

The Menace of Domestic Violence: Improving the Lives of Women in Nigeria

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Abstract

The scourge of domestic violence as well as other forms of violence against women has eaten deep into the fabric of our society creating a lopsided gender balance with the female gender being the greatest victim. Violence has taken different forms ranging from sexual to physical and psychological as well as other forms. This degrades the humanity of the woman in our society. Abusive partners and perpetrators base their actions on superior nature of the male sex, religion, law, custom, economic situation, family pressure, and their behavioural pattern. It is believed that lack of a legal framework universally enforced as well as lack of trained law enforcement officers promotes the violence of women in Nigeria.

A proactive legal framework, establishment of confidential and well equipped family courts, training of law enforcement officers, shelters and counselling centres can reduce the abuse of women in Nigeria and across the globe. The physical, sociological and psychological effect of violence against women is unquantifiable. To achieve a fair and balanced society, women must be valued, respected and supported and not battered either by stick or word of mouth.

Keywords

domestic violence – physical abuse – sexual abuse – Violence against Persons Prohibition Bill – women's rights

1 Introduction

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.¹ The home which is supposed to serve as a form of succour and rest from life's many struggles and troubles fill many with fear and trepidation. This is because of the knowledge of what awaits them on getting to their respective homes. Nkechi Ngene was a housewife and mother of two minors in Enugu State. She was said to be eight months pregnant when her spouse allegedly beat her to death. On January 31, 2012, Ngene confronted her husband about his incessant infidelity, and the man responded by beating the living daylight out of her. Ngene sustained various bruises, such that she began to bleed profusely and uncontrollably and was left to die by her husband.²

Domestic violence is not only limited to Nigeria. It is a significant proportion of all violent crime in the UK and 43% of all violent crime against British women. Generally, domestic abuse has been estimated to be experienced by one in four women in their lifetime.³ Domestic violence is also a significant problem in the United States. Assessments of violence estimate that approximately 2 million women in the United States are severely assaulted by their partners each year.⁴ In South Africa, the Department of Justice estimates that one out of every four South African women are survivors of domestic violence.⁵ 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 abusive treatment of one family member by another, thus violating the law of basic human rights.⁶ It can also be defined as a situation where a particular person is subjected to an

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- 1 Mary Esere 'and others', 'Causes and Consequences of Intimate Partner Rape and Violence: Experiences of victims in Lagos, Nigeria' (2009) 1(1) *Journal of AIDS and HIV Research*, 1.
 - 2 Francis Famoroti, 'Domestic Violence: When Spouses send their Partners to Early Graves' (2012) <nationalmirroronline.net> accessed 21 September 2013.
 - 3 Jan Bostock, Maureen Plumpton, Rebekah Pratt, 'Domestic Violence Against Women: Understanding Social Processes and Women's Experiences' (2009) 19 *Journal of Community & Applied Social Psychology*, 95; Women's Aid Federation of England 'Domestic Violence Statistical Factsheet – Health' (2001) <<http://www.womensaid.org.uk/dv/dvfactsh2.htm>> accessed 15 December 2013.
 - 4 David S Riggs, Marie B Caulfield, Amy E Street. 'Risk for Domestic Violence: Factors Associated with Perpetration and Victimization' (2000) 56(10) *Journal of Clinical Psychology*, 1289.
 - 5 Women in Action Statistics on Domestic Violence in South Africa (2010) <www.womeninaction.co.za> accessed 29 December 2013.
 - 6 Aihie Ose N, 'Prevalence of Domestic Violence in Nigeria: Implications for Counselling' (2009) 2(1) *Edo Journal of Counselling*, 1.

act of force in the home which cause pain either physically, emotionally, psychologically and which infringes on the person's rights. In Nigeria, women and girls are subjected to multiple forms of violence in the homes. Due to a 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 seldom reported because of many reasons. Some could be as a result of fear of reprisal and lack of response from law enforcement officials.⁷ Other reasons include the shame of women having to admit they are being abused by their husbands especially for those that live in small communities coupled with the ignorance of the fact that it is wrong and could be corrected.

The experience of being a victim of violence can generate strong negative feelings about the self, including feelings of guilt and shame. Battered women frequently report feeling ashamed about getting involved with the abuser or not acting on the warning signs of the abuse. The victim may believe she is to blame for her abuse and such feelings of responsibility may decrease the likelihood that victims will report the abuse. In addition, the victim may engage in reasoning strategies such as denying the abuse occurred, minimizing the threatening nature of the abuse, or rationalizing why the abuse happened. These strategies may help the victim to cope with the abuse, but they further decrease the likelihood that the abuse will be reported. The battered woman may also feel very strong positive attachment towards her abuser through a process termed traumatic bonding. These feelings of love may increase the difficulty of reporting the abuse, perhaps because of feelings of disloyalty or guilt over "betraying" the husband.⁸ Some may not decide to take any formal proceedings against the perpetrator for reasons such as financial threat, that is, lack of money to prosecute their cases; fear of further violence; and fear of losing the children, their home, employment or family and having nowhere else to go. Similarly a fear of loneliness and hope that things would change can deter women from leaving violent situations.⁹ 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 behaviour, such failure is usually an accepted excuse for the violence she suffers, especially within the family context. A woman could

7 Eze-Anaba Itoro, 'Domestic violence and Legal Reforms in Nigeria: Prospects and Challenges' (2007) 14(21) *Cardozo Journal of Law & Gender*, 21.

8 David S Riggs, Marie B Caulfield, Amy E Street. 'Risk for Domestic Violence: Factors Associated with Perpetration and Victimization' (n 4) 1289.

9 H Hendy 'and others', 'Decision to Leave Scale: Perceived Reasons to Stay in or Leave Violent Relationships' (2003) 27(2) *Psychology of Women Quarterly* 162.

suffer violence for refusing sex, nagging, or challenging the man's behaviour. 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. In a survey carried out by Project Alert in 2001, participants were picked randomly and included women working in the market, in other work places, and students at the university. In Lagos, more than half of the participants confirmed their partners, boyfriends, or husband had beaten them. Some of the reasons why they were beaten included drunkenness, financial problems and refusing to have sex with the perpetrator. Many of the participants had reported physical injuries and threats to their family, the perpetrator's family and to their religious leaders while some just endured the abuse. There was no report of any respondent filing a complaint with the police or seeking redress in court.¹⁰ Domestic violence, needless to say, could also be committed by women against men,¹¹ however, such cases are very few and the purpose of this study will be the violence committed against women.

2 Types of Domestic Violence

2.1 *Physical Abuse*

Physical abuse can be defined as a maltreatment of a person which can result in harmful and adverse effects in respect of his or her physical health.

Physical abuse may involve hitting, shaking, throwing, poisoning, drowning, suffocating, burning or scalding a person.¹² A recent form of violence against women in Nigeria is the use of acids, which are corrosive chemicals usually used in laboratories and factories, and cause permanent disfigurement of the victims. Many cases of acid baths are a result of the refusal of the woman to renew, or at times submit to, a relationship with the perpetrator.¹³

10 Eze-Anaba Itoro, 'Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges' (n 7) 21.

11 Kunle Falayi 'Banker Wife Accused of Cutting Hubby's Manhood With Knife' *The punch* (Nigeria, 28 December 2013).

12 HM Govt, 'Working Together to Safeguard Children; A Guide to Inter-Agency Working to Safeguard and Promote the Welfare of Children' (2010) <<http://kingstoniscb.org.uk>> accessed 27 March 2012.

13 Eze-Anaba Itoro, 'Domestic Violence and legal reforms in Nigeria: Prospects and Challenges' (n 7) 21.

2.2 *Sexual Abuse and Rape*

For many women and girls, sexual coercion and abuse are defining features of their lives. Forced sexual contact can take place at any time in a woman's life and includes a range of behaviours, from forcible rape to nonphysical 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. Studies indicate that much non-consensual sex takes place within consensual unions and includes a woman being compelled to have sex when she does not want it, or to engage in types of sexual activity that she finds degrading or humiliating.¹⁴ Sometimes, the assailant uses sex to inflict humiliation on the victim or exert power and control over the victim. The UN Declaration specifies that rape, marital rape and sexual abuse are forms of violence against women. Article 2 makes it clear 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.¹⁵ 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.¹⁶

Another form of sexual violence which affects women is revenge pornography. Revenge pornography, also known as non-consensual pornography is the distribution of sexually graphic images of individuals without their consent. This includes not only images that were originally obtained without consent, for example, hidden recordings of sexual assaults) but also images originally obtained with consent, for example images consensually given to an intimate partner who later distributes them without consent.¹⁷ Most victims are women and its sole aim is to embarrass, humiliate and degrade a woman sexually. It can be categorized under domestic violence because the culprit is usually a

14 M Ellsberg, L Heise, 'Researching Violence Against Women: A Practical Guide for Researchers and Activists' (2005) Washington DC, United States: World Health Organization, PATH 9.

15 Chineze J Onyejekwe, 'Nigeria: The Dominance of Rape' 2008 10(1) *Journal of International Women's Studies* 50.

16 *Oludotun v The State* [2005] SC 272; *R v Clarence* [1888] QBD 23.

17 MaryAnne Franks, 'Combating Non-Consensual Pornography: A Working Paper' (2013) <www.womenslegalnsw.asn.au> accessed 13 December 2013.

wronged or bitter lover who is seeking revenge for being abandoned. In some instances, the name, mobile contact, work details and home address of the pictured person are made available.¹⁸ Sexual abuse in the home is also experienced by children, especially females. Their case is especially important because abused children grow up to be psychologically affected women whose progress might be affected by the harm they had experienced in the past. More common is the sexual abuse of domestic servants especially the female ones. Most times, these activities are perpetrated by people who are temporarily under an obligation to care for them. In 2011, an eight year old girl who was sent to live with her aunt's friend because of lack of funds was continually starved and was raped every night by the two men who stayed in the house with them and who threatened to kill her if she ever told anyone.¹⁹ Also, a seven year old girl accused her father of rape stating that her 49 year old father had sex with her on a daily basis when her mother was not around.²⁰

2.3 *Psychological and Emotional Abuse*

Psychological and emotional abuse could include neglect, lack of proper care, verbal insults and a situation whereby such victims is made to feel worthless and less confident of herself. Neglect could also extend to the stage of pregnancy whereby the woman is left alone to care for herself and her baby without the needed support. Although this form of abuse is not commonly reported in Nigeria, it is the source of many revenge actions taken by women and could escalate to mental health problems and suicide.

2.4 *Traditional and Cultural Practices*

There are many cultural practices perpetrated against women which constitute a form of abuse to them.²¹ One of such forms of abuse is Female Genital Mutilation. WHO gave a comprehensive definition of Female Genital Mutilation (FGM) as follows;

18 Sola Fagorusi, 'Revenge Pornography' The Punch (Nigeria, 15 November 2013) 15.

19 'Beaten by Hajia, Raped by Two Men' The Punch. (Nigeria, 10 September 2011) 16.

20 Kunle Falayi, 'Scarred for Life: Story of Children Raped by their Own Fathers' The Punch (Nigeria, 28 December 2013) 14.

21 *Alawusa v Odusote* [1941] WACA 7, appellant shaved pubic hair of his wife according to native law and custom, he was charged with indecent assault under s 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.

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.²²

The procedure is typically performed on girls aged between four and thirteen, but in some cases, FGM is performed on new born infants or on young women before marriage or pregnancy. A number of girls and women die as a direct result of the procedure from blood loss or infection, either following the procedure or subsequently in childbirth.²³ The operation is extremely bloody and painful, and performed without anaesthesia. The immediate and long-term risks to health includes; death due to haemorrhage, postoperative shock, septicaemia, tetanus, human immunodeficiency virus infection; uterine and urinary infection; and infertility caused by endometriosis when the menstrual flow cannot escape. Childbirth may be difficult, requiring incision or caesarean section, and reinfibulation after each birth, and may result in intrauterine foetal death. In addition are the psychological effects and sexual difficulties.²⁴ Unintended additional damage is often caused because of the crude tools, poor light, poor eyesight of the practitioner, and septic conditions, or because of the struggling of the girls or women during the procedure. There are three variations of female genital mutilation of which the most severe, infibulation involves the cutting out of all external genitalia and sewing up of the wound leaving only a tiny opening for the passage of urine and menstrual fluid.²⁵ The practice of female genital mutilation is illegal in most countries, including Britain. The Female Genital Mutilation Act 2003 made it an offence for UK nationals or permanent UK residents to carry out FGM abroad, or to aid, abet, counsel or procure the carrying out of FGM abroad, even in countries where the practice is legal.²⁶ However, there's currently no Federal Law on Female Genital Mutilation in Nigeria and advocates against the practice

22 N Toubia, 'Female Circumcision as a Public Health Issue' (1994) 331 *New England J Medical Journal*, 712.

23 HM Govt, "Working Together to Safeguard Children; A Guide to Inter-agency Working to Safeguard and Promote the Welfare of Children" (2010) <<http://kingstoniscb.org.uk>> accessed 27 March 2012.

24 Susan Hopkins, 'A Discussion of the Legal Aspects of Female Genital Mutilation' (1999) 30(4) *Journal of Advanced Nursing* 926.

25 E Webb, B Hartley, 'Female Genital Mutilation: A Dilemma in Child Protection' (1994) 70 *Archives of Disease in Childhood*, 441.

26 RM Abusharaf, 'Unmasking Tradition: A Sudanese Anthropologist Confronts Female 'Circumcision' and its Terrible Tenacity' (1998) 38(2) *The Sciences (New York Academy of Sciences)* 22–27.

presently rely on section 34(1) (a) of the 1999 Constitution which states that 'no person shall be subjected to torture or inhuman or degrading treatment'. Section 11(b) Child Rights Act, 2003 also provides that no child shall be subjected to torture, inhuman or degrading treatment or punishment. However, some states of the Federation including Lagos, Osun, Ondo, Ogun, Ekiti, Bayelsa, Edo, Cross river and Rivers have enacted FGM laws although implementation has been stated to be a huge challenge.²⁷ Quite recently, it was reported in the news that a 17 year old girl fled her family home in the Ijaw Local Government area of Bayelsa State and has been declared missing having witnessed the painful and agonizing death of her younger sister who was grievously mutilated on January 15, 2012.²⁸

Another cultural and traditional abuse that women or girls face is child marriages. 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.²⁹ This form of abuse affects the child as such a child is not capable of bearing the responsibilities and challenges associated with marriage for example, child-birth and taking care of the home. It also affects her level of education.

Child marriage is more than a violation of the fundamental right to freely consent to marriage. It is often accompanied by other forms of harm.³⁰ In an interview in a daily National Newspaper, the chairman, House of Representatives Committee on Diaspora, Mrs Abike Dabiri-Erewa, stated that while she was a reporter, she encountered many girls between the ages of 13 and 15, who were suffering from Vesico Vaginal Fistula³¹ (VVF). They suffer complications as a result of pregnancy and forced sex that virtually destroy their whole make-up as women.³² Young mothers face higher risks during pregnancies including complications such as heavy bleeding and infection which contribute to

27 CAGEM, 'Ban Female Genital Mutilation in Nigeria' (2012) <saynotoviolence.org> accessed 22 May 2013.

28 'Girl, 17, flees Home over Forced Circumcision' Premium Times (Nigeria, 23 February 2012) <www.premiumtimesng.com> accessed 18 May 2012.

29 FORWARD, 'Child Marriage' (2012) <http://www.forwarduk.org.uk> accessed 12 September 2012.

30 KS Seelinger, 'Forced Marriage and Asylum: Perceiving the Invisible Harm'. *Columbia Human Rights Law Review*. 42(55). (2010) 56.

31 VVF involves the breakdown of tissue in the vaginal wall communicating into the bladder ... or rectum. It often leads to urinary and or fetal incontinent and, in some instances, can also result in the paralysis of the lower half of the body.

32 J Ameh, 'No Religion Permits Child Marriage'. *The punch* (Nigeria, 27 July 2013) 44.

higher mortality rates of both mother and child. This makes them more vulnerable to school dropout.³³ In Nigeria, the Child Rights Act 2003 specifically prohibits the betrothal and marriage of children. It provides that no person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void and of no effect whatsoever.³⁴ Implementing these provisions, however, is a huge problem in Nigeria and the practice still thrives in some areas especially in those states where the Child Rights Act 2003 have not been adopted.

3 Causes of Domestic Violence

3.1 *Violence in Family of Origin*

Most times, men unconsciously follow in the footsteps of their fathers. Men who come from abusive homes and who have watched their mothers being mercilessly beaten by their fathers have the tendency to do the same to their partners, while still in a relationship, and thereafter to their wives, after they are married. Ladies who have witnessed their domestic help being beaten by their mothers have a tendency to do the same to their domestic help later in life.

3.2 *Lack of Education*

The level of education a man has achieved affects his thinking and therefore his reaction whenever he is provoked. Some uneducated men usually have an attitude of inferiority complex and when they are wronged by their wives, their perception is that their honour has been put to the test so, inadvertently, they resort to beating their wives to prove that they are still men and the head of the home. In a study carried out by Christian Ndugasa Okemgbo³⁵ on domestic violence in some selected communities in Igbo land, it was discovered that the less educated men had more tendency to beat their wives. Education influences

33 Forward. 2012. Op. cit.

34 Child Rights Act 2003, s 21 A person who marries a child; or to whom a child is betrothed; or who promotes the marriage of a child; or who betroths a child commits an offence and is liable on conviction to a fine of five hundred thousand Naira or imprisonment for a term of five years or to both such fine and imprisonment. See also Child Rights Act 2003, s 23.

35 Okemgbo Christian Ndugasa, 'and others' 'Prevalence, Patterns and Correlates of Domestic Violence in Selected Igbo Communities of Imo State, Nigeria' (2002) 6(2) *African Journal of Reproductive Health* 101.

a person to respect the rights of women and to know the likely health consequences of wife battery. Thus, highly educated men with secondary or tertiary training are more likely to refrain from wife beating than those not having any education at all or with just primary school training.

3.3 *Culture*

Culture can be defined as the traditions and way of life that are encompassed by a number of people living in a particular community. The culture of a particular society affects their way of life to a large extent and this affects also, the manner in which women are treated and accorded respect in the family and community. Many customs in Nigeria believe that women are the lesser beings probably because of their feminine nature, soft attitude and lesser physical strength and assume that men should be revered by women at all times.

Customary practices across Nigeria generally hold that the man is the head of the house and has the greatest control and decision-making powers. Due to this fact, the woman is regarded as the property of the man and he is therefore entitled to discipline her as he sees fit. The notion of subjugation of women is so entrenched that many people in Nigerian society tend to accept violence against a woman as justified.³⁶ In some areas, women are seen as property and this is evident in some areas whereby women are bundled off to their husband's houses together with suitcases after her bride-price must have been paid. This is so unlike what happens in some developed countries where the couple drives off together, alone.³⁷ The payment of bride price could also give an impression of women being under the authority of men. Some men feel because they paid such a huge amount as bride price, they can treat their wives as they wish. In other places, once the woman decides to desert her husband, her family has to return the bride price that was paid by the husband's family.

3.4 *Poverty*

Poverty, according to the Oxford Advanced Learners Dictionary,³⁸ was defined as the state of being poor while 'poor' was defined as; having little money. Poverty however, does not only include the lack of money, but also the lack

36 L Kelly Ritz, 'Soft Enforcement: Inadequacies of Optional Protocol as a Remedy for the Convention on the Elimination of All Forms of Discrimination against Women' (2001) 25 *Suffolk Transnational Law Review* 191.

37 A Akereolu, 'Violence Against Women: Stop the Talk; do the Work' [presentation] Federation of International Lawyers week, Ado Ekiti 11–17 November 2013.

38 AS Hornby, *Oxford Advanced Learners Dictionary* 6th ed New York: (Oxford University Press 2000).

of the basic amenities of life like shelter, food and clothing. Poverty causes educational disadvantage and gender discrimination and these potent factors could force people to engage in child marriage and domestic violence.³⁹ Furthermore, it has been stated that there is a link between poverty and mental health. Many respondents felt that poverty could contribute to the development of mental health challenges, including stress, depression and anxiety.⁴⁰ All these mental health related problems are risk factors for engaging in the act of domestic violence. The worsening economic situation in Nigeria is often an excuse given for domestic violence. As a man becomes unable to provide for the family, the woman is left to support the family economically. In order to compensate for their own feelings of weakness or insecurity, many men resort to hitting the woman.⁴¹

3.5 *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 ...'⁴² has often times been misunderstood. On the basis of this 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 earlier periods and is still prevalent in some communities.

3.6 *Weaker Sex*

Generally, human beings have the tendency to commit violence against people who are weaker than them. That accounts for the reason why some women abuse their domestic help and treat them in a manner which is detrimental to their wellbeing and health.⁴³ This occurs mostly because such domestic

39 UNICEF, 2011, *The State of the World's Children: Adolescence: An Age of Opportunity*. <<http://www.uis.unesco.org>> accessed 27 March 2012.

40 S Kleintjes 'and others' 'A Situational Analysis of Child and Adolescent Mental Health Services in Ghana, Uganda, South Africa and Zambia' (2010) 13 *African Journal of Psychiatry* 132.

41 Eze-Anaba Itoro, 'Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges' (n 7) 21.

42 Ephesians Chapter 5 Verses 22–23.

43 A Akeredolu, [presentation] Federation of International Lawyers Week, Ado Ekiti 11–17 November 2013.

servants are not directly under the watchful eyes of their parents and those women act as guardians for those children for a period of time depending on how long they will stay with them. A 13 year old girl, a housemaid was scalded with hot water in calabar when the brother-in law of her employer poured hot water on her after accusing her of splashing water on him. She was left to wallow in pain for two days until neighbours took her to the hospital for medical attention.⁴⁴ Some men seem to take out their frustrations on anyone who is willing to take it, hence domestic violence.

3.7 *Behavioural Risk Factors*

In trying to recognize assaultive men, numerous risk factors have been identified including use of alcohol, violence toward children, anger, stress, depression and low self-esteem.⁴⁵ Specifically, researchers have linked men's symptoms of depression, posttraumatic stress disorder (PTSD), borderline personality disorder, and substance abuse to the perpetration of violence against their wives and partners. Alcohol abuse, and to a lesser extent drug use, have been associated with the perpetration of marital violence in a number of studies. These studies indicate that men with diagnosable alcohol problems are at substantially increased risk of spouse abuse.⁴⁶ Men who perpetrate violence against their wives and partners appear to be more generally aggressive, angry and hostile than those who do not. Thus they are generally aggressive, not only to their spouse, but to most people around them. Also, an incident of spouse abuse hardly occurs in isolation as there is a high chance of prior use of violence within the relationship. Domestically violent men are more likely than nonviolent men to be able to identify situations in which violence toward a partner is justified or acceptable. They seem to justify their actions on a particular thing that their wife or partner did or failed to do.⁴⁷

44 Affe Mudiaga, "Man pours Hot Water on 13 year old girl Housemaid" *The punch* (Nigeria, 1 April 2013).

45 Eve Buzawa, Gerald Hotaling, Andrew Klein, "The Response to Domestic Violence in a Model Court: Some Initial Findings and Implications" (1998) 16 *Behavioural Sciences and the Law* 185.

46 TJ O'Farrell, CM Murphy, 'Marital Violence before and after Alcoholism Treatment' (1995) 63(2) *Journal of Consulting and Clinical Psychology* 256-262.

47 David S. Riggs, Marie B. Caulfield, Amy E. Street, 'Risk for Domestic Violence: Factors Associated with Perpetration and Victimization' (n 4) 1289.

4 Consequences of Domestic Violence

4.1 *Denial of Fundamental Rights*

Violence against women is recognized as a violation of human rights. As early as 1984, the Universal Declaration of Human Rights adopted by the UN General Assembly identified violence against women as an abuse that threatens the security of women and their fundamental rights to life and liberty, as well as freedom from fear and want.⁴⁸ Also in December 1993, the United Nations High Commissioner for Human Rights published the Declaration on the Elimination of Violence Against Women or Violence Against Men. 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 inhuman or degrading treatment.

4.2 *Lack of Development*

Violence against women causes human suffering, impediments to personal development and reduction in the contribution women can make to the lives of others. Violence against women does not avail women the power to protect themselves from unwanted pregnancy and sexually transmitted diseases.⁴⁹ Domestic violence against women has incalculable costs to present and future generations and limits a woman's personal growth, her productivity and her socio-economic roles. Also, women's aspirations and achievements are inhibited, not just by the injuries of physical attacks but by the implicit threat to social development. By subjecting women to violence and without a social structure that endeavours to stop this practice, the women could be made to believe that they are actually inferior to their counterparts and that they deserve the abuse. This can affect their self-image and perception of men in general.⁵⁰ States that fail to prevent and prosecute perpetrators of domestic violence treat women as second-class citizens and send a clear message that the violence against them is of no concern to the state.⁵¹

48 Y Che, J Cleland, 'Unintended Pregnancy Among Newly Married Couples in Shanghai' (2004) 30(1) *Int. Family Planning Perspective* 6–11.

49 MA Ushie, 'and others' 'Violence Against Women and Reproduction Health among African Women: The Case of Bette Women of Obudu in Cross River State, Nigeria'. (2011) 3(2) *International Journal of Sociology and Anthropology*, 70.

50 Mary Esere, 'and others' 'Causes and Consequences of Intimate Partner Rape and Violence: Experiences of Victims in Lagos, Nigeria' (n 1), 1.

51 E Abama, 'Violence against Women in Nigeria: How the Millennium Development Goals Addresses the Challenge' (2009) 3(3) *The Journal of Pan African Studies* 30.

4.3 *Health Consequences*

Domestic violence is a profound health problem that compromises women's physical and mental health, and erodes their self-esteem. In addition to causing injury, violence increases women's long-term risk of a number of other health problems including chronic pain, physical disability, drug and alcohol abuse, and depression. Women with a history of physical or sexual abuse are also at increased risk for unintended pregnancy, sexually transmitted infections, and miscarriages. For many women, the psychological consequences of abuse are even more serious than its physical effects. The experience of abuse often erodes women's self-esteem and puts them at greater risk of a variety of mental health problems including depression, anxiety, phobias, post-traumatic stress disorder, and can also result in alcohol and drug abuse. Violence and sexual abuse also lie behind some reproductive health issues like unwanted pregnancies, HIV and other STIs, and complications of pregnancy.⁵²

4.4 *Impact on Children*

The most important actors in any child's life are often, and should most often be, his or her parents. As such, the family can be the single most important factor in determining whether or not a child is protected. On the other hand, given the centrality of the family in the child's life, it can also be a frequent source of violence, abuse, discrimination and exploitation.⁵³ Children who have witnessed their mothers being subjected to one form of violence or another, tend to follow suit because they feel that is the best way to deal with their wives too. They could on the other hand, avoid women due to the fear of repeating what their fathers did. Also, children fail to receive adequate care and attention from battered women who are too busy nursing their wounds or trying to find a way out of their predicament. This is especially when injuries inflicted on them by their husbands leads to their death. In a study conducted on 308 women in Igbo land, the results revealed that pregnant women were no less vulnerable to battery than other women, as more than half of the respondents (58.9%) were beaten during pregnancy. This occurred more in the rural than urban areas (65.8% vs. 52.9%).⁵⁴ Domestic violence in pregnancy is of particular concern because of the implications for safe motherhood and child health. In a study conducted in a referral centre in southern Nigeria, in which

52 M Ellsberg, L Heise, 'Researching Violence Against Women: A Practical Guide for Researchers and Activists' (2005) (n 14).

53 D O'Donnell, D Seymour, 'Child Protection; a Handbook for Parliamentarians' (2004) <<http://www.ipu.org>> accessed 8 June 2012.

54 Okemgbo Christian Ndugasa, 'and others' 'Prevalence, Patterns and Correlates of Domestic Violence in Selected Igbo Communities of Imo State, Nigeria' (n 35) 101.

502 women participated, 220 (43.8%) women reported experiencing violence before, during, and after pregnancy. A total of 142 (28.3%) women reported experiencing violence only during pregnancy, whereas 4 (0.8%) experienced violence only after childbirth.⁵⁵

5 Legal Framework for the Protection of Women Against Violence in Nigeria

There have been increased efforts to enhance the protection and promotion of women's rights through the international, regional, and national enactment of laws and policies. Such efforts have resulted in documents like the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) and the Beijing Platform for Action at the international level. Some countries have passed laws and policies incorporating such international standards into their domestic laws. For example, Nigeria has incorporated the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, and the United Nations Convention against Transnational Organized Crime (UNTOC) and the Convention on the Rights of the Child (CRC) into domestic law.⁵⁶

However, there is no National Law in Nigeria that deals with the protection of women against domestic violence. The Minister of Women Affairs and Social Development, Hajiya Zainab Maina, at a stakeholders preparatory meeting on the 57th Session of the United Nations Commission on the Status of Women (CSW) in September 2013 disclosed that the committee that was set up to harmonise all bills dealing with violence against women into a single bill titled 'Violence Against Persons (Prohibition) Bill' (VAPP) was still lobbying for its speedy passage.⁵⁷ In March 2013, the House of Representatives of the National Assembly passed the bill but it is yet to get the senate's approval. The law which aims to eliminate or reduce to a minimum the cases of gender based violence includes a comprehensive definition and harsh sentences for rape and other sexual offences, compensation for rape victims, institutional protection from further abuse through restraining orders and a new fund to

55 Biodun Olagbuji, 'and others' 'Trends and Determinants of Pregnancy-related Domestic Violence in a Referral Center in Southern Nigeria' (2010) 108 *International Journal of Gynecology and Obstetrics* 101.

56 Eze-Anaba Itoro, 'Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges' (n 7) 21.

57 Ijeoma Ezeike, 'Violence against Persons Prohibition Bill yet to be Passed – Minister' (2013) <nationalmirroronline.net> accessed 21 September 2013.

support the rehabilitation of victims of violence. Covering a wide spectrum of violence, including Female Genital Mutilation, early and forced marriage, rape and harmful widowhood practices, the bill aims to recognise the rights of all to safety both in the workplace and in the home.⁵⁸

There are however, few states in Nigeria which have passed laws to protect women in their respective states. Such states include Lagos State, Ekiti State, Ebonyi, Cross river and Jigawa States. In Lagos, the Law that was set up to protect women is referred to as the Protection against Domestic Violence Law 2007. The Law prohibits any person from committing any act of domestic violence against any person in Lagos State.⁵⁹ It prescribes and regulates the behaviour of every citizen of Lagos state in their domestic environment. The Law is made not only to protect women who are most times, the target of domestic violence, but also to safeguard the interests of men, children, servants, maids and everyone who may be a victim of domestic violence. This is regardless of sex, age or marital status. The Law provides for financial assistance by the state through the office of the public defender or legal aid council to victims of domestic violence who may be financially handicapped to seek redress in court under this Law. Therefore, lack of money cannot hinder a person from seeking redress under this Law.⁶⁰ Section 18(g) lists the acts constituting domestic violence as including but not limited to the following: physical abuse, sexual abuse, starvation, emotional, verbal and psychological abuse, economic abuse, denial of basic education, intimidation, harassment, stalking, hazardous substance, damages to property, wrongful entry, controlling or abusive behaviour or deprivation. The case of domestic violence can be commenced in a magistrate court or high court of the state through a motion on notice. One good thing about this Law is that it is gender neutral that is, made for both men and women.

A complainant under the law can apply for a protection order where an act of Domestic violence or a criminal offence that contains an element of domestic violence is committed against him or her. Parties present at such proceedings are the officers of the court, parties, legal representatives, witnesses, or person bringing the application and the court has discretion to hear the proceedings in private or exclude any person from the proceeding in court. The information on the identity of the parties or relating to the proceeding in

58 Jacky Repilia, 'History is made as Nigeria Passes Domestic Violence Law' (2013) <<http://policy-practice.oxfam.org.uk>> accessed 13 December 2013.

59 BAOBAB, 'Overview or Simplification of the Protection against Domestic Violence Law' (2007) <baobabwomen.org/PADVL.doc> accessed 13 December 2013.

60 See Prohibition against Domestic Violence Law 2007, s 139(2).

court must be confidential and not published; otherwise it attracts a penalty of N 20,000 fine or a year imprisonment.⁶¹The Director, Gender and Legal Aid, Women Advocate Research and Documentation Centre (WARDC), Ms. Grace Otor in an interview acknowledged that domestic violence is a criminal matter that should not be accepted by victims as a cultural phenomenon or as a way of life. Rather, it should be viewed as a human right issue which touches on the right to liberty, freedom of expression, freedom of movement among other rights. Otor however noted that the Lagos State government has failed to make domestic violence a criminal offence but a civil offence. She stated that the act would only become a criminal matter when an abuser or a culprit disobeys court orders as listed in the law unlike the Ekiti state law which criminalises it. Besides, she said the Federal and the state governments had also not shown the political will to curb the incidence of domestic violence adding that of the 36 states of Nigeria, only five states have a legal framework regulating domestic violence.⁶²

In Ekiti State, Nigeria, the bill prohibiting gender-based violence was signed into law by the Governor, Dr Kayode Fayemi, in Ado-Ekiti on November 25, 2011. With the development, Ekiti became the first state in the federation to pass such law that seek to protect both genders against physical and psychological abuse and violence. The Gender based Violence Law seeks to create an Act to eliminate violence in private and public life, prohibit all forms of violence including physical, sexual, psychological, domestic, harmful traditional practices and discrimination against persons and to provide maximum protection and effective remedies for victims and punishment of offenders. The law seeks to protect the human rights and fundamental freedoms of women, children and a minority of men against physical, economic, mental or sexual harm or suffering, as well as threats of such acts, coercion and other deprivations of liberty within the public or private spheres.

6 Strategies for Curbing Domestic Violence in Nigeria

6.1 *Counselling*

To remedy the domestic violence situation in Nigeria, all stakeholders must be involved; the communities, religious groups, institutions, government at all

61 BAOBAB, 'Overview or simplification of the Protection against Domestic Violence Law' (n 59) <baobabwomen.org/PADV.L.doc> accessed 13 December 2013.

62 Francis Famoroti, 'Domestic Violence: When Spouses Send their Partners to Early Graves' (2012) <nationalmirroronline.net> accessed 21 September 2013.

levels. In schools, during Parents' Teachers' Association meetings, the school counsellor could give enlightenment talks, encouraging parents to use disciplinary measures, which are non-violent on their children and avoid exposing children to domestic violence of any form. The school counsellor could organize group counselling sessions for the different age groups and classes, on the advantages of a violence free society. Churches and mosques should organize seminars and outreach programmes where professional counsellors are invited to enlighten the people on the need for a violence free society with the home as the cradle. Young couples planning to get married should be guided on the ways to avoid violence in the intimate relationship of marriage. The government should establish and fund counselling centres at the community, and Local Government levels and employ professional counsellors to help victims and perpetrators of domestic violence.⁶³ Counselling can also be coupled with treatment procedures for men whose main reason for committing such crime is drunkenness, genetics, behavioural disorders and such other reasons that can be treated. It is very important that perpetrators are counselled on the ills and consequences of beating their wives. They need to know that the fact that they beat their wives in front of their children will have a psychological effect on those children in so many ways. Such men also need to know that battering their wives will never make her happy and could result to depression, ill health or even suicide. It will therefore be a challenge for these women to take care of him, their home and their children. The root causes of such violence should be determined and addressed. Women also need to be counselled on many issues. It is possible that emotionally some could be a wreck and they need to be placated not to take any rash decisions that would cause havoc to her and her family. She needs to be taught patience and for those who may have sustained bruises in one way or the other, referrals to hospitals should be done.

6.2 *Family Courts*

Family courts which deal with sensitive issues such as rape, battery, sexual assault, among others, should be private and only parties, their lawyers and the judge should be allowed to witness the proceedings. This is because many victims of domestic violence would prefer their matters being kept out of the public glare. This is because sensitive issues will be discussed and the victims will be encouraged to report such cases when she knows it will be a private matter. Family courts have been inaugurated in some states in Nigeria like Ekiti

63 Aihie Ose N, 'Prevalence of Domestic Violence in Nigeria: Implications for Counselling' (n 6) 1.

and Lagos states for the purpose of ensuring justice for women and children and promoting peace in the family.

6.3 *Alternative Dispute Resolution*

Women don't usually want their partners who have battered them to go to jail because of the financial consequences to them and their children. This is especially when the woman is financially dependent on the man. Also, some men come back from jail, more bitter than when they were convicted and continue battering their wives even in a worse manner. The litigation process itself, independent of the event which initiated the claim, is a source of stress for litigants.⁶⁴ The litigation process can be a traumatic experience and can cause psychological stress for some people for so many reasons.⁶⁵ Litigation could result to waste of time whereby some cases are in court for several years. It is very likely that while the case is going on in court, the relationship between the two will be very strained and the end result could even be divorce. Also, lack of enough proof to prosecute the perpetrator, lack of funds and the fear of stigmatisation that follows a discharge and acquittal of the accused are all reasons why some victims of domestic violence are reluctant to take their cases to the courts. Domestic violence cases could be better handled through Alternative dispute processes. Alternative dispute resolution (ADR) is a process for settlement of disputes without going through the strict procedure of the court of Law. This process is resorted to with a view to reducing the burden of legal proceedings pending different levels of courts, cost of proceedings and length of time required for disposal of litigation.⁶⁶

6.4 *Public Enlightenment*

Seminars and workshops should be organized for the purpose of alerting people on the need to put an end to domestic violence and to educate people about the consequences and ways by which victims can be helped. For the states that have laws already, people should be educated as to the existence of these laws and where they can get help if they are victimized.⁶⁷ Some participants at a seminar on law against domestic violence organised by the Women Empowerment and Legal Aid (WELA) in Lagos State, openly confessed their

64 LJ Cohen, JH Vesper, 'Forensic Stress Disorder' (2001) 25 *Law and Psychology Review*, 1.

65 KM Brent 'Technological Disasters, Litigation Stress, and the use of Alternative Dispute Resolution Mechanisms' (2004) 26(2) *Law & Policy* 290–307.

66 M Saharay, 'Arbitration and Conciliation with Alternative Dispute Resolution' (2008) 198.

67 Aihie Ose N, 'Prevalence of Domestic Violence in Nigeria: Implications for Counselling' (n 6) 1.

ignorance of the existence of the Lagos State Law against domestic violence codified since 2007.⁶⁸ Most people are not aware that Laws that seek to protect victims of domestic violence now exist in some states in Nigeria. Some people don't also know that what they are being subjected to is wrong and could be stopped by speaking out and reporting to the appropriate authorities. Thus, the public should be enlightened as regards all these through programmes in the communities, media, efforts of NGO's, among others.

6.5 *National Legal Framework and Implementation*

National frameworks protecting women from domestic violence should be put in place in Nigeria. States should also enact laws to protect women. Apart from putting these laws in place, implementation is very important. Law enforcement officials have to be trained to enable them have a clear picture of the demands of the new legislation. In her address when the bill Prohibiting Gender-based Violence was signed into law by the Governor of Ekiti State, Nigeria, Erelu Bisi Fayemi, wife of the governor, stated that;

We don't want the law enforcement officers to use the opportunity to start exploiting women, and we don't want them to start using it as an opportunity to start victimising men either. So we are going to be running training programme for them so that they will understand what it means to implement this law ... And we are also going to be running training programme for the Judiciary as well ...⁶⁹

Law enforcement officers are at the frontline of the criminal justice system. Their attitude and response to all involved in acts of violence can have a dramatic impact on ensuring developments, including the prevention of future violent acts and the protection of victims. In 2010, the United Nations Office on Drugs and Crimes (UNODC) published a handbook on effective responses to violence against women. Designed for first-responders such as the police, it gives practical guidance on how to prevent, intervene, respond and investigate acts of violence against women. Feminist organisations who had been offering legal and psychological support services to victims of domestic violence reported that few women who had the courage to approach the police and file a complaint against their abusive husbands were discouraged by untrained

68 Famoroti Francis, 'Domestic Violence: When Spouses send their Partners to Early Graves' (2012) <nationalmirroronline.net> accessed 21 September 2013.

69 EKSGON. "Ekiti Enacts Law against Gender-Based Violence" (2011) <ekitistate.gov.ng> accessed 13 December 2013.

law enforcement officers. With the assistance of the United Nations Mission in Liberia (UNM) and the United Nations Children's fund (UNCF), the Liberian National police established women and children protection units in all 15 counties of the country which focus on the investigation of and response to the victimization of women and children. A similar unit has been created at the headquarters of the Rwanda national police. Also, in South Africa, a project was initiated in 2000 where training materials and training workshops was organized and provided for hundreds of facilitators who in turn train prosecutors and other professionals working in the area of domestic violence. The project expanded into Ethiopia in 2006 where in partnership with the Ethiopian women lawyers' association, training is being developed for police, prosecutors and judges.⁷⁰

Mrs Fashola, wife of Governor of Lagos State, Nigeria, while speaking on the title "Uniting to end violence against women and girls" at the event held at the Nigerian Law School, Lagos stated that institutional problems militating against the advocacy for women abuse, are inefficiency of law enforcement agencies and difficulties with the judicial system. She further said that violence against women and girls cannot be fought and won by women alone.⁷¹ Thus, law enforcement officers must be adequately compensated so that they will be happy to do their jobs and willing to learn. Citizens should also refrain from giving them bribes and should be respectful to them.

6.6 *The Health Care System*

The health care system is well-placed to identify women who have been abused and refer them to other services, as the vast majority of women visit a health facility at some point in their lives for example, during pregnancy or to get treatment for themselves or their children. Thus, the health care system should be responsive to women suffering from domestic violence. Training for health care providers is necessary to guide them on the early screening and identification of women who are suffering from domestic violence. Health care practitioners must also be willing to testify in court or provide documents to show abuse or violence and its impact as this may help the case. A few cases did not see the light of day as the courts did not have sufficient medical evidence.

70 UNODC "Handbook on Effective Police Responses to Violence against Women" (2010) <www.unodc.org> accessed 9 January 2014.

71 Madukwe B Law and Human Rights (2013) <<http://www.vanguardngr.com/2013/05/violence-against-women-fashola-stresses-urgent-law-reform>> accessed 13 December 2013.

6.7 *Shelters*

A large number of women who have been victims of abuse especially intimate partner abuse, state that they could not leave their partners as they did not have anywhere to go to. Shelters should be considered as a way out of the scourge of domestic abuse especially by intimate partner as continued cohabitation or visit may lead to further abuse.⁷² Shelters should come with options of not just accommodation but proper jobs; hence women may be able to make best interest decisions without fear of where they would lay their head or where and how their children would survive. Federal and State governments should provide shelters to cater for persons who might be at greater risk when they live with abusive partners especially when such partners have made official reports.

7 **Conclusion**

Domestic violence is an issue which must be dealt with on time before it gets out of hand. Women's lives are at risk when they reside in the same house with people who could end their lives just because of trivial issues or because they cannot control their temper. Violence against women not only affects such women, but it also affects their children, their aged parents and the society as a whole. Women who constantly suffer violence cannot render any positive help towards the society. They cannot govern people and be at the helm of affairs of business, government and their own lives. Victims of violence and other forms of abuse might have reduced concentration and effectiveness at work or in life. More so, they cannot help their fellow women who have been widowed or who are less privileged. Nigeria needs strong women who have ideas that can be utilized to make this country better, emulating few women who are in decision making positions. It is time for women to feel safe and secure in their homes without any fear from the people they love the most. However where some men have refused to respect the dignity of the woman, the law enforcement agents, related government agencies as well as the family courts should rise up to the challenge of promoting a just, fair and equitable society. Gender should not be a disadvantage, the law must reiterate this and bring erring men to book. Men with genuine psychological challenges must also seek help. Violence against women is a reality and we must act now and always to prevent our society from collapse.

72 *R v Mille* [1954] QBD 2.