

SOCIO-LEGAL APPROACHES TO CURBING DOMESTIC VIOLENCE IN NIGERIA*

Abstract

Domestic Violence (DV) with particular emphasis on Violence against Women (VAW) has become a problem in Nigeria. Globally, studies have shown that globally domestic violence accounts for nearly one quarter of all recorded crimes. Women have been subjected to various forms of violence ranging from rape, battering, trafficking and even murder. This work examines the disturbing trend of Domestic Violence in Nigeria and argues that Domestic Violence is a violation of the rights of women guaranteed by the 1999 Constitution, National and State Legislation, International and Regional Human Rights Instruments ratified by Nigeria. Notwithstanding the existing legal framework, many Nigerian women continue to be victims of domestic violence. This paper contends that social factors like Cultural and Religious Perception of women, Poverty and Loss of income, Illiteracy and Ignorance of women's rights, among others, endanger domestic violence in Nigeria. Furthermore, this work posits that the law and society have a role to play in curbing domestic violence. Legal Reforms, Training of Police, Prosecutors and First Responders, Eroding Myths and Harmful Gender Stereotypes, Education and Empowerment of Women and Girls, among others are recommendations provided by this work. This work adopts the doctrinal research methodology.

Keywords: Socio- Legal, Factors, Domestic, Violence, Women, Nigeria,

1. Introduction

Nigerian women have suffered various forms of gender-induced violence from pre-colonial, through the colonial era and afterwards. Not even civilization and western education has changed most men's perception of the Nigerian woman as someone who deserves some respect and dignity.¹ Women are still regarded as a variety of humanity inferior to the men folk and are therefore treated in ways undeserving of human beings. They are regarded as objects to be used for pleasure, temptation and elimination. In Nigeria, a man will beat his wife and nothing will happen, instead they will expect her to go on her knees and beg him. Cultural violence against the woman and the female gender is a ubiquitous plague that has continually beleaguered societies in Nigeria. Majority of women in Nigeria suffer one form of violence or another. Often, this violence takes physical and/or psychological forms. It is disturbing; indeed, melancholic that women have unfortunately and helplessly come to accept these mistreatments as the norm rather than the exception. Most of these women are raised in the belief that their identity is subsumed or attached to the man's and that they can't have dignity of their own.² In Nigeria, average of 300 to 350 women are killed every year by their husbands, former partners, boyfriends, or male relations.³ Most times the incidences are considered family feuds, which should be treated within the family. Most police refuse to intervene and advice the victims to settle it as a family matter. Domestic violence affects women in Nigeria irrespective of age, class, educational level and place of residence.⁴ Gender-based violence is perhaps one of the most terrifying illustrations of inequality between male and female. Women are more at risk from violence than men in all sectors of the society. This is because of the differential access to prestige, power, control of materials resources, freedom to obtain knowledge and other basic needs of life among the gender. Domestic Violence is entrenched in the family, institutionalized by the social structure and driven by patriarchal arrangement, or class/gender stratification. The family which has been regarded as the ideal basic unit of the society where there is support, love, understanding and care, has turned out to be and can be the most oppressive institution for serious violence, hostility and conflicts.⁵

2. Clarification of Concepts

Domestic Violence is a human rights infringement that involves all ages and genders. For the purpose of this work, the term gender-based violence shall be restricted to domestic violence against women and girls. *Domestic Violence* (DV) also known as Violence against women (VAW) or Intimate Partner Violence (IPV), are violent acts the victims of which are primarily or exclusively women or girls. Such violence is often considered a form of hate crime, committed against women or girls specifically because they are female, and can take many forms. Domestic violence is violence or other abuse in a domestic setting, such as in marriage or cohabitation, which is

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¹ R O Arisi & P Oromareghake, 'Cultural Violence and the Nigerian Woman.' Vol. 5 (4), Serial No. 21, July, [2011] *African Research Review*, 369-381.

² *Ibid.*

³ H I Bazza, 'Domestic Violence and Women's Rights in Nigeria.' [2009] 4 (2): *Societies without Borders*, 175-192.

⁴ *Ibid.*

⁵ *Ibid.*

committed by a spouse or partner against the other spouse or partner, and can take place in heterosexual or same-sex relationships, or between former spouses or partners.⁶ It takes a number of forms including physical, verbal, emotional, economic, religious, reproductive, and sexual abuse, which can range from subtle, coercive forms to marital rape and to violent physical abuse such as choking, beating, female genital mutilation, and acid throwing that results in disfigurement or death. Domestic murders include stoning, bride burning, honor killings, and dowry deaths (which sometimes involve non-cohabitating family members).⁷ The United Nations Commissions Draft Declaration of 1992 on the status of women defines violence against women as:

Any act of gender-based violence that results in or is likely in, physical, sexual or psychological harm or suffering to women, including threats of such acts, as coercion or arbitrary deprivation of liberty whether occurring in public or private life.⁸ Domestic Violence includes, but is not limited to:

- a. physical, sexual, psychological violence occurring in the family including sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related exploitation;
- b. physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere trafficking in women and forced prostitution;
- c. physical, sexual and psychological violence perpetrated or condoned by the state, whereas it occurs.⁹

3. Domestic Violence in Nigeria

Domestic violence has become an epidemic in the Nigerian society. Domestic violence happens across all sectors of society. It cuts across the educated and the illiterate, the religious and the freethinkers, the career women and stay-at-home wives, the married and the single, as well as all ages.¹⁰ Domestic violence is widespread and shows no signs of lessening in Nigeria. The CLEEN Foundation reports 1 in every 3 respondents admitting to being a victim of domestic violence. The survey also found a nationwide increase in domestic violence in the past 3 years from 21% in 2011 to 30% in 2013. A CLEEN Foundation's 2012 National Crime and Safety Survey demonstrated that 31% of the national sample confessed to being victims of domestic violence.¹¹ In local communities, Domestic violence is mostly perceived as what is due to women who nag, disobey or want to take over the seat of authority from the man, who is always revered as the head of the house. It is also known as a 'therapy through which a man can conveniently vent his anger or frustration on a 'lesser being' who is his wife or children'. Many women now believe that physical abuse is most times justified. In this setting, most women bear the pain and grieve in silence believing that one day the man will have a change of heart and amend his ways. The stigma and the shame it will elicit also contributes to the silence.¹² The incidence of Domestic Violence is growing astronomically with the activities of the insurgency in the North East. From forced and early marriages to the physical, mental or sexual assault on a woman, nearly 3 in 10 Nigerian women have experienced physical violence by age 15 (NDHS 2013)¹³ In many cases, the woman is prevailed upon to be forgiving regardless of the ordeal she undergoes daily or the scars she has tattooed all over her body. Most heart-wrenching is that fact that sometimes the physical trauma, the psychological torture and the emotional disenchantment transforms a once beautiful and loving woman into a recluse. To this end, many have died and many more are held in severe bondage they cannot easily escape from.

4. Legal Framework on Domestic Violence in Nigeria

The legal framework for criminalizing domestic violence in Nigeria is based on the Constitution primarily, national legislation, and state laws.¹⁴ There are also Regional and International Conventions and treaties which have been ratified by Nigeria. Some of these laws would be examined briefly.

⁶ Domestic Violence obtained from <https://en.wikipedia.org/wiki/Domestic_violence> Accessed on 17/02/2020.

⁷ *Ibid.*

⁸ United Nations Commissions Draft Declaration of 1992, p. 3.

⁹ *Ibid.*

¹⁰ M Agene, The Reality of Domestic Violence in Nigeria Obtained from <<https://www.womenforwomen.org/blogs/reality-domestic-violence-nigeria>> Accessed on 17/02/2020

¹¹ Domestic Violence in Nigeria obtained from <[www. %20%20Domestic%20violence%20in%20Nigeria%20-%20Wikipedia.html](http://www.%20%20Domestic%20violence%20in%20Nigeria%20-%20Wikipedia.html)> Accessed on 6/02/2020.

¹² *Ibid.*

¹³ Gender Based Violence by UNPFA . Obtained from <<https://nigeria.unpfa.org/en/node/6123>> Accessed on 17/02/2020.

¹⁴ F O Dada, 'The Justiceability and Enforceability of Women's Rights in Nigeria' (2014) 5 *Global Journal of Human Social Science*, 48-56.

The Constitution of Nigeria 1999 (As Amended)

The constitution is the *grundnorm* from which other laws and instruments get their legitimacy. In other words, the constitution is supreme.¹⁵ The Constitution in chapter 5 guarantees fundamental rights for every citizen of Nigeria. According to Section 34 of the Constitution, every individual is entitled to respect for the dignity of his person and accordingly no person shall be subject to torture or to inhuman or degrading treatment and no person shall be held in slavery or servitude. Section 35 also guarantees the right to personal liberty. Domestic violence in any form is an act against the personal dignity and honour of any person (victim). It is torture and contrary to the provisions of the constitution. It is inhuman and degrading and has led to the death or psychological trauma for victims.¹⁶ Basically, domestic violence in whatever form is an infringement of a fundamental right of the victims.

Violence against Persons Prohibition Act (VAPPA) 2015

Violence Against persons (Prohibition) Act (VAPPA) 2015¹⁷ was passed into law in May, 2015. The Act was a result of agitations for protection of persons against the different forms of violence, including domestic violence. The VAPPA 2015 is an improvement on the Penal and Criminal codes in relation to violence. The Act was passed into law in a bid to eliminate violence in private and public life; prohibit all forms of violence, including physical, sexual, psychological, domestic, harmful traditional practices; discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders.¹⁸ The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) is named as the service provider.¹⁹ The Agency is mandated to administer the Provisions of this Act and collaborate with the relevant stakeholders including faith based organizations. Under the VAPPA 2015, rape²⁰, spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female circumcision or genital mutilation, abandonment of children, harmful traditional practices, harmful substance attacks such as acid baths, political violence, forced isolation and separation from family and friends, depriving persons of their liberty, incest, and indecent exposure are punishable offences. It is germane to state at this point that women and females in general are mostly the victims of these offences. The VAPPA would provide succour for women and girls who have been victims of all forms of violence. It should be noted that the VAPPA provides protection for every person including women from a broad range of violent acts and harmful behaviour. Though the Act is not specifically targeted at women, it guarantees protection of women from a broad range of dangerous acts. Some forms of domestic violence criminalized by the VAPPA include Rape,²¹ Inflicting Physical Injury on a person,²² willfully placing a person in fear of Physical Injury,²³ female circumcision or genital mutilation,²⁴ and incest²⁵ The VAPPA 2015 has taken a giant stride to expand the meaning and scope of rape. The provisions of the Act have also taken a progressive stance by recognizing that sex now goes beyond the use of the primary sexual organs and extends the scope to anus and mouth. Another interesting point is that penetration here need not only by the sex organ (penis) of the offender but by any part of his body or anything else.²⁶ The prohibition of Female circumcision is a welcome development in the face of the prevalence of female genital mutilation within various cultures in Nigeria. However, it would remain a paper tiger if States do not domesticate this law. Thankfully, several states in Nigeria, have taken steps to enact laws prohibiting female circumcision.²⁷ It is hoped that these laws would be effectively enforced and perpetrators brought to book. The major drawback in relation to this law is its limited application to the Federal Capital Territory, Abuja²⁸ and only the High Court of the Federal Capital Territory Abuja empowered by an Act of Parliament has the jurisdiction to hear and grant any application brought under the Act²⁹. However, only a few states like Lagos, Ogun, Ekiti, Anambra, Ebonyi, and Oyo have domesticated the Act. Other states are hereby encouraged to borrow a leaf from these states.

¹⁵Constitution of the Federal Republic of Nigeria 1999 (as amended) s. 3. (Hereinafter referred to as The Nigerian Constitution 1999)

¹⁶T U Akpoghome, 'Analysis of the Domestic Legal Framework on Sexual Violence in Nigeria' (2016) (4)(2) *Journal of Law and Criminal Justice*, 17-30.

¹⁷The Violence Against Persons (Prohibition) Act 2015. (Hereinafter referred to as VAPPA 2015).

¹⁸Long title, VAPPA 2015.

¹⁹ VAPPA 2015 s. 44.

²⁰*Ibid.* Part 1.

²¹*Ibid.* s 1.

²² *Ibid.* s. 2.

²³ *Ibid.* s.4

²⁴*Ibid.* s.6.

²⁵*Ibid.* s. 25.

²⁶*Ibid.*

²⁷Edo State Female Genital Mutilation (FGM) Prohibition Law 2006, Cross Rivers Girl-Child marriage and Female Circumcision (Prohibiting) Law 2000.

²⁸*Ibid.*s. 47.

²⁹*Ibid.*s. 27.

Child's Rights Act 2003

Nigeria signed the Convention on the Rights of the Child in January 1990 and ratified the same in April 1991.³⁰ Despite stiff oppositions to the Convention on the Rights of the Child, it was domesticated as the Child Rights Act in 2003. The CRA provides a comprehensive and child specific legislation which is in accordance with international standards. The Child Rights Act 2003 has been passed in 24 states in Nigeria³¹ with Enugu being the most recent to enact the law in December 2016. The Child's Right Act was enacted in 2003 to protect the rights of children. The Act in section 1 states that every action concerning a child must be in the best interest of child. The Act defines a child as any person below the age of 18 years.³² The Act provides for freedom from discrimination and right to dignity of a child. It also guarantees protection for children from Unlawful sexual intercourse (rape), child betrothal and child marriage. These provisions are very important to all children but particularly relevant to female children. Domestic violence as examined earlier involves harmful and dangerous activities that are carried out on a person principally because of the person's gender, in this case, the female gender. The act by providing for freedom from discrimination³³ protects female children from domestic violence and any other harmful activity that can be carried out on a child on the basis of gender. The CRA 2003 also provides that every child is entitled to respect for the dignity of his person,³⁴ and accordingly, no child shall be subjected to physical, mental or emotional injury, abuse, neglect or maltreatment, including sexual abuse; torture, inhuman or degrading treatment or punishment; attacks upon his honour or reputation; or held in slavery or servitude, while in the care of a parent, legal guardian or school authority or any other person or authority having the care of the child. In addition, the CRA 2003 prohibits unlawful Sexual Intercourse with a child (Rape).³⁵ The punishment is life imprisonment. Ignorance of the child's age or that the child gave consent to sexual intercourse is not a defense.³⁶ The Act prohibits any other form of sexual abuse and exploitation of a child and upon conviction, the offender is liable to a term of fourteen years.³⁷ Sections 21, 22, and 23 prohibit the betrothal or marriage of children below 18 years. The punishment for child betrothal and marriage is a fine of N500, 000 or imprisonment for a term of five years or both. These provisions are commendable. However, the effective implementation of the law is yet to be seen. In Nigeria, numerous cases of domestic violence, sexual abuse and exploitation of children abound. It is imperative to state that these are very important provisions for the wellbeing of female children. In some parts of Nigeria, particularly the north, there has been the barbaric time honoured culture of child betrothal and child marriage. For instance, in 2010, the whole nation was agog with the issue of Ahmed Sani Yerima, the former Governor of Zamfara State who got married to a 13-year-old Egyptian girl.³⁸ This practice has adverse effects on the emotional wellbeing and health of the girl child. Most times, the child –bride in question is pulled out of school and any hope of furthering her education is dashed. In addition, there are also the serious medical complications of Vesico-Vagina Fistula (VVF) and Rectum Vagina Fistula (RVF). Most Northern states have refused to adopt the CRA. In fact, the strongest opposition to the CRA by Islamic leaders pertains to the age of marriage.³⁹ A Nigerian cleric, Imam Sani, declared that if the government imposed the CRA, there will be violent conflicts from some Muslims to the extent that some would even die in the process.⁴⁰ Hence, Jigawa State is the only sharia implementing state that has adopted the CRA. Only 26 out of 36 states in Nigeria have been able to enact their own state laws as at May 2014. Others are encouraged to follow suit if we must save our children.

³⁰ Status of Ratification of the Convention on the Rights of the Child, obtained from < <http://www2.ochchr.org/english/law/crc-ratify.htm>> Accessed 17/10/2019. (Hereinafter referred to as CRA 2003).

³¹ The states include: Abia, Anambra, Bayelsa, Ebonyi, Ekiti, Imo, Edo, Delta, Jigawa, Kwara, Lagos, Nassarawa, Ogun, Ondo, Oyo, Osun, Plateau, Rivers, Benue, Akwa Ibom, Cross Rivers, Taraba. Only four northern states such as Jigawa, Kwara, Nassarawa Taraba, Kogi and Adamawa have adopted the CRA. In fact, many of the states that are yet to adopt are from the north. Significantly, it is only Jigawa out of the Sharia-implementing states that has adopted.

³² Child's Rights Act 2003, s. 21.

³³ *Ibid.* s.11

³⁴ *Ibid.*

³⁵ *Ibid.* s.31.

³⁶ *Ibid.* s. 31 (1)(2) & (3) and s.31(3) (b) respectively.

³⁷ *Ibid.* s. 32.

³⁸ 'Senator Yerima's New Wife' *Sunday Punch*, April 18, 2010, p.10.

³⁹ Child Marriage in the Islamic World, < <http://97.74.65.51/readArticle.aspx?ARTID=36336>> Accessed on 16/10/2019).

⁴⁰ *Ibid.*

State Legislation on Women's Rights

In Nigeria, various States have made concerted efforts to further advance women's rights.⁴¹ Some States have criminalized female genital mutilation and prescribed penalties for violators of the law.⁴² Other States have adopted laws to protect the fundamental rights of widows.⁴³ Furthermore, some states also have enacted laws to curb the negative impacts of cultural practices on the realization of women's rights.⁴⁴ The Child Rights Act 2003 has been passed in 24 states in Nigeria with Enugu being the most recent to enact the law in December 2016. Worthy of commendation and emulation, some states have taken a giant stride in passing the Gender and Equal Opportunities Bill (GEO) into Law. The Bill has been passed in Imo, Anambra, Kogi, Ekiti, and Plateau States.⁴⁵ It is expected that the bill will soon be passed in other states. One of the objectives of the GEO is to provide equal opportunities for all irrespective of gender, and prohibit gender-based discrimination. This is a laudable development and other states are encouraged to follow suit.

International and Regional Treaties

Although Nigeria is a party to many international and regional conventions the country, many of the conventions have not been tested in the Nigerian courts of law.⁴⁶ The constitution⁴⁷ of Nigeria provides that no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. Nigeria ratified the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW) in 1985 and also ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) on 16th Sept, 2004.⁴⁸ The government also domesticated the provisions of the African Charter on Human and People's Right.⁴⁹ Nigeria is yet to domesticate the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The Gender and Equal Opportunity (GEO) Bill 2016, which is an amalgamation of the principles and provisions of CEDAW and the Maputo Protocol, is still before the Senate.

5. Factors that Engender Domestic Violence in Nigeria

There are many socio-cultural factors that encourage and perpetuate domestic violence in Nigeria. Some of them would be examined below.

Cultural and Religious Perception of Women

Overtime, women's rights have been underrated, ignored and trampled upon.⁵⁰ The African woman is only to be seen and not heard. Culture has been a tool to justify the denial of women's rights many times. While every community has traditions it upholds dearly, some customs have proven to be quite detrimental to women, examples of which are, female genital mutilation (FGM), wife beating, early marriages, denial of property rights and inheritance and so on. In the Nigerian culture, women are seen as second-class citizens and inferior to men. Some practices and gender role assignments ensure total submission of the woman to male dominance and control at home in ways that perpetuate gender inequality.⁵¹ Domestic violence often occurs when the abuser believes

⁴¹ B O Eniola & J C Mubangizi, 'The Legal Frameworks for the Protection of Women's Reproductive Health Rights in South Africa and Nigeria: Some Comparative Lessons'[2017](5) (2) *Journal of Social Welfare and Human Rights* December 2017,1-12

⁴² The Edo State Female Circumcision and Genital Mutilation Prohibition Law (1999); Cross River State Girl Child Marriages and Female Circumcision (Prohibition Law) (2000); Rivers State Abolition of Female Circumcision Law (2001); Ogun State Female Circumcision and Genital Mutilation (Prohibition) Law (2000); and Ekiti State Gender-Based Violence (Prohibition) Law (2001).

⁴³ Enugu State Protection of Widows and Widowers Fundamental Rights Law (2001); Oyo State Widow's Empowerment Law (2002); and Anambra State Malpractices against Widows and Widowers Prohibition Laws (2004), Street Trading Restriction law, 2004 Anambra State., Women's Reproductive Rights Law, 2005 Anambra State, among others.

⁴⁴ Prohibition of Early Marriage Law, Kebbi State; Retention in School and against withdrawal of Girls from School Law, Kano State; Law Prohibiting Withdrawal of the Girl Child from School for Marriage in Niger, Gombe, Bauchi and Borno States, Violence against Women Law, Lagos State, among others.

⁴⁵ O Nwankwo, 'Genesis of the Gender and Equal Opportunities Bill' obtained from <www.cirddoc.org/the-genesis-of-the-gender-and-equal-opportunities-bill/>. Last visited on 20/08/2019.

⁴⁶ F O Dada (n.14).

⁴⁷ The Nigerian Constitution 1999 (n. 15) s. 12(1).

⁴⁸ A Statement on Women's Human Rights in Nigeria at the 62 Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) Obtained from <<https://alliancesforafrica.org/a-statement-on-womens-human-rights-in-nigeria-at-the-62-ordinary-session-of-the-african>> Last accessed on 7/03/2019.

⁴⁹ Cap A9 LFRN 1990.

⁵⁰ Mukumu Wairimu Irene, —Africa: The Maputo Protocol - Evaluating Women's Rights, available online at <http://allafrica.com/stories/20150613037.html> Last accessed April 13, 2016

⁵¹ R O Arisi & P Oromareghake, N 1. Cultural Violence and the Nigerian Woman African Research Review, *Vol. 5 (4), Serial No. 21, July, 2011, 369-381.*

that abuse is an entitlement, acceptable, justified, or unlikely to be reported. Some religions practiced in Nigeria contribute to domestic violence. Some religious expectations of women require unquestioned submission to the authority of their husbands. The women are pretty much at the mercy of their husbands.

Illiteracy and Ignorance of Women's Rights

Illiteracy among women and girls is one factor that puts them at a disadvantage. Education which has been described as the most important aspect of human development and a key to a successful living⁵² is being denied so many girls and women in Nigeria. This is due to cultural influence, among others; many parents and guidance do not see the need for the girl-child education. Despite primary education been officially free and compulsory in the Country, about 10.5 million of the Nigeria's children aged 5-14 years are not in school.⁵³ States in the north-east and north-west have female primary net attendance rates of 47.7 percent and 47.3 percent, respectively,⁵⁴ implying that more than half of the girls are not in school and hence cannot read and write in the Country's official language which is the English language. There are legislative protections on the rights of women and some are still before the national assembly which women who are faced with domestic violence can explore. However, many of these women are ignorant of their rights; many who are not literate do not know their rights. They have come to accept and condone abuse because they have been made to believe that it is a normal and acceptable practice and where they despise such acts; there is little they can do because they cannot access justice because of their lack of education.

Poverty and Loss of Income

The widespread of poverty in Nigeria has been a root cause of so many vices and women are at greater risk of the scourge as a result of their gender. Due to poverty and economic frustration prevalent in Nigeria, many men cannot adequately provide for their families. Some of them take out their frustration on their wives and transfer their aggression on them. The emergence of the novel Corona virus (COVID-19) in 2019 led to the lockdown or movement restrictions in countries worldwide, which meant spouses spend more time together at home resulting in stress and uncertainties which have led to increased aggression at home. This has also led to a great increase in domestic violence as both perpetrator and victim are under stress of the pandemic and their means of livelihood is affected especially in a developing country like Nigeria. The Honourable Commissioner for Social Development and Gender issues, Edo State, Nigeria, Mrs Maria Omozele Edeko in a webinar organised by the Nigerian Bar Association Women Forum,⁵⁵ stated that there was a 40% increase in domestic violence during the covid-19 lockdown and this domestic violence ranged from intimate partner violence to cases of incest, defilement of children by family members and neighbours and so on.

Lack of Women Empowerment

Due to the patriarchal nature of the Nigerian society as well as most African societies, women are less empowered economically compared to their male counterparts. This is a critical form of inequality that makes many women economically handicapped and financially dependent on their husbands or male partners. This makes them tolerate domestic violence as their partners become their main source of livelihood which incapacitates them from laying complaints of domestic violence meted on them as they do not want to lose the privileges they enjoy from such men. Women represent 60 per cent of the world's working poor,⁵⁶ and are often faced with intimidating legal, institutional, and cultural barriers to economic empowerment.

Substance Abuse and Drunkenness

Alcohol acts as a dis-inhibitor, which facilitates violence.⁵⁷ Stimulants such as cocaine, crack cocaine and amphetamines reduce impulse control and increases paranoid feelings which frequently cumulate in episodes of domestic violence.⁵⁸ Victims of domestic violence are also vulnerable to substance abuse. Addiction Centre stated that women who have been abused are 15 times more likely to abuse alcohol and 9 times more likely to abuse

⁵² I Michael (2011) Emir Harps on Girl-child Education. Nigerian Tribune, No.15, 107, 5th January, p.31

⁵³ Education UNICEF NIGERIA Obtained from <<https://www.unicef.org/nigeria/education>> Accessed on 12/5/2020.

⁵⁴ *Ibid.*

⁵⁵ Psychological Wellbeing of the Female Lawyer During & After Covid-19, Webinar held on Zoom on 29th May, 2020 available at bit.ly/NBAWF3.

⁵⁶ C Koppel, *The role of women in conflict and post-conflict situations*, Achieving Gender Equality, Women's Empowerment and Strengthening Development Cooperation, United Nations, New York, US, 2010.

⁵⁷ L Monica & B Sheila, 'Domestic Violence, Alcohol and Substance Abuse', Obtained from

<http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1516-44462005000600004&lng=en&nrm=iso>. Accessed on 13/07/2020.

⁵⁸ *Ibid.*

drugs than those without a history of abuse.⁵⁹ It is generally believed that frustration generally leads to violent tendencies in men and women, which exposes them to substance abuse, alcohol and so on. Frustration has been identified as one of the reasons people involve in substance abuse and drinking, men can transfer this aggression by pouring out their frustration on their spouses especially in male dominated environments. The use of alcohol and substance abuse may also lead to domestic violence in subtler ways, such as arguments over financial matters,⁶⁰ where the substance user takes money from the spouse, or diverts money meant for household running to buy drugs and alcohol.

6. Conclusion and Recommendations

From the foregone, it is been established that domestic violence is common place in Nigeria. The law and society must work together to curb this vice. The following recommendations are underscored:

Legal Reforms

The law is an instrument of change. There is need for intensive advocacy to ensure that discriminatory legal provisions are expunged and relevant legislation protecting the rights of women in Nigeria are adopted by all states of the federation. For instance, under Section 55 of the Penal Code,⁶¹ husbands are permitted to chastise their wives. This provision should be annulled. The Gender and Equal Opportunity Bill which was successfully presented at the Nigerian Senate for second reading, if passed into law, would afford Nigeria the opportunity to domesticate some of the provisions of the CEDAW 1979, and the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa 2004. It is recommended that the Gender and Equal Opportunities Bill 2016 should be domesticated. All the states in the country should also pass the VAPPA 2015 and Child Rights Act 2003 into law. Only 24 states out of 36 states have enacted the CRA as part of their laws. In addition, other relevant international and regional treaties which have been ratified by the country should be domesticated. For example, the Convention on the Elimination of All Forms of Discrimination against Women (and its optional Protocol) and Protocol on Women's Rights in Africa should be domesticated. Presently, only the African Charter on Human and Peoples Rights has been domesticated into Nigerian law.⁶² Furthermore, there should be effective monitoring and comprehensive implementation of the provisions of the laws protecting women's rights in Nigeria. Adequate punishment of offenders is also imperative to serve as deterrent to others.

Establishment of Sexual Assault Referral Centres/ Safe Houses

The establishment of Sexual Assault Referral Centres also known as Safe Houses is recommended. In this centres, criminal justice services and other welfare services, including prompt free medical care, support, free legal aid, counselling and rehabilitation services can be rendered to victims of domestic violence and sexual assault. Worthy of commendation and emulation is that On Monday July 1, 2013, a grant-funded Sexual Assault Referral Centre (SARC) also known as the Mirabel Centre opened its doors to the public in Lagos. The Centre, the first of its kind in Nigeria, is run by a Lagos-based civil society organisation, Partnership for Justice with support from St Mary's Sexual Assault Referral Centre, Manchester, United Kingdom, and in collaboration with the Lagos State Ministry of Health. In addition, the European Union in collaboration with British Council built and donated a Sexual Assault Referral Centre (SARC) to Borno State, in February 2018.⁶³ Some other states have established Sexual Assault Referral Centres (SARC). This includes states like Kaduna, Adamawa, Jigawa, Niger, Enugu, Akwa-Ibom, and Kano.

Training of Police, Prosecutors, Judges, and First Responders

In order to curb domestic violence, states should provide appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence with the view of preventing 'secondary victimization'. Continuous training of law enforcement officers, prosecutors and judges, as well as law students is imperative. Training and awareness raising amongst first responders like Doctors, Nurses and other medical professionals is also necessary to equip them with relevant skills to handle cases of domestic violence effectively.

Education and Empowerment of Women and Girls

Issues of gender equality in education have been the subject of much debate during the past decades and have become a prominent topic of debate in all countries. In Nigeria, there are large disparities between the education

⁵⁹ Addiction and Domestic Violence, obtained from <<https://www.addictioncenter.com/addiction/domestic-violence/>> Accessed on 13/07/2020.

⁶⁰ *Ibid.*

⁶¹ Penal Code Act Cap P3 (Federal Provisions Act), LFN 2004 S 282.

⁶² African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act 1983 Cap A9, LFN 2004 (African Charter Act).

⁶³ J Duku, 'Boko Haram: EU/ British Council build Sexual Abuse Referral Centre'

<[www.thenationonline.net/bokoharam:EU/British Council build](http://www.thenationonline.net/bokoharam:EU/British-Council-build)> Last accessed on 20/09/2018 by 9:20 am.

that boys and girls receive.⁶⁴Female illiteracy is a serious problem throughout the developing world. According to UNICEF (2002),⁶⁵ girls form the majority of the 120 million children who never go to school in the developing world, and the Nigerian national literacy rate for women is only 56 percent, as compared to 72 percent for males. Among the developing countries of West Africa, Nigeria has a very large population of girls who do not attend school. Many girls do not have access to adequate education past a certain age. Various cultural and social values have historically contributed to gender disparity in education. Equal access to education of both male and female children should be encouraged. The CRA 2003 guarantees access to free compulsory and universal primary education for children.⁶⁶ CEDAW⁶⁷ guarantees women the right of equal access to education as men. The importance of educating females cannot be overemphasized. Women and girls should be given equal access to education with their male counterparts. When a woman is educated she is mentally empowered and in a better social standing. She also stands a better chance of being financially independent. Education also empowers women and girls to know more about their fundamental rights and how they can protect themselves. It also enables them to make informed decisions. There is also the need to ensure that women and girls throughout the nation are empowered financially and mentally. This empowerment includes learning marketable skills and trade and establishing the women and girls in such line of business.

Eroding Myths and Harmful Gender Stereotypes

There is a need to effect changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and all other practices which are based on the idea of the inferiority of women or on the idea of stereotyped roles for women and men. Under International Human Rights Law, states are required to counter and eradicate gender-based stereotypes and discriminatory attitudes towards women as a means of preventing gender-based violence. According to the United Nations Convention on the Elimination of All Forms of Discrimination against Women, states are obliged to take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

⁶⁴ D I Denga, *Education at a glance: From Cradle to Tomb* (Calabar: Rapid Educational Publishers Ltd, 1993).

⁶⁵F P Umeana, 'Female Education: Gender Discrimination in Northern Nigerian Secondary Schools' obtained from <<https://www.researchgate.net/publication/322030925>> Accessed on 15/10/2019.

⁶⁶ s.15 (1).

⁶⁷ Art. 10.