (b) Financial constraint: in addition to other challenges, the writer did not have the financial wherewithal required in carrying out this research work.
- (c) Lack of materials: There are not much materials on this topic, and so, the researcher took much time researching for materials and searching for authorities.

1.5 Significance of the Study

This study will further enrich the body of literature and expand knowledge in the areas of domestic violence and effective implementation of laws relating to human rights. Unlike other research works on domestic violence, this work is written in a very simple and understandable language with illustrations from everyday societal experiences.

Also, this research work will be of great importance to the policy makers, as it will help them come up with laws that will criminalize domestic violence in Nigeria, and this will help in stamping out the menace.

Also, the general recommendations that will arise from this study would be of immense benefit to the practicing lawyers, law students, husbands and wives, researchers and the general public

because this work will give clear knowledge on steps and procedures to handle issues of domestic violence as it relates to human rights violation.

1.6 Research Methodology

In carrying out this research, the doctrinal research methodology was adopted. The information was gotten from both primary and secondary sources, with particular references to Nigeria materials.

Primary data was collected from case laws and statutes while the secondary data collected for this study was obtained from books, journals, lecture notes, articles, internet and newspapers. The main purpose of gathering information from the secondary source is to augment the data from the primary sources.

1.7 Chapter Analysis

This research work is divided into five chapters, in order to ensure that the topic under discourse is fully evaluated, discussed and appreciated.

Chapter one introduced the topic, wherein background to the topic of the research was extensively discussed, followed by the statement of the problem, among others.

Chapter two reviewed the positions of different authors on domestic violence and the likely gap in knowledge that this long essay intends to fill. The chapter also defined some key concepts and discussed some theories in order to give jurisprudential basis to the topic.

Chapter three examined the provisions of some related laws on domestic violence as well as roles some institutions play in putting an end to the menace of domestic violence in Nigeria.

Chapter four delved into the main topic under discourse, extensively discussed the rudiments and prospects of domestic violence in Nigeria.

While chapter five concluded the work with brief summary of findings and necessary recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 Conceptual Framework

2.1.1 Concept of Domestic Violence

Domestic violence can be simply referred to as domestic abuse or family violence. It is violence that occurs in a domestic setting such as in marriage or cohabitation.

According to Black's Law Dictionary, domestic violence is defined as:

Violence between members of a household, spouses, an assault or other violent act committed by one household against another. The infliction of injury or the creation of a reasonable fear that physical injury or harm will be inflicted by a parent or member or former member of a child's household.⁶

According to the United States' Department of Justice, Office on Violence against Women, domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain control over another intimate partner.

In Nigeria, people are subjected to multiple forms of violence in their homes. Due to lack of official statistics, it is difficult to establish the extent of domestic violence as hundreds of cases go unreported and undocumented. Domestic violence is seldomly reported because of many

⁶ G. Garner. *Black's Law Dictionary*, 8th Ed. (West Publishing Co.2004) 992.

reasons. Some could be as a result of fear of reprisal and lack of response from law enforcement officials.⁷

According to Prof Harlen Brundtland, violence pervades the lives of many people around the country and touches all of us in some ways.

Violence is largely ignored as a public health issue due to lack of a clear definition of the problem, it's extremely a diffused and complex phenomenon.⁸

There exist many possible ways to define violence depending on who is defining it and for what purpose. A definition for arrest and prosecution purpose will sure be different from that of social service intervention.

WHO “defined violence as the intentional use of physical force or power threatened against oneself, another person or against a group or community that either results in injury, death, psychological harm, mis-development or deprivation”. From this definition, violence encompasses interpersonal violence as well as suicidal behavior and wide range of act going beyond physical acts, to include threats and intimidation.

Violence is the use of physical force on someone so as to injure, abuse, damage or destroy. For each single death due to domestic violence, there are hundreds of emergency department risks.

Violence is a lifelong consequence of physical and mental health, and social malfunction and slows down economic and social development.

⁷Eze-Anaba Itoro, “Domestic Violence and legal reforms in Nigeria: Prospects and challenges” *Edo Journal of Counselling*. (2007), 14(21), 66.

⁸ World Report on Violence and Health, (WHO Press, 2002), 12.

2.1.2 Concept of Marriage

Marriage is sometimes used to denote three different situations. That is, an agreement to marry, the act of being married (the ceremony by which a man and a woman become husband and wife), and finally, it is a state of being married, which is the relationship between a husband and a wife.⁹

Marriage is a universal institution which is recognized and respected all over world. As a social institution, marriage is founded on, and governed by social and religious norms of society.

However, the concept of marriage as a union of persons of opposite sex has faced severe limitations in several countries. This is because some countries have legalized same sex marriage while in others; substantial legal attributes of marriage have been conferred on cohabiting couples. There are two types of marriage which are legally recognized in Nigeria. These are; the Monogamous marriage under the Marriage Act and Customary Law Marriage including marriage under Moslem Law.¹⁰

Monogamous (statutory) marriage is a voluntary union for life of one man and one woman to the exclusion of all others until divorce or death.¹¹

Furthermore, the union is for life. This entails that at the formation of marriage, the parties must have intended to take each other as husband and wife for life, though it may be subsequently interrupted by divorce or death of one of the spouses.

⁹ G Garner. *Black's Law Dictionary*, 8th Ed. (West Publishing Co.2004), 992.

¹⁰ *Obiekwe v Obiekwe* (1963)7 ENLR 196.

¹¹ *Hyde v Hyde* (1886) LRIP and D 130, 133.

According to the interpretation Act 2003, a monogamous marriage is defined as a marriage which is recognized by the law of the place where it is contracted, as a voluntary union between one man and one woman to the exclusion of all others during the continuance of the marriage.

Another cardinal point from the definition of monogamous marriage from interpretation Act is the sex of the parties. The definition presumes that the parties to a marriage must be of opposite sex. In this view, a related question has been raised in respect of same-sex marriage, lesbian and gay groups in Nigeria. For instance, it has been argued that the local marriage Act like similar legislations in Europe and the United States, did not explicitly prescribe for marriage between persons of the opposite sex. In response to such argument, it has been countered that universally, the understanding which underpinned marriage legislations is that only persons of the opposite sex involved.

Consequently, it is not necessary in most cases to state that principle expressly. That presumption is reflected in several sections of the applicable legislations on marriage in many countries. The exclusion of same sex couples from the right to marry has also been challenged on constitutional grounds of due process and equal protection under the law. The answer to the challenge may depend on one's social and religious approach to what constitutes a right in this respect.

Besides monogamous marriage, Nigeria law also recognizes marriage under customary law and Islamic law. Customary law marriage may be defined as the union for life of one man and one or several women. Its germane feature is the capacity of the man to take more than one wife at a given time. A marriage remains one under customary law where there is only one wife provided that the man retains throughout the union, the capacity to take additional wives.

It is very important to state here that in customary law marriage, there is no limitation on the number of wives that the man may marry. Customary law marriage does not recognize polyandry, that is, the ability of a woman to have more than one husband. This view was supported by the court in the case of *Kpelanya v Isoka and anor*¹² where the court held that under Tiv customary law, a woman cannot lawfully be married to two men at the same time. In fact, under Idoma customary law, it is an offence for a woman to be married to two men.

2.2 Theoretical Framework

2.2.1 Sociological Theory

This theory entails the systematic study of social life and culture in order to understand the causes and consequences of human actions. It examines in details, how culture, social structures (groups, organizations, and communities) and social institutions (family, education, religion, etc) affect human attitudes and life chances.

This theory combines scientific and humanistic perspective in the study of the society. It approaches law from a comparative perspective and examines it in social concept.¹³ One of the major proponents of this theory is Roscoe Pound, he was a professor at Harvard law School. He is regarded as the father of American Sociological School of Jurisprudence. He defined the goals of sociological jurisprudence in an essay on the philosophy of law, as what we are seeking to do and must do in a civilized society and to adjust relations, order conducts in the world in which, the goods of the existence, the scope for free activity and the objectives on which to exert free activity, are limited and the demands upon those goods and those objects are infinite.

¹² (1971) NNLR 66

¹³ Legal Anthropology available online at <<https://www.Sciencedirect.com/topics/social-sciences/legal-anthropology>> accessed on the 26th June, 2024.

This theory deals on law as a social institution with social influences and consequences that are used instrumentally. It studies relevance of law to the society.

This theory proffers concepts of law, theories about the origin of law, and functions of law as a veritable instrument for societal transformation¹⁴. Sociological jurists are relativist and development oriented legal positivists but due to their passion for progressive development of law in the society, they tend to be more realistic¹⁵.

Pound proposed five (5) jural postulates as purposes of the law in a civilized society. There are as follows:

- a. That men must be able to assume that others will not commit intentional aggression upon them such as battery, assault, manslaughter, murder.
- b. That men must be able to assume that they may control for their benefit what they discovered as appropriate.
- c. Men must be able to assume that those with whom they deal in general intercourse of the society, will act in good faith.
- d. Men must be able to assume that those who engage in some course of conducts, will act with due care not to cause an unreasonable risk of injury on others.

From the above postulates, it is evident that law has role of protecting the people in the society from all forms of violence, domestic violence inclusive.

¹⁴Roza Banakar,” *Sociology of Law*. Available at <<http://www.Sugapub.netisalresources>> accessed on the 21st June, 2024.

¹⁵ F Adaramola. *Jurisprudence*, (LexisNexis Butterworth, 2008), 253.

2.2.2 Positivist Theory

This theory of law professes that law is as made by the sovereign or his agent. The agent in this perspective is the parliament which is primarily empowered to make laws or a delegated legislator with delegated powers to make delegated legislations or judges who in the course of deciding cases, may establish case law or judicial precedents.

In other words, law is as made by the law maker and it remains the law until it is reformed by way of amendment or repealed. The existence of law is one thing, its merit or demerit is another. A law which eventually exists is a law, though people may dislike it.¹⁶

John Austin believes that positive law is a command set by a political superior for a political inferior, and which the inferior has to obey or suffer sanction. That law is a command made by a sovereign for an inferior and which the inferior has a duty to obey or suffer penalty.

The postulation of the positivist theorists is that man-made laws such as the constitution, violence against persons prohibition Act among others have made provisions for the protection of the rights of every human against abuse in any form, including abuse by way of domestic violence.

2.2.3 Utilitarian Theory

Utilitarian theory of law is one of the best and most influential moral theories. Its core idea is that whether or not an action is morally right or wrong depends on its effect. The only effects of actions that are relevant are the good and bad results that they produce.

¹⁶ John Austin, *The Province of Jurisprudence Determined*. (HLA Hart Publishers, 1832) 184.

Utilitarianism is a form of consequentialism because it rests on the consequences or results of actions, laws, policies etc, that determine whether they are good or bad, right or wrong. It advocates for choice of actions that will produce the best overall results.

This theory believes that the purpose of law is to make life better, by increasing the number of good things such as pleasure and happiness in the world and decreasing the number of bad things such as unhappiness and pain. Utilitarians are of the view that what makes law true and justifiable is its positive contributions and effects to lives of people in the society. The proponents of this theory include Jeremy Bentham (1748-1832), and John Stuart Mill (1806-1873). This theory is a philosophical view about how we should evaluate a wide range of things that involve choices that people face.

According to this theory, for something to be good, it has to give pleasure and happiness. This theory by implication advocates that law makers, executors and interpreters. That is, the legislature, executive and judiciary should perform their functions to ensure pleasure, happiness and well-being of the people in the society.

Domestic violence is obviously something which is against utilitarian view of happiness and as such, should be eradicated for the happiness and good of Nigerian citizens and better enjoyment of their fundamental human rights. The theory revolves around the works of Jeremy Bentham who is fondly referred to as the father of English Jurisprudence.¹⁷ He believed that men are self-interested and always act to gain pleasure and avoid pain or mischief.

For him, the central purpose of law is to promote happiness and avoid all forms of pain. Bethan defined utility as “that principle which approves or disapproves of any action according to the

¹⁷Adewale Taiwo & I J Koni. *Jurisprudence and Legal Theory in Nigeria*. (Princeton & Associates Publishers, 2019)253-254

tendency which it appears to have to increase or diminish the happiness of the individuals affected by it.¹⁸

2.3 Review of Related Literature

According to Adeyemo and Bamidele,¹⁹ they believed apparently that women are the major and predominant victims of domestic violence. Citing Mary Esere, Adeyemo and Bamidele argued that violence is a regular part of most women's experience in Nigeria, especially in the homes where the expectation of every member is the attainment of psychological uplift and growth. They maintain that the home which is supposed to serve as a form of succor and rest from life's many struggles and troubles, fill many with fear and trepidation.

However, domestic violence is not only limited to Nigeria. It is a significant proportion of all violent crimes in the UK and 43% of all violent crimes against British women. By and large, it has been projected that one-fourth of women may have a practical knowledge of domestic violence at some points in their life span. In addition, domestic violence is the intentional and persistent abuse of anyone in the home in a way that causes pain, distress or injury.²⁰

Based on the impact of the abuse, Adeyemo and Bamidele opined that the experience of being a victim of violence can generate strong negative feelings about the self, including feelings of guilt and shame. The majority of women who experience spontaneous scruffy from their partner admit to sense humiliation and embarrassment about dating the abuser or ignoring the signals and indications of the abuse. The victim may believe she is to be blamed for the abuse and such feelings of responsibility, may decrease the likelihood that victims will report the abuse.

¹⁸ F Adaramola” *Jurisprudence. (LexisNexis Butter worths Durban, 2008) 255*

¹⁹ A.O Olaitan and Bamidele Ifeoluwayimika. *The Menace of Domestic Violence: Improving the Lives of Women in Nigeria. African Journal and Legal Studies. (2016) 9(1) 177-198.*

²⁰ *Ibid*

Additionally, the victim could utilize denial tactics, downplay the severity of the threat, or offer an explanation for why the abuse took place. These coping mechanisms might assist the victim in dealing with the abuse, but they also make it less likely that the abuse would be reported. Through a process known as traumatic bonding, the scruffy woman may also witness a very positive attachment vehemently towards her abuser. Owing to the feelings of betrayal or remorse about “betraying” the husband. These feelings of love may make it more susceptible to lay complain about the abuse.²¹

Contextually, domestic violence cuts across all communities in Nigeria and at times is excused by a woman's actions or failure to act. When a woman suffers violence due to failure to meet some socially accepted standard of behavior, such failure is usually an accepted excuse for the violence she suffers, especially within the family context.

Adeyemo and Bamidele established the fact that domestic violence, needless to say, could also be committed by women against men. However, such cases are very few. They also argued that domestic violence appears in different types ranging from physical abuse, sexual abuse/rape, psychological abuse, traditional or cultural abusive, emotional abuse just to mention but a few. According to them, propelling factors of domestic violence include historical background of the family, absence of education, cultural difference, poverty, religious preferences, vulnerability of gender and others. They also highlighted the behavioral risk factor and the impacts on children.

²¹ A.O Olaitan and Bamidele Ifeoluwayimika. The Menace of Domestic Violence: Improving the Lives of Women in Nigeria. *African Journal and Legal Studies*. (2016), 9(1) 177-198.

Sequel to the above, Adebayo and Bamidele glanced at the legal sanctions and steps that have been taken in Nigeria against the cruel act of dehumanization in form of domestic violence, particularly against women.²²

In Nigeria, some states such as Lagos State, Ekiti State, Ebonyi, Cross River and Jigawa States have enacted regulations and policies to safeguard women against domestic violence in their individual states. In Lagos state for instance, the Protection against Domestic Violence Law 2007 was designed to secure women within the ambiance of the law. It was clearly stipulated that any act of domestic attack against an individual is illegal. The Law was enacted and created to offer protection to everyone who might be victim of domestic violence, not just women who are frequently the target, but also the male counterparts, children, servants, maid-servants, and everyone else.

Regardless of gender, age, or marital position, the law is binding and true. The law also allows victims of domestic violence who may be financially disadvantaged to seek redress in court to receive financial assistance from the state through the office of the public defender or legal aid council.

Consequently, a person's inability to afford professional fees, cannot prevent them from pursuing legal action under this legislation.²³ According to the Section 18(g) of the law, the following are actions that constitute the illicit act of domestic violence, but not restricted to them alone: corporeal violence, sexual abuse, starvation, emotional, oral and psychosomatic abuse, fiscal exploitation, denial of basic education, intimidation, stalking, as well as hazardous substance,

²² A.O Olaitan and Bamidele Ifeoluwayimika. The Menace of Domestic Violence: Improving the Lives of Women in Nigeria. *African Journal and Legal Studies* (2016), 9(2) 177-198.

²³ See Prohibition against Domestic Violence Law 2007, Section 139(2)

destruction to property, unlawful entry, controlling or abusive behavior and deprivation just to mention but a few.

The case of domestic violence can be commenced in a magistrate court or high court of the state through a motion on notice. An essential attribute of this legislation is that there is non-alignment of gender which implies that it was established for not just women but men as well.²⁴

According to H.I Bazza in his work "Domestic Violence and Women's Right in Nigeria", he took a different dimension on the issue of domestic violence. Thus, he claimed that domestic violence is gender-based and it is pervasive particularly against women. To this end, Bazza avers that violence against women in the home is pervasive. Domestic violence makes up about a quarter of all crimes that have been reported worldwide.²⁵ Women's rights are violated by domestic abuse. It violates the provision of the constitution on fundamental rights, such as the right to dignity and all other essential civil and political freedoms, such as the freedom of association, assembly, expression and worship, as well as the freedom from discrimination.

In every area of society, women are more exposed to the danger of domestic invasion than men. This is a result of the gender's varying access to status, authority, control over material possession, freedom to learn, and other necessities of life. The patriarchal system, class/gender stratification, and societal structure, all contribute to the institutionalization of violence against women.

According to Itoro Eze-Anaba in his article titled "Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges", he took a different dimension in explication of the ugly

²⁴ Ibid at page 21

²⁵ H.I Bazza. Domestic Violence and Women's Right in Nigeria. Available at: <<https://scholarlycommons.law.case.edu/swb/vol4/iss>>. Accessed on 20th June, 2024.

menace of domestic violence. He categorized his work into five parts. In the first part which deals with forms and prevalence of domestic violence in Nigeria, he expresses domestic violence has influence on African women just like it affects women elsewhere, regardless of class, age, religion or social standing. Wife abuse, beatings, torture, acid baths, rape and even death through honor killing are examples of domestic violence.²⁶

Many of the victims do not speak out about violations of their rights due to lack of positive response from the society. Because domestic violence is so pervasive in society, even the victims tolerate these right violations; some even justify them as acts of love. Many of the perpetrators also operate from the prejudices and stereotypic mindsets of the male dominated society. Making reference with other countries of the world that have victims of domestic violence, He narrowed it down to Nigeria claiming that in Nigeria, women and girls are subjected to multiple forms of violence in the homes.

Ito opines that Nigeria does not have any legislation against domestic violence. Therefore, a victim while seeking protection under the law will depend on common assault as enshrined in the Criminal Code. The Criminal Code considers physical attack (assault in legal term) on a female gender as a misdemeanor while the same offense on a male counterpart is a felony.²⁷

According to Aihie Ose in his book titled; “Prevalence of Domestic Violence in Nigeria: Implications for Counseling”. Domestic violence is the intentional and persistent abuse of anyone in the home in a way that causes pain, distress or injury. It refers to any offensive behavior towards a family member by another, which is against the law, and works against fundamental human rights.

²⁶ Ito Eze-Anaba. *Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges*. (Evans Brothers Publishing, 2021) 34.

²⁷ Sections 353 and 360 of the Criminal Code

According to Amnesty International, girls are frequently coerced into early marriages and put in danger if they try to leave their husbands. More pathetic is the revelation of gross under reporting and non-documentation of domestic violence due to cultural factor. A culture of silence reinforces the stigma attached to the victim rather than condemning the perpetrator of such crimes. Aihie suggested some basic remedies to the maladies; “All stakeholders must be involved to address the domestic violence discourse in Nigeria, including communities, religious organizations, institutions, and the government at all levels.

There should be seminars and workshops where trained counselors will help spread the anti-domestic violence campaign. To emphasize the fact that domestic violence acts as a breeding ground for violence in society, it is important to raise awareness at this fora.²⁸

According to Ifeoma Pamela Enemo, a Professor of Law, Faculty of Law, University of Nigeria, in her article "Effectiveness of Nigeria's International Obligations in Curbing Domestic Violence", domestic violence is a blueprint of coercive measures one person takes against another. It is a global problem which cuts across race, ethnicity, and geographical location. Every global community is affected by this major plague, which calls for significant attention and action.²⁹

In collaboration with other forms of domestic violence, professor Ifeoma inscribed controlling behavior as one of the forms. According to her, this is aimed at compelling another to comply with an abuser's wishes such as what the menu in the house will be, when to serve meals, whom and where to go (when a spouse can visit friends or family), when to bear a child and removal of a pregnancy, etc.

²⁸ Aihie Ose. *Prevalence of Domestic Violence in Nigeria: Implications for Counselling*. (University Press, 2007) 17

²⁹ Ifeoma Pamela Enemo, Effectiveness of Nigeria's International Obligations in Curbing Domestic Violence. *NAU Journal of International Law*. (2018) 9(1) 2.

She also emphasized on the causes of domestic violence and also gives a legal dimension taken by Nigeria in curbing domestic violence. She recognized the fact that the Nigerian justice system does not specifically provide any protection for women or men against domestic violence, even though there are general provisions protecting individuals from violence. The Domestic Violence Laws promulgated by only four or five states in Nigeria are relatively new and many people are yet to be aware of them, making aggressive sensitization and awareness creation on the existence of these laws very urgent. However, the Nigerian legal system is generally unfavorable to women who are victims of domestic violence.

The Criminal Code and Penal Code even as they provide punishments for assault still have discriminatory provisions. Thereby, giving the accused the window to escape punishment.

2.4 Summary of Review/Gap in Knowledge

From the review of the related literature to domestic violence, it is lucidly obvious that domestic violence is not just gender-based but, an intricate societal issue that can have; not just women as its victims but men and children respectively.

It is also observed that there is no sanction generally accepted nationwide against domestic violence. Thus, different states have different prohibitions against domestic violence particularly against women with little or no consideration about men and children. This however, has brought about unresolved cases and issues of domestic violence particularly in relation with the penal code of the Northern part of Nigeria which some of its parts are contradictory to the constitution of the Federal Republic of Nigeria on assaults and other forms of criminal act in form of abuse.

This calls for penal code and constitutional amendments which will incorporate and clearly define domestic violence and the sanctions attributed. Those are the gap in knowledge that this study seeks to fill in.

CHAPTER THREE

LEGAL AND INSTITUTIONAL FRAMEWORK IN PREVENTING DOMESTIC VIOLENCE

3.1 Legal Framework

3.1.1 Violence Against Persons Prohibition Act 2015

This is an Act to eliminate violence in private and public life. It prohibits all forms of violence against persons and provides maximum protection and effective remedies for victims and punishment of offenders, and for related matters. This Act came into force on 25th May, 2015. The VAPP Act is comprised of 48 sections and 9 schedules consisting of six forms.

Despite the fact that this legislation protects all persons both male and female, against all forms of violence, its primary target is to ensure the protection of the womenfolk from violence. This is because women are more susceptible to violence than men. So, it is not out of place to say that the primary focus of this Act is the protection of women's right.

Section 1 of the Act, provides for the offence of rape which is intentional penetration of the vagina, anus or mouth of a person without that person's consent or with consent obtained by fraud, force or inducement of any kind and imposes a life imprisonment on the offender.³⁰ The Act further empowers the court to make an award of compensation to the victim of rape.³¹ A person who willfully inflicts physical body injury on another is liable to five (5) years imprisonment and or one hundred thousand (100,000) fine. The attempted commission of the offence or the aiding, abetting or counseling to commit the act also attracts prison terms of three

³⁰ Section 1(1) and (2) VAPP Act

³¹ Section 1(3) of VAPP Act

(3) years and or a fine of two hundred thousand naira (200,000)³². The court is also empowered to award monetary compensation to the person who suffers physical injury.

It is also an offence which attracts a prison term of two (2) years and or fine of five hundred thousand naira (500,000) to compel a person by any means to do anything either sexual or otherwise, which determines the person's physical or psychological well-being³³. The attempted commission of this offence or the procurement of the commission of the offence attracts a punishment of one year imprisonment and or a fine of three hundred thousand naira (300,000). The forceful eviction of a spouse from home or refusing a spouse access to his or her home attracts a prison term of two years and or a fine of three hundred thousand naira (300,000)³⁴.

The attempted commission of the offence or ejection or the aiding, a betting counseling or procurement of the act of eviction attracts a fine of two hundred thousand naira (200,000) and or one year prison term³⁵. The act of depriving another person of his or her liberty, the attempted commission of the offence, the aiding, a betting and counseling or the procurement however of the offence variously attract prison term of two (2) years and one year and or the fine of five hundred thousand naira (500,000) and three hundred thousand naira (300,000) respectively³⁶.

Battery on a spouse is a serious offence under the Act which attracts three years imprisonment and or fine of two hundred thousand naira³⁷, amongst other provisions. There is low enforcement of this laudable law, a number of factors are responsible for the low enforcement of this law. The major factor is the fact that majority of women are not willing to set this law in motion against

³² See section 2(1), (2), (3) and (4) VAPP Act

³³ Section 5(1)

³⁴ Section 9(1)

³⁵ Section 9(3) and (4)

³⁶ Section 10(1), (2), (3) and (4)

³⁷ Section 19(1) VAPP Act

their spouses who are the major perpetrators of the aforementioned crimes. Other factors include; lack of awareness of the law, poverty and fear of social victimization or ostracization. Thus, law enforcement agencies and rights groups need to be more enforcement of this law.

3.1.2 1999 Constitution of the Federal Republic of Nigeria as amended.

The 1999 Constitution makes elaborate provisions for two sets of rights, namely: Civil and political rights as well as social and economic rights. While the latter is not justifiable by virtue of section 6(6)(c), the former is.

Sections 33 to 44 of the constitution provided for fundamental Human Rights, which are to be enjoyed by both men, women and children. This section is important for promotion and protection of human rights guaranteed by the law. The rights are stipulated in chapter four of the 1999 constitution of the Federal Republic of Nigeria and it is as follows:

(a) Right to life:

Section 33 guarantees the right to the sanctity of every person's life. No one's life shall be willfully taken away except on the orders of court of competent jurisdiction, or in self-defense of the property or to neutralize a riot, suppression of insurrection or to arrest an escaping detainee.³⁸

In *Ndubuisi v State*,³⁹ the Supreme Court held that "Section 33 of the 1999 Constitution, which guarantees right to life, stipulates that - (1). Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a Court in respect of a criminal offence of which he has been found guilty in Nigeria. (2) A person shall not be

³⁸*Okonkwo v State* (1998) 4 NWLR (pt 544) 142

³⁹ (2018) LPELR-44908 (SC)

regarded as having been deprived of his life in contravention of this Section, if he dies as a result of the use, to such extent and in such circumstance as are permitted by law, of such force as is reasonably necessary- (a) For the defence of any person from unlawful violence or for the defence of property; (b) In order to effect a lawful arrest or to prevent the escape of a person lawfully detained- or (c) For the purpose of suppressing a riot, insurrection or mutiny."

(b) Rights to Dignity of Human Person:

The right to life and the right to dignity of human being are described in the case of *State v Mankwanyane*,⁴⁰ as twin rights are essential content of all rights under the constitution. The right to dignity of human person is guaranteed under section 34 of the 1999 constitution thus:

- (1) Every individual is entitled to respect for the dignity of his person and accordingly:
- (a) No person shall be subjected to torture or to inhuman or degrading treatment.
 - (b) No person shall be held in slavery or servitude and
 - (c) No person shall be required to perform forced or compulsory labour.

In the Nigerian case of *Mogaji v Board of Customs and Excise*,⁴¹ the courts held that to organize a raid using guns, horse whips and tear-gas on the merchants is a violation of the rights to dignity of human person.

In *Odiong v Assistant Inspector General of Police*,⁴² the Court of Appeal held thus:

"Section 34(1)(a) of the Constitution of the Federal Republic of Nigeria, 1999 as altered provides that: 34(1) Every individual is entitled to respect for the dignity of his person, and accordingly: (a) no person shall be subjected to torture or to inhuman or degrading treatment."

⁴⁰ (1995) SA CLR LEX is 218

⁴¹ (1982) 3 NCLR 552

⁴² (2013) LPELR-20698 (CA)

"Torture" is the "infliction of intense pain to the body or mind to punish, to extract a confession or information or to obtain a sadistic pleasure".

Article 3 of the European convention on Human Rights provides that no one shall be subject to torture or inhuman or degrading treatment or punishment." Similarly, Article 5 of the Universal Declaration of Human Rights adopted and proclaimed by the General Assembly of the United Nations Resolution 217A (III) of 10th December, 1948 reads as follows: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one may be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Having regard also to the Declaration on the Protection of All Persons from being subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9th December, 1975. I have drawn attention to these various conventions and definitions to show that torture constitutes a criminal offence in some judicial jurisdictions of the world. Torture is forbidden under Section 34(1)(a) of the Constitution of the Federal of Nigeria, 1999 as amended. It is a violation of one of the fundamental rights of every individual in the universe or in Nigeria."

3.1.3 Matrimonial Causes Act Cap M7 LFN 2004

This is an act which came into force on 17th February, 1970 with the object of amending the law relating to marriage, judicial separation and nullity of marriage, and to provide for matters incidental there to or connected therewith.

Section 2(2) of the Matrimonial Causes Act went further to stipulate that; only a person domiciled in Nigeria may institute a matrimonial cause. For the purposes of this Act, a person domiciled in any state of the federation is domiciled in Nigeria and may institute proceedings under this Act in the High Court of any state whether or not he is domiciled in that particular state.

Matrimonial Causes Act has several sections ranging from jurisdiction of court to handle matrimonial causes as contained in section 2 of the Act, to nullity of void and voidable marriage as contained in sections 3 and 4 of the Act, to dissolution of marriage as provided in section 15 of the Act.

Section 15(1) of the Act provides that either party to a marriage may petition for divorce upon the grounds that the marriage has broken down irretrievably. There are considerations of the facts which if established will enable a court to conclude that marriage has broken down irretrievably⁴³. So, domestic violence of any form can lead the court to conclude that the marriage has broken down irretrievably, and this will lead to the dissolution of the marriage or judicial separation.

In *Akere vAkere*⁴⁴, leave of the court was sought on the grounds of exceptional depravity on the part of the husband and of exceptional hardship to the applicant. The intended petition, a copy of which was attached to the application, alleged inordinate sexual demands when the applicant was in poor health and had just returned from hospital; physical violence and constant neglect and quarrelling, and that the respondent infected her with venereal disease. *Duffus J.* granted the application and dissolved the marriage.

⁴³ section 15(2) of MCA

⁴⁴ (1962) WNLR 328

A court may hold that the marriage has broken down irretrievably on the fact that since the marriage, the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent⁴⁵. The decree of dissolution will be hinged on the behavior of the spouse if such behavior is considered to be considerable⁴⁶.

This behavior could be battering of the spouse, rape, constant verbal abuse amongst others. The behavior of a spouse which is not tolerable could be a ground for judicial separation. In *Bradley v Bradley*,⁴⁷ the parties were married in 1964 and lived in a council house. There were nine children of the family; seven of women live with the husband and wife. In 1969 and 1970, they sued and obtained judicial separation on the ground of persistent cruelty by the husband.

From the provisions of MCA, especially the provision in section 15, it is obvious that domestic violence can be a ground for considering a marriage as being broken down irretrievably by the court.

3.1.4 Child's Rights Act 2003

This Act is a special enactment which deals with issues affecting the child, in view of the peculiar circumstances viz; relative low intelligence, physical incapacity and other natural disabilities. Under the criminal procedure act, one is said to be a child if he has not attained the age of fourteen years⁴⁸. But under the 1999 constitution, a child is presumed to be a person below the age of eighteen years⁴⁹.

⁴⁵ section 15(2)(c) of MCA

⁴⁶*Katz v Katz (1972)3 ALL ER 219*

⁴⁷ *(1973)3ALL ER 750*

⁴⁸ Section 2 of CPA

⁴⁹ Section 77(2) of 1999 CFRN as amended

A child is subjected to myriads of disabilities such as lack of capacity to sue and be sued amongst other disabilities. Owing to these deprivations and denials, to which the child is subjected to and other abuses meted on children, the Child's Rights Act, 2003 was enacted to declare and protect among other things, the human rights of the child. The act makes special provision for the human rights of the child. The rights as set out in this Act strengthen or complement the rights guaranteed under chapter IV of the 1999 constitution. These rights include:

- (a) Right to survival and development⁵⁰
- (b) Right to freedom from discrimination⁵¹.
- (c) Right to dignity of the child: This right guarantees the respect for the dignity of the child. Accordingly, no child shall be subjected to any physical, mental or emotional injury, abuse, neglect or maltreatment and sexual abuse. He shall neither be subjected to torture, in human or degrading treatment or punishment or to any attack upon his honor or reputation, a child shall not be held in slavery or servitude⁵².
- (d) Right to leisure, recreation and cultural activities: the right of the child to rest and leisure, and to engage in play, sports and recreational activities suitable to his or her age is guaranteed⁵³.
- (e) Right to health and health services.
- (f) Right to parental care, protection and maintenance⁵⁴.
- (g) Right to free, compulsory and universal primary education.

⁵⁰ Section 4

⁵¹ *Ibid* Section 10

⁵² *Ibid* Section 11

⁵³ *Ibid* Section 12

⁵⁴ *Ibid* Section 14

- (h) Right to special protection measure: Every child who is in need of special protection measure, shall be entitled to special protection measure.

3.1.5 Convention on the Elimination of Discrimination against Women 1979.

The Convention on the Elimination of all Forms of Discrimination against Women was adopted by the United Nations General Assembly on December 18, 1979 and entered into force on September 31, 1981. It focuses on the protection of women by elimination of all forms of discriminatory behavior and practices that limit the enjoyment of human Rights and Fundamental freedoms on the principles of equality with men.

The struggle for the human right of women started long before the creation of the international human rights systems themselves. In 1933 for instance, the inter-American Women's Commission of the organization of American States which came into existence in 1920 adopted a convention on the Nationality of women. This was the first international instrument specifically dealing on women's human rights.

In 1946 the Committee of the Status of Women (CSW) was created in response to the women's struggle for the recognition of sex discrimination in the Universal Declaration of Human Rights. It was the efforts of this committee that resulted in the adoption of the Convention on the Elimination of all Forms of Discrimination Against women (CEDAW).

The Convention is an international human rights document that establishes the principle of equality of rights between men and women and amongst women *inter se*⁵⁵. The convention establishes an independent expert body, the Committee on the Elimination of All Forms of

⁵⁵ O. Nwankwo, "Convention the Elimination of all Forms of Discrimination against Women: Made Simple, (Peculiar Instincts, 2004), 6.

Discrimination against Women, made up of twenty-three individuals to monitor the implementation of the convention.

The General Assembly further adopted an optional protocol to the convention. This protocol permits the committee to receive and consider communications from women or group of women who allege that they are victims of gender discrimination within the jurisdiction of state parties to the protocol.

The state parties agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women.

The Convention imposes on the state parties, the duty of according women equality with men before the law⁵⁶. The rights relating to marriage and the family must be ensured by the state's parties on the basis of equality of men and women⁵⁷. State parties undertake to send a report to the committee on the Elimination of Discrimination within one year of force of the convention and thereafter, every four years or as the committee requests.

The committee is competent to receive and consider petitions from individual or groups of women. They must have exhausted all their domestic remedies. Unless, it can be established why consent was not received by the committee, petitions cannot be submitted on behalf of individual or group of individuals⁵⁸. Under the optional protocol, the committee can conduct confidential enquiries into grave or systematic violations of the convention on the elimination of all forms of discrimination against women⁵⁹.

⁵⁶ Article 15(1) and (2)

⁵⁷ Article 16

⁵⁸ Article 2 of CEDAW,

⁵⁹ Article 8

Once domesticated, the terms of the convention shall be transposed into administrative and social policies and practice in order to realize a profound eradication of discrimination. Courts in many countries refer to the convention in domestic litigation to remedy discrimination against women in matter such as nationality, inheritance violence against women or sexual harassment at work. This is because harmful customs and discriminating traditional practices still pervade in the localities violence against women is one of such prominent human rights abuses against women, it is not biologically determined, but it is only a part of a historic process⁶⁰.

Domestic violence transcends natural frontiers and has been condemned in legal instruments produced at both regional and universal institutions in which Nigeria has participated.⁶¹ in the case of *Gonzales (Cotton Field v Mevico)*⁶², the Inter-American Court of Human Rights and the Inter-American Convention on the Protection, Punishment and Eradication of Violence against Women held that failing to protect the lives of three young women who were victims of violence is an infringement of their rights.

The root causes are varied and include inter alia the socio-economic position of the genders. Domestic violence may also be dealt with under civil proceedings. Although the law in most states prohibit action in tort between husband and wife as a means of preserving matrimonial peace, such action is now permissible in appropriate cases in some states⁶³.

The possibility also exists for the grant of a decree of divorce or judicial separation on the fact that since the marriage, the respondent has behaved in such a way that the petitioner cannot

⁶⁰ Special Reporter on violence against women, preliminary report commission on Human Right. E/CN. 4/1995, 42, November 22, 1994, in H.J. Steiner and P. Alston. Op. cit, Pp. 204 -205. 43(2000) 5NWLR (Pt 657) 403.

⁶¹ Article 3(4) of the African Union Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa adopted in 1981.

⁶² ILM vol. 49(2010) 637.

⁶³ Section 29 Torts laws, Cap 150 Laws of Enugu State 2004.

reasonably be expected to live with the respondent,⁶⁴ leading the court to conclude that that marriage has broken down irretrievably. It is only on the ground that a marriage has broken down irretrievably that an action for divorce or judicial separation can suffice⁶⁵. The court per Omo J.CA (as the was) in the case of *Harriman v Harriman*,⁶⁶ stated that there is only one ground for the dissolution of marriage under the matrimonial causes Act, to wit, that the marriage has broken down irretrievably of the sub-paragraphs of subsection 2 of section 15 are only various species of breakdown or to put it differently, a petitioner who satisfies the court on anyone or more of those facts, would be entitled to a finding that the marriage has irretrievably broken down and consequently be entitled to a decree dissolving same. They do not constitute separate grounds on the basis of which a dissolution can be granted. This is quite different from the position before the promulgation of the Act when there were several distinct grounds for the dissolution of a marriage, the most important of which are cruelty, adultery and desertion⁶⁷.

3.2 Institutional Framework

3.2.1 The Judiciary Precedent/Case Law

The greatest value of human life is best represented in the recognition of fundamental rights, and in fully enabling people to enjoy and exercise these rights to the extent that preserves their humanity and respects their civility.⁶⁸ Life would be meaningless if individuals were not able to practice their natural rights or to adopt the political opinions they believed in. when the judiciary makes equitable decisions, those decisions set a valuable precedent for the future resolution of disputes between individuals or between the state and individuals. The judicial process

⁶⁴ Section 15(2)(c) of the Matrimonial Causes Act, 1970

⁶⁵ Section 15 of Matrimonial Causes Act Cap M7 LFN, 2010

⁶⁶ (1989) 5 NWLR (Pt 119)6 CA

⁶⁷ *Akinbuwa v Akinbuwa* (1998) 7 NWLR (Pt 559)661, CA.

⁶⁸ B. O Nwabueze, *The Presidential constitution of Nigeria*, (C Hurst and Co.Ltd, 1982) 363

emanating therefore provides for the effective implementation of the law, the protection of the rights of individuals and groups, and sets a standard for the subsequent equitable enforcement of the law. The judiciary is the last hope of the common man.

As it is unreasonable to leave the affairs of individuals solely to the authority and discretion of the state without imposing limitations on the state, the role of the administrative judiciary is to monitor administrative decisions of any public official, judiciary as an independent organ plays good rules in the protection of Human Rights. The court in the case of *Ukeje v Ukeje*⁶⁹ held that the Ibo custom which disentitles female children from inheriting their deceased father's estate infringes on the fundamental human rights of women under the constitution. No wonder Justice Nnamani once described judiciary thus: it had been generally acknowledged that the judiciary is the guardian of our constitution, the protector of our cherished governance under the Rule of Law, the guardian of our fundamental rights, the enforcer of all laws without which the stability of society can be threatened, the maintainer of public order and public security, the guarantee against arbitrariness and generally the only insurance for just and happy society.⁷⁰

The courts decisions in cases of battery and assault also sets precedents to prevent unnecessary interferences with the body of persons. Thus, guarantee right to dignity of a person.

The court has gone further to define assault and battery for clarity, assault is an act which causes a reasonable apprehension of fear or infliction of immediate battery on the plaintiff. In the case of *Okoye v Onyekwuru*⁷¹ supports the fact that words accompanied with gesture which puts the plaintiff in reasonable fear of application of violence amounts to assault. While battery is

⁶⁹ (2001) 27 WLRN 142

⁷⁰ O Okpakunbi, 'The Judiciary in the 1990s: Expectation and Challenges in Justice: A Journal of Contemporary Problems vol. 1.NO.3 (1990) P.27

⁷¹ (1900) 10 NLR 97

application of force or violence *on* the body of any person. So, to slap a person amounts to battery as decided by the court in *Nwankwa v Aja Egbu*.⁷² Actions in battery and assaults protects a person from any interferences with his body which is offensive to reasonable sense of honour and dignity.

All these decisions and ruling of the court above makes fundamental human rights reasonable and guaranteed and any infringement of such is actionable, the court can rely on established precedents to punish offender and eradicate violence.

3.2.2 Ministry of Social Welfare/Women Affairs

The ministry of women affairs is a substantive ministry under the federal civil service of Nigeria. It is also established across all the states that make up the federation. The ministry is charged with the responsibility of promoting equal rights for women and the development of the women folk in Nigeria. The ministry is also mandated to engage in stimulating actions to promote social civic, economic and political participation of women in the society⁷³. Substantive and procedure laws that affect the rights and privileges of women are also within the remit of the ministry, and to review and make recommendation to appropriate authorities for legislative action. The ministry is to assist women through the National Council for Women (NCWS). So NCWS and other parastatals in the ministry play various roles in the realization of women's rights. Essentially, the ministry is to ensure that the rights of women across the country is protected and that the socio-economic and political wellbeing of the womenfolk is guaranteed and not jeopardized by any rule, practice, usage or law, be it native or conventional. The mandate of the ministry also extends to the protection and social wellbeing of children, the physically

⁷² (1978) 2LRN 230

⁷³ Federal Ministry of Women Affairs, Federal Republic of Nigeria, Source from <<http://www.womenaffairs.gov.ng>> accessed 29th July, 2024.

challenged and the society disadvantaged. The establishment of this ministry is one of the best things that have happened to women in protecting their rights against domestic violence and their quest for equal representation in all spheres of governance.

3.2.3 Non-Governmental Organization

The expression “non-governmental organizations (NGOs)” includes myriads of organizations that are independent of the state, such as trade unions, associations of students, traders and the like. Human rights NGOs have mandates that revolve around the protection and promotion of some species of human rights.⁷⁴ In order to determine the specific areas or kinds of human rights promoted and protected by any given NGO the mandate of the organization is decisive. Mandates are however dynamic, they change with an organization’s growth and shifting purposes as well as in response to the evolving global context of its activities.

Human rights NGOs do not only provoke and energize the human rights movement, but they are the eyes of treaty monitoring bodies and of governments favorably disposed to human rights. They mobilize shame against human rights violator, though the broad function of human rights NGOs is the protection and promotion of human rights, this generic function can be reduced to the following specifics:

1. Fact-finding: The primary function of exposing and denouncing the violators of human rights will scarcely be realized if NGOs do not carry out extensive investigation and documentation of the acts of the violators.
2. Standard Setting: Human Rights NGOs, in view of their investigative work are abreast of the expanding concerns of human rights, and have vigorously campaigned for the

⁷⁴ C. Nwankwo, *Human Rights and the Challenges of NGOs in Nigeria*, (Sweet & Maxwell 2000) 55

international recognition of these emerging concerns of human rights, where they have not been previously recognized. A high proportion of the most significant initiations to draft new international instruments, to establish new procedures and machinery have come as a result of concerted NGO campaigns designed to mobilize public opinion and lobby government support.

3. Legal Representation: Legal representation of Victims of human rights abuses by NGOs is not limited to litigations initiated in national courts, but also includes representations by way of communications or complaints filed before appropriate treaty monitoring bodies.⁷⁵
4. Humanitarian Services: NGOs engage in a variety of humanitarian activities such as visiting detainees, securing improvement in prison conditions, rendering free legal services to indigent victims of human rights violations, providing assistance to refugees, supplying reliefs to victims of disasters, and providing skill acquisition training to prison inmates.
5. Human Rights Education: Apart from human rights protection, another major function of human rights NGOs is the promotion of human rights. To this end, NGOs organize seminars, conferences, workshops, publish and disseminate information on human rights.⁷⁶

⁷⁵*The Socio-Economic Right Action Centre v Federal Republic of Nigeria* (2002) CHR 537

⁷⁶ T. N. Nwazuo, *Introduction to Human Rights Law* (Copycraft Intl. Ltd, 2006) 185

3.2.4 The Nigerian Police

Nigerian police play pivotal roles in the maintenance of law and order in Nigeria and ensure there is peace and tranquility amongst the communities in the country⁷⁷. The role of the police in cases of, domestic violence and abuse is crucial.

Victims might not always get the police response they require and there are still gaps in whether some victims get justice or not. The police despite criticisms remain one of the key frontline services which victims of domestic violence can use to prevent and stop incidents of violence and abuse. While some people find the police helpful, others felt officers did not understand or take them seriously because they are majorly desperate for an immediate response and found it hard to manage the delays in the process of getting a court injunction or have their injuries assessed. Many people were too afraid to call the police for fear of retaliation from their partner.

Police provide helpful responses setting up a rapid response system, providing mobile phones, personal attack alarms, security locks on doors as well as a non-molestation order, and putting a “Marker” on the house so that officer can get there as quickly as possible. Police also help in curbing domestic violence by serving as prosecutor in the offence of domestic abuse⁷⁸. Police also act as referral agents to other professionals like sexual assault unit, family justice center, mediation or counseling.

3.2.5 National Human Rights Commission

The National Human Rights Commission was established by the National Human Rights Commission Act 1995 in line with the resolution of the United Nations which enjoins all

⁷⁷ Section 4 of Police Act 2020

⁷⁸ section 23 of Police Act 2020

member states to establish National human right institution for the protection and promotion of human rights.

For effective performance and result oriented, the commission comes up with fifteen (15) areas of focus on the National Human Rights Commission and these include:

- (a) Women and other gender related matters
- (b) Children
- (c) Corruption and good governance
- (d) Police, prison and other detention centers
- (e) Environment
- (f) Education
- (g) Law reform and law review
- (h) Independence of the judiciary and access to justice
- (i) Labor
- (j) Food and shelter
- (k) Communal conflicts and other violence
- (l) Health
- (m) Freedom of expression and the media

The commissioner believes that adequate monitoring of human rights abuses, many violations of human rights through domestic violence by either men or women, would be prevented rather than commence redress after violations.

3.2.6 Public Complaints Commission (PCC)

The public complaints commission was established by the Public Complaints Commission Act 1975. Under the Act, the public complaint commission is given wide powers to inquire into complaints by members of the public concerning the administrative action of any public authority and companies or their officials and other matters ancillary thereto. The commission shall consist of a chief commissioner and such number of other commissioners as the National Assembly may from time to time determine. They are different means of reaching government and administrative authorities and obtaining remedy for administrative acts, the remedy can be judicial, non-judicial or extra judicial.⁷⁹ It is also called Ombudsman, it's an independent and non-partisan public agency that receives and investigates complaints from members of the public and makes contact with the alleged wrongdoer to peaceful resolution and obtaining remedy for the complaint.

The commission may establish such number of branches in the states of the federation as the National Assembly may from time to time determine. The powers and duties of the commissioners are enumerated in section 5 of the Act. It provides that all commissioners shall be responsible to the National Assembly but the chief Commissioners shall be responsible for co-ordinating the work of all other commissioners. Under the Act, the commissioners shall have power to investigate either on his own initiative or following complaints lodged before him or any other person, any administrative action taken by:

- (a) Any department or ministry of the federal or any state government.
- (b) Any department of any Local Government Authority setup in any state of the federation.

⁷⁹E Malemi, *Administrative Law*" (Princeton Publishing Co, 2012) 312-316

- (c) Any statutory corporation or public institution setup by any government in Nigeria.
- (d) Any company incorporated under or pursuant to the Companies and Allied matters Act whether owned by any government afore said or by private individuals in Nigeria or otherwise, among others.

CHAPTER FOUR

DOMESTIC VIOLENCE AND THE NEED FOR REFORMATION OF LAWS

REGULATING MARRIAGE

4.1 Types of Domestic Violence

Domestic violence cuts across various facets such that the law frowns at it as a breach to citizen's right to dignity of person as stipulated in the constitution.

The root causes are distinct and these are distinct.

The court per Omo J.CA (as the was)in the case of *Harriman v Harriman*⁸⁰stated that there is only one ground for the dissolution of marriage under the matrimonial causes Act, to wit, that the marriage has broken down irretrievably of the sub-paragraphs of subsection 2 of section 15 are only various species of breakdown or to put it differently, a petitioner who satisfies the court on anyone or more of those facts, would be entitled to a finding that the marriage has irretrievably broken down and consequently be entitled to a decree dissolving same. They do not constitute separate grounds on the basis of which dissolution can be granted. This is quite different from the position before the promulgation of the Act when there were several distinct grounds for the dissolution of a marriage, the most important of which are cruelty, adultery and dissertation⁸¹.

Pursuant to part 3, in a matrimonial causes Acts, a court hearing a petition for divorce on the fact prescribed in section 15(2) (c), shall hold that the petitioner has satisfied the court of the fact mentioned (therein) if the petitioner satisfies the court that since the marriage and within the period of one year immediately preceding the date of the immediately preceding the date of the

⁸⁰ (1989) 5 NWLR (Pt 119)6 CA

⁸¹*Akinbuwa v Akinbuwa* (1998) 7 NWLR (Pt 559)661, CA.

petition, the respondent has been violent to the petitioner⁸². The following are the kinds of domestic violence;

Economic and Spiritual Abuse

The economic abuse involves finances that help one to sustain him or herself. When the finances are not made available to spouse to get essential necessities, he is abused by way of economic violence. It could be in the form of stealing from or defrauding a loved one, from essential goods like food and medical treatment, manipulating or exploiting family member for financial gain, preventing a loved one from working or controlling his/her choice of occupation.

Spiritual abuse in the other hand includes preventing a person from engaging in his or her spiritual or religious practice or using one's religious belief to manipulate, dominate or control him or her.

Physical Abuse

Physical abuse can be seen as a harmful maltreatment of a person which imposes adverse effects on his health. Physical abuse includes hitting, among other activities that have to do with the application of force on another person,⁸³. The most terrible aspect of physical abuse experiencing at homes current is the assaulting of a spouse through the use of terrible chemical substances like acid.

⁸² Section 41, MCA

⁸³ HM Govt, "Working Together to Safeguard Children: A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children (2010) <http://kingstonisc6.orgulk> accessed on 10th June, 2023.

Psychological and Emotional Abuse

Psychological and emotional abuse has to do with emotions of one. When one's emotions are violated either by the use of force or derogatory words, he or she can be said to have been psychologically or emotionally abused. The resultant effect of this kind of domestic violence is usually commission of suicide by the victim.

Sexual Abuse

This kind of abuse occurs usually when there is no consent for sex. For female gender, forceful sexual experience is capable of ruining them psychologically and otherwise. It can take place at any time in a woman's life and includes a range of behaviors, from forcible rape to non-physical forms of pressure that compel girls and women to engage in sex against their will. In such cases, a woman lacks choice and faces severe physical, social or economic consequences if she resists sexual advances.

Article 2 of the UN Declaration on Human Rights 1948 stipulates that states must refrain from engaging in violence against women and exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private persons.⁸⁴ Rape, however, especially marital rape is hardly ever reported, because women are sometimes fearful of losing their husbands and being left to cater for their children alone. Some women also just accept apologies and continue with their lives even though the offence is repeated constantly. Marital rape is also very hard to prove since it usually does not happen with any witness around and there is hardly any proof.⁸⁵

⁸⁴ C.J Onyejekwe, *The Domination of Rape*” *Journal of Intl Women Studies*, (2008) 10(1) 50.

⁸⁵ *Oludotun v the state* (2005) SC, 272.

Traditional and Cultural Practices

Some cultural practices have the propensity of pushing women to an abuse. The cultural practices In the case of *Alawusa v Odusote*⁸⁶ where the appellant shaved public hair of his wife according to native law and custom, he was charged with indent assault under section 360 of the criminal code, on appeal to the West African Court of appeal, it was held that assault between husband and wife could not be indecent, hence returned a verdict of assault.

One of such forms of abuse is female genital mutilation. World health organization gave a comprehensive definition of female genital mutilation (PGM) as follows: “Female genital mutilation comprises all procedures that involve partial or total removal of the female external genitalia and or injury to the female genital organs for cultural or any other non-therapeutic reasons”.

Nigerian legislation in *section 34(1) (a) of the 1999 CFRN* which states that no person shall be subjected to torture or in human or degrading treatment. Section 11(6) of Child Rights Act, 2003 also provides that no child shall be subjected to torture, inhuman or degrading treatment or punishment. Another cultural and traditional abuse that women or girls face is child marriage. Child marriage could be defined as any marriage of a child younger than the age stipulated in a particular country as marriageable age for a child. It can also be defined as a marriage conducted without the valid consent of one or both parties and in which duress whether physical or emotional is a factor.

This form of abuse affects the child as such a child is not capable of bearing the responsibilities and challenges associated with marriage

⁸⁶ (1941) WACA 7.

4.2 Causes of Domestic Violence

There are some factors that trigger violence in families, and some of the factors are;

- (a) **Violence in Family of Origin:** A family where domestic violence is paramount will most likely transmit same hereditarily from generations to generations. More so, environment influences the children more. A child raised in an abused environment would like emulate that and transfer same to his wife.
- (b) **Lack of Education:** Education is believed to be a veritable instrument for societal transformation. Exposure that comes with education helps spouses and intending spouses to avoid the practice of domestic violence, uphold the provisions of the constitution, violence against persons prohibition Act, among other laws, and this will help in curbing the menace of violence in families. In the event where one lacks qualitative education, such triggers domestic violence in homes.
- (c) **Culture:** Customary practices have special regards for masculinity. This entails that every man expects total submission from his wife and children. In the event where such submission ceases to exist, it will fuel domestic violence in such homes.
- (d) **Religious Orientations:** Nigeria is a very religious nation and we tend to have many individuals who would amplify excerpts in their religious books just to justify or see reasons to an act it seems like the verse in the Holy bible which says “wives, submit yourselves unto your own husband... for the husband is the head of the church, has often times been misunderstood. On the basis of the scripture, many men have abused their wives either physically or verbally. Such men assume they should be accorded with all respect that equals that of a servant to a master and anything outside of this behaviour is met with a

measure of their physical strength against their wives. This practice has been evident in the earliest periods and is still prevalent in some communities.

4.3 Consequences of Domestic Violence

The following are the consequence of domestic violence;

- (a) Denial of fundamental rights: Domestic violence is a huge infringement to the fundamental rights of every Nigerian citizen to human dignity and life. It predisposes the victim to the danger of losing his or herself, or sustaining grave injuries. This leaves the fundamental rights entitled to the person violated and puts the victim to different dangers. Section 34(1)(a) of the constitution also provides that every individual is entitled to respect for the dignity of his person, and accordingly, no person shall be subject to torture or to in human or degrading treatment.
- (b) Lack of development: Domestic violence has in curable costs of affecting one's future both in the present and generations yet unborn. Because the victim is usually psychologically affected, it has the propensity of growing or developing oneself at an infinitesimal pedestrian.
- (c) Impact on children: Worst of the effects of domestic violence is usually on the children of the marriage as they seem to learn faster from the actions and inactions of their parents.⁸⁷ Children witness any of their parents subjected to one form of violence or another, tend to follow suit afterwards, and this will lead to continuation of domestic violence practice.

This is especially when injuries inflicted on them by their husbands lead to their death. Domestic violence in pregnancy is of particular concern because of the implications for sale motherhood

⁸⁷D O' Donne and D Seymour, *Child Protection; a Handbook for Parliamentarians* <http://www.lpu.org> accessed 30th July, 2024.

and child health. Some injuries of domestic violence are not physical but emotional victims often have low self-esteem finding it difficult to trust others. The anger and stress experienced by victims may lead to depression and other emotional disorders sometimes leading to suicide. Victims may also exhibit harmful health behavior, like excessive smoking, alcohol abuse, use of drugs and engaging in risky sexual activity. Growing up in an abusive environment is what makes a person find the sight of a suspect being beaten or burnt to death, entertaining and enjoyable. It is what makes the youth happy and excited about being things for wicked politicians.

4.4 Strategies for preventing Domestic Violence in Nigeria

The following are strategies that help in curbing the high rate of domestic violence in Nigeria.

- (a) **Counseling:** Rendering advice to victims of domestic violence and putting in place proactive measures to curb same, would go a long way in ameliorating the menace. The counseling can be in the form of hosting awareness programs especially to couples.
- (b) **Family Courts:** Family courts which deal with sensitive issues family issues like domestic violence have great roles to play in stopping the high rate of domestic violence in Nigeria. These measures can come by way of passing substantial judgments that will be retributive in nature. The nature of justice delivery by the family courts will help in no small measure in solving the issue of domestic violence.
- (c) **Alternative Dispute Resolution (ADR):** Applying negotiation and mediation medium of ADR will help spouses to register their grievances which are the root causes of domestic violence. This will help mediators facilitate love among spouses that would put an end to the high rate of domestic violence, especially among couples.

4.5 Need to Reform Laws Relating to Marriage

The world is evolving and introducing new ways of life. The things our fore fathers tolerate in marriages cannot be over looked in this current generation especially among the Gen Z's. In promoting unity and peaceful co-existence in families, the provisions of the Marriage Act which is the major legal framework regulating the contract of marriage in Nigeria.

Section 55(1)(d) of the Penal Code, a man is empowered to correct an erring child, Public, servant or wife. The section provides thus: “nothing is an offence which does not amount to infliction of grievous hurt upon any person which done by a husband for the purpose of correcting his wife, such husband and wife being subject to any native law and custom under which such correction is lawful”.

The Penal Code designates the following as grievous hurt: emasculation, permanent deprivation of sight of an eye, of the hearing of ear or of the power of speech, deprivation of any member or joint destruction or permanent impairing of the power of any member or joint, permanent dislocation of the head or face, fracture or dislocation of bone or tooth, any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pains or unable to follow his ordinary pursuits⁸⁸.

Another provision states; “nothing is an offence by reason that it causes or that it is intended to cause or that it is likely to cause any injury if that injury is so slight that no person of ordinary sense and temper would complain of such injury⁸⁹.”

⁸⁸ Section 241 of the Penal Code

⁸⁹ Section 58 of the Penal Code

Since there is no effective law against domestic violence in Nigeria, at best a victim of domestic violence who seeks protection under the law will rely on the provisions of the criminal code on common assault. The criminal code considers assault on a woman as a misdemeanor while assault on a woman is a felony⁹⁰.

The lower sentence of 2 years means that assault on a woman is not as serious as assault on a man. Victims of domestic violence are reluctant to use these laws as the justice system is not victim friendly.

In some cases, the judges openly blame the victims for the violations of their rights. Prosecutors and judges ask patronizing and intimidating questions during investigation and trial, and the fear of intrusive questions about their private lives, prevent victims of domestic violence from reporting rape and using legal system.

Under the criminal code, sexual abuse of children between the ages of 13-16 is known as defilement and not as serious as rape. In some states, sexual abuse of a girl child between the ages of 11-13 is merely a misdemeanor or indecent treatment with a punishment of 2 years imprisonment.

In many cases of sexual assault, the law requires corroboration in addition to the victim's testimony. In particular, section 221 of the criminal code requires corroboration before a conviction for defilement or a girl under the age of 16 can be sustained. Since sexual is hardly carried out in the open, the requirement of corroboration cannot be met.⁹¹ As a result of this, many accused persons are set free which further traumatized the victim and prevents either

⁹⁰ Section 353 of the Criminal Code

⁹¹ *Upaha v State* (2003)6 NWLR Part 816 where the Court held that Medical Evidence did not Satisfy the Requirement for Corroboration.

victim from speaking out and seeking redress. Moreover, the burden of proof of lack of consent in rape allegations is with the prosecution. This means that the victim herself has to prove she did not consent. This is often difficult to do, especially as these offences take place where there are no witnesses.

A man cannot be guilty of raping his wife because under common law which gave rise to the criminal code, there is mutual consent and contract between a man and his lawful wife. Thus, the wife had given up herself unto her husband which she cannot retract.

Under the present legal framework, it is most likely that a victim of domestic violence who lays complaint and pursues legal remedy against the perpetrator will break up her home or create more insecurity problems for herself and her children and economic effects that might follow.

The current laws do not make adequate provisions for the protection of victims of domestic violence. The victim are usually women and children and the combination of inadequate laws and male dominated customary and religious practices make the victims more vulnerable, without legal or social remedy. There is need for a complete over haul of the criminal justice system in Nigeria using a victim friendly human rights approach. Hence, the need to reform and implement legal frameworks relating to marriage in order to curb the widespread of domestic.

CHAPTER FIVE

CONCLUSION

5.1 Summary of Findings

This research work primarily examined the prevalence of domestic violence within the context of human rights law in Nigeria. As it is generally known and also revealed in this study, domestic violence is global and progressive, hence the reason for urgent and appropriate attention. Both men and women are victims of domestic violence, but it is mostly prevalent to women and children because of cultural practices and their dependence. Across Nigeria, the man is the head of the house and has the greatest control and decision-making powers.

In spite, of the customary practices, the constitution of the Federal Republic of Nigeria and other legislations like Violence Against Persons Prohibition Act 2015 play pivotal roles in preventing domestic violence as discussed in this work but the problems lie on its implementations as most victims of domestic violence find it difficult to speak up. On the side of the male, they are victims that find it very difficult to talk about it or report it because of their ego and self-esteem.

Police and other institutions do not in most cases help in the facilitation of domestic violence cases when reported, they allow the matter to die a natural death, while the victim continues to suffer. Inadequate sanctions and lack of enforcement mechanisms have rendered existing laws on domestic violence a toothless bulldog. People are willing to violate the laws and pay fine and when sanctions are so mild, people are not deterred from committing crimes.

Punishment for rape in the criminal code is life imprisonment, however the law requires corroboration which makes proof of the offence, an arduous task.

As, it is generally known and also revealed in this study, domestic violence is global and progressive, hence the reason for urgent and appropriate attention.

5.2 Contribution to Knowledge

Many scholars have worked on domestic violence but they failed to find out among others; that there is no sanction generally accepted nationwide against domestic violence. Thus, different states have different laws against domestic violence, particularly against women with little or no consideration about men and children. This however, has brought about unresolved cases and issues of domestic violence particularly in relation with the penal code of the Northern part of Nigeria which some of its parts are contradictory to the constitution of the Federal Republic of Nigeria on assaults and other forms of abuse.

This calls for penal code and constitutional amendments which will incorporate and clearly define domestic violence and the sanctions attached, should such case arise in Nigeria, especially within the family setting and relationships. Those are the areas this study will contribute to body of knowledge in domestic violence.

5.3 Areas for Further Studies

For research in domestic violence to be appreciated, the following areas of further studies will be imperative:

- (a) Critical appraisal on the existing legal frameworks regulating the abuse of human rights in Nigeria.
- (b) A review of Marriage laws in Nigeria in line with international best practices.

(c) A critical examination of the prospects of domestic violence and the position of Criminal Code against assault.

(d) Is domestic violence a gender-based menace: a critical review of the case scenarios in Nigeria.

5.4 Conclusion

Domestic violence is a cardinal problem in families and societies today, and as such, must be handled with all seriousness. It constitutes a violation of the fundamental human right of the victim as it abuses his or her right to be treated with dignity and decorum, and poses his or her life to danger.

It does not stop at affecting the victims but has the tendency of affecting their children of the marriage, among other persons.

It denies the victim the privilege to feel safe and secured in the hands of the perpetrator and makes the homes to be a torn of war, diminishes love and unity amongst couples, and it is against the provisions of the constitution of Nigeria 1999 as amended.

It is mostly caused by a lot of factors like lack of education, cultural practices especially those practices that see women as property of their husbands, among others. The menace of domestic calls for proactive legal framework in Nigeria that will impose more severe punishments for the perpetrators.

5.5 Recommendations

No matter how bad domestic violence is and has grown. It has not defiled all possible solutions provided there is determination to curb the act, and appropriate approach is employed.

From the foregoing, the following recommendations have been made, which if given due consideration would have a great impact on the society and change the condition of the victims of domestic violence:

- a. **Awareness Campaign:** The concerned institutions should intensify awareness campaign to properly inform, sensitize Nigerian citizens on the need to speak up in the event of violence against their person
- b. **National Policy on Violence:** There is need for a comprehensive National policy on violence which will direct National Action Plan on violence against persons in Nigeria
- c. **Legislative Action:** Legislative action is necessary in the following directions;
- d. To harness all the laws on violence and integrate all provisions into a single Legislation on violence
- e. To amend all the old laws bearing on violence such as the Criminal Code Act, Penal Code Act, etc., and bring them in tune with current realities
- f. Repeal conflicting provisions of laws on violence and harness them for proper interpretation and implementations
- g. Anti-Violence Institutions should brace up to the challenges posed by the spate of violence in Nigeria
- h. **Effective Media Reportage:** Print and electronic media should brace up to effective reportage of violence incidents in Nigeria. Victims should be encouraged to speak up and Agencies should follow up violence reports accordingly.

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