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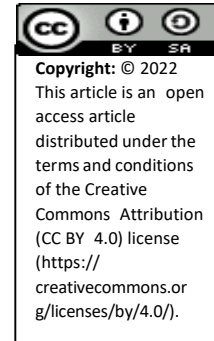
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## The Efficacy of the Laws Against Gender-Based Violence in Nigeria

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### Abstract

*This study examines the issue of Gender-based violence in Nigeria and how human rights laws can help mitigate it. It highlights the level of protection offered under both international and domestic laws to victims of Gender-based violence. It shows how despite the plethora of laws in existence, the said issue continues. This study adopts the doctrinal research methodology given the fact that the study involves examining provisions of the law and its impact in serving as a solution to Gender-based violence in Nigeria. One of the arguments of this study is that Gender-based violence affects both men and women. The study highlights the various forms in which Gender-based violence can occur and factors aiding its continuous perpetration. The study identifies human rights adversely affected by Gender-based violence to include right to life and right to dignity. This works recommends effective enforcement of the existing laws in Nigeria. In conclusion, Gender-based violence should have been a thing of the past given how long it has spanned and the existence of several laws against its perpetration.*

**Key words:** Gender-based violence, human rights law, victims

## 1. Introduction

The world today is fraught with different social vices. One of such is the constant power tussle between the male and female which resulted in Gender-based violence (G-BV).<sup>1</sup> Overtime this power and control have been to the favour of the male. This is so because G-BV reflects power inequalities with the power being in the favour of men.<sup>2</sup> In the name of exercising this power and control, women have been made subject to different harmful acts. In this light, G-BV is not a new concept in any part of the world. It exists almost in every culture.<sup>3</sup>

This violence has a non-physical dimension and physical dimension. The non-physical dimension occurs without any direct bodily harm such as psychological and economic violence. While physical occurs through direct bodily harm. The essence of this work is to assert that G-BV affects both male and female in Nigeria. This would enable tackling G-BV issues in a broader and more accommodating manner, rather than being biased in dealing with it.<sup>4</sup>

Usually, a level of relationship between the abuser and the victim. This is why Eme Owoaje and Funmilola Olaolorun posit that many gender-based abuses fall under either Intimate Partner Violence category or Domestic Violence.<sup>5</sup> The difference between both is that while the former covers violence in any intimate/sexual relationship such as a dating relationship, the latter strictly covers violence in a family setting. Irrespective of the fact that there may be a certain level of relationship between the abuser and victim, some abuses occur devoid of any relationship. This is known as an act of violence committed by a stranger.

## 2. Statement of Research Problem

G-BV remains one of the most notable acts that violates the Human Rights of people.<sup>6</sup> The victims of this violence as those whose rights get violated. Noting that both male and female can be victims, the rights of both are vulnerable to be violated. Human rights here are violated because the forms of G-BV affect them. For instance, death

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<sup>1</sup> Gender-based violence hereinafter known as G-BV

<sup>2</sup> Annamaria Milazzo, 'G-BV, Power and Norms' (*World Bank Blogs*, 25 May 2016) <<https://blogs.worldbank.org/developmenttalk/gender-based-violence-power-and-norms>> accessed 30 March 2021

<sup>3</sup> Elizabeth A Swart, 'Global Violence Against Women', *International Encyclopedia of the Social and Behavioural Sciences* (2nd, 2015) <<https://www.sciencedirect.com/topics/social-sciences/gender-based-violence>> accessed 22 February 2021

<sup>4</sup> Verena Kolbe and Andreas Buttner, 'Domestic Violence Against Men – Prevalence and Risk Factors' (2020) 117(31-32) *Deutsches Arzteblatt International* 539

<sup>5</sup> Eme T, Owoaje and Funmilola M Olaolorun, 'Women at Risk of Physical Intimate Partner Violence: A Cross-Sectional Analysis of a Low-Income Community in Southwest Nigeria' (2012) 16(1) *African Journal of Reproductive Health* 43

<sup>6</sup> European Institute for Gender Equality, 'What is G-BV' <<https://eige.europa.eu/gender-based-violence/what-is-gender-based-violence>> accessed 19 July 2021

occurring through physical violence diminishes the right to life. This will be deliberated more in subsequent chapters of this work.

Given the persevering nature of G-BV in Nigeria, the expectation is that the government, through the legislature and executive should have formulated a law criminalizing the violence which would be enforced by both parties respectively. This is not the case as there are no laws criminalizing G-BV. Nonetheless, there are laws criminalizing different forms of the violence under different statutes as seen under chapter three of this work. However, there is no consolidation of these laws. The legislature has failed to harmonize these laws into one statute for easy reference.

Its frequent occurrence shows how ineffective measures put in place have yielded. These measures are the laws against G-BV. With the plethora of laws in existence against G-BV, one would expect that it should be a thing of the past. However, this is not the case as it remains a prevalent issue in Nigeria, up till date. The prevalence of G-BV remains alarming. The pandemic caused by the outbreak of the coronavirus witnessed an increase in G-BV in Nigeria.<sup>7</sup> This issue remains prominent in this 21<sup>st</sup> century.<sup>8</sup> It is safe to say that the issue is not the existence of the laws, but the enforceability of such laws. Generally, lack of enforcement is a big issue in Nigeria which constant overlooking leads to continuous disregard of the laws.

### 3. Literature Review

#### *Concept of Gender-based Violence*

Catherine Coyle posits that due to the persistent violence women face, G-BV is frequently attributed to violence against women.<sup>9</sup> Attributing G-BV mainly to violence women face is due to its consistent observation on them, which is associated with patriarchy.<sup>10</sup> In this light, it is referred to as aggression or violence men utilize to exert their control and dominance over the society.<sup>11</sup>

However, this limitation to violence towards women alone is not ideal as men suffer a great deal of G-BV. Nonetheless, Jessica Zaccagnino states that the appropriate position to hold is that G-BV happens to both men and women<sup>12</sup> but it is significantly

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<sup>7</sup> Shalini Mittal and Tushar Singh, 'Gender-based Violence During COVID-19 Pandemic: A Mini-Review' (2020) 1 *Frontiers in Global Women's Health* 1

<sup>8</sup> Yusuf O B, *et al*, 'Physical Violence Among Intimate Partners in Nigeria: A Multi-Level Analysis' (2011) 3(5) *Journal of Public Health and Epidemiology* 240

<sup>9</sup> Catherine T Coyle *et al*, 'The Relationship of Abortion and Violence Against Women: Violence Prevention Strategies and Research Needs' (2015) 30(2) *Issues in Law and Medicine* 112

<sup>10</sup> Danushka S Medawatte, 'Conflict-Related Sexual Violence: Patriarchy's Bulge Call' (2020) 21(3) *Georgetown Journal of Gender and the Law* 671

<sup>11</sup> Moira Aikenhead, 'Non-Consensual Disclosure of Intimate Images as a Crime of Gender-based Violence' (2018) 30(1) *Canadian Journal of Women and the Law* 117

<sup>12</sup> Jessica M Zaccagnino, 'All Roads Lead to Rome: A Jurisprudential Genealogy of Feminism, Sexual and G-BV, and International Criminal Law' (2020) 35(3) *Connecticut Journal of International Law* 360

more on women.<sup>13</sup> G-BV is better described as a form of aggressive act or set of actions directed at people which leads to economic, sexual, psychological and physical harm.<sup>14</sup> Charlotte Isaksson posits that G-BV is a predominant issue inconveniencing people of all ages and sexes.<sup>15</sup>

### *Factors Aiding Gender-based Violence*

One major factor that has aided the perseverance of G-BV in many areas of the world is patriarchy. Patriarchy has its origin from the Greek word *patriarkhes*, which means “father or chief of a race”.<sup>16</sup> Initially, the original description of patriarchy is the rule by the father or oldest male of a family. This is analogous to the origin of direct democracy in Greece where adult male governed the affairs of the state.<sup>17</sup> However, Jane Caputi states that the description of patriarchy took a broader scope of meaning a state of affairs predominantly regulated by the dictates of men.<sup>18</sup> Since the adult male in Greece governed the state of public affairs under direct democracy, men held a great deal of influence in determining state of affairs. This practice became rampant in different parts of the world to an extent. This great deal of influence men had gave them power to control people. This control by some people extended to private affairs. The exercise of power and control was done to exert their dominance even if it was to the detriment of the other person. For this reason, Margaret Schmuhl describes patriarchy as a social structure or social system which favours males and places them as the dominate group both structurally and ideologically.<sup>19</sup> By structurally, it is meant dominating all domains of society such as the economic, social and physical sphere. By ideologically, it is meant placing the ideals and opinions of men as supreme.

Another factor is sexism. Joan C Chrisler describes sexism as an umbrella term that covers all forms of discrimination and disregard people face due to their sex or gender, which is present in some cultures.<sup>20</sup> Joya Misra identifies that sexism and patriarchy led to the conception of gender inequality which is another prevailing issue in the

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<sup>13</sup> Noelle Jolin, ‘G-BV in Colombia: New Legislation Targets Femicides and Acid Attacks’ (2016) 91(2) *Tulane Law Review* 371

<sup>14</sup> Maryana Kachynska, ‘G-BV Issues in Ukraine’ (2018) 2018(55) *Journal of Eastern European Law* 21

<sup>15</sup> Charlotte Isaksson, ‘Fighting for Gender Equality: Why Security Sector Actors Must Combat Sexual and G-BV’ (2014) 38(2) *Fletcher Forum of World Affairs* 49

<sup>16</sup> Solomon Olusola Ademiluka, ‘Patriarchy and Women Abuse: Perspectives from Ancient Israel and Africa’ (2018) 31(2) *Old Testament Essays* 339

<sup>17</sup> Robert K Fleck and Andrew F Hanssen, ‘The Origins of Democracy: A Model with Application to Ancient Greece’ (2006) 49(1) *The Journal of Law and Economics*

<sup>18</sup> Jane Caputi, ‘Re-Creating Patriarchy: Connecting Religion and Pornography’ (2011) 1(2) *Wake Forest Journal of Law and Policy* 293

<sup>19</sup> Margaret A Schmuhl, ‘Patriarchy and Varieties of Violence Against Women: A Contextual Analysis’ (Dissertation, The City University of New York, 2017) 7

<sup>20</sup> Joan C Chrisler, ‘A Global Approach to Reproductive Justice – Psychological and Legal Aspects and Implications’ (2013) 20(1) *William and Mary Journal of Women and the Law* 1

world.<sup>21</sup> Sexism upholds the assertion that a particular gender is better than the other in most, if not all, aspects of life. For this reason, they undermine the capability of the other gender. Since men are regarded as the dominant group under patriarchy, the tendency of viewing other groups as inferior is very high. Thus, leading to gender inequality, and G-BV by extension.

Another factor is the lack of effective control measures. For instance, there is no law in Nigeria terming G-BV as an offence despite its frequent occurrence in the country. In addition, the laws in the country against specific forms of violence are barely enforced.<sup>22</sup> This simply shows the nonchalant attitude of the Nigerian society, especially those in power who can make an effective change on the issue of this violence.

### *Forms of Gender-based Violence*

#### **Physical Violence**

Rachel Brooks identifies that physical violence also includes tying up or binding another with ropes and other restraints, and scratching.<sup>23</sup> It also includes pulling of hair, stabbing with a knife or sharp object, throwing objects at the victim, and choking the victim by applying pressure around the neck.<sup>24</sup> This form of violence bestows on the victim physical injuries, bruises, marks or scars on the body.<sup>25</sup> Physical force and harm is a major form of G-BV.<sup>26</sup> The victim may be hospitalized depending on the severity of injury inflicted.<sup>27</sup> Death may also be another outcome for the victim.<sup>28</sup>

#### **Sexual Violence**

Ninik Rahayu states that this arises when an individual makes an intentionally forceful and un-consensual attempt to have any form of sexual relations with another devoid of consent.<sup>29</sup> Occasionally, physical force may be utilized by the abuser to exert

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<sup>21</sup> Joya Misra, 'Women, Politics and Gender Inequality' (2020) 42(3) *Western New England Law Review* 397

<sup>22</sup> Grace Ayodele Arowolo, 'Protecting Women from Violence Through Legislation in Nigeria: Need to Enforce Anti-Discrimination Laws' (2020) 20(4) *International Journal of Discrimination and the Law* 245

<sup>23</sup> Rachel Brooks, 'What is the Most Common Form of Domestic Violence?' (*Attorney at Law*, 10 June 2019) <<https://attorneyatlawmagazine.com/most-common-domestic-violence>> accessed 5 May 2021

<sup>24</sup> Moneke Francis Chigozie, 'Assessment of Violence in Different Levels of Education in Nigeria' (2012) 8(2) *International Journal of Education Law and Policy* 159

<sup>25</sup> Rashmi Goel *et al*, 'Part I: Reimagining Gender Violence: Panel on Problematizing Assumptions About Gender Violence' (2015) 5(2) *University of Miami Race and Social Justice Law Review* 287

<sup>26</sup> Maryana Kachynska, 'Some Aspects of G-BV Stereotypes' (2019) 2019(67) *Journal of Eastern European Law* 39

<sup>27</sup> Chhabra S, 'Effects of Societal/Domestic Violence on Health of Women' (2018) 2(1) *Womens Health and Reproductive Medicine* 4

<sup>28</sup> Lacia Japp, 'Domestic Violence is not Personal Violence' (2018) 39 *Immigration and Nationality Law Review* 843

<sup>29</sup> Ninik Rahayu *et al*, 'Legal Policy of Sexual Violence in Indonesia' (2017) 67 *Journal of Law, Policy and Globalization* 174

dominance especially where the victim resists. Sexual violence takes away the right to sexual autonomy of the victim. This right denotes the freedom to accept and reject sexual intercourse at will and devoid of coercion or use of force.<sup>30</sup> The perpetration of these sexual assaults violates the right to personal security as well as their sexual, psychological, and physical dignity.<sup>31</sup> This violence has the features of exertion of power, dominance, and control over another, and not necessarily the need for sex.

Apart from rape, the United Nations identified other forms of sexual violence to include molestation, sexual harassment, sexual threats, involuntary prostitution, and insertion of objects or body parts into the genitals of the victims.<sup>32</sup> Noting that human trafficking falls under G-BV, sexual violence is identified as being facilitated by human trafficking.<sup>33</sup> This is because apart from labour, sexual exploitation is a major and profitable reason for trafficking people. Human trafficking falls under transnational border crimes.<sup>34</sup> This alone makes it difficult to be minimized as it involves different actors across countries.

### **Psychological /Emotional Violence**

Psychological violence is also known as emotional violence. Stylianou Amanda postulates that this arises when a person intentionally and consistently makes statements or acts in a manner intended to weaken the integrity and self-value of another.<sup>35</sup> Verbal abuse is a common form here. It is any statement or comment that is demeaning, humiliating or disrespectful.<sup>36</sup> Apart from verbal abuse, another form of this violence include lack of care or neglect of the physical and otherwise needs of the victim.<sup>37</sup> Practical examples of this violence includes failure to show appreciation or commend good deeds, neglect of a pregnant wife, and condemning a person going through financial struggles.<sup>38</sup> The psychological or emotional effect of this violence is immeasurable.<sup>39</sup> Mental health is one of the most neglected aspects of health in

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<sup>30</sup> Ngozi Oluchukwu Odiaka, 'The Concept of Gender Justice and Women's Rights in Nigeria: Addressing the Missing Link' (2013) 2(1) *Afe Babalola University: Journal of Sustainable Development Law and Policy* 190

<sup>31</sup> Ronagh J A McQuigg, 'The CEDAW Committee and G-BV Against Women' (2017) 6(2) *International Human Rights Law Review* 263

<sup>32</sup> *ibid*

<sup>33</sup> Coman Kenny and Nikita Malik, 'Trafficking Terror and Sexual Violence: Accountability for Human Trafficking and Sexual and G-BV by Terrorist Groups Under the Rome Statute' (2019) 52(1) *Vanderbilt Journal of Transnational Law* 43

<sup>34</sup> Temitope Olaifa, 'The Media and the Fight Against Trafficking in Persons and Child Labour in Nigeria' (2016) 54 *Journal of Law, Policy and Globalization* 81

<sup>35</sup> Stylianou Amanda M, 'Economic Abuse Within Intimate Partner Violence: A Review of the Literature' (2018) 33(1) *Violence and Victims* 3

<sup>36</sup> Lani Thomason, 'Childhood Verbal Abuse and its Psychological Effects on Adults' (Walden University, Dissertation 2018) 1

<sup>37</sup> Olaitan Adeyemo O and Ifeoluwayimika Bamidele, 'The Menace of Domestic Violence: Improving the Lives of Women in Nigeria' (2016) 9(3) *African Journal of Legal Studies* 177

<sup>38</sup> *ibid*

<sup>39</sup> Adeyemo and Bamidele, 'The Menace of Domestic Violence: Improving the Lives of Women in Nigeria' (n 69) 177

Nigeria.<sup>40</sup> Psychological violence has two forms; direct and indirect. Direct psychological violence is the aforementioned description of psychological violence. Indirect psychological violence occurs when an individual constantly witnesses this violence being committed against another person and the toll the violence takes on the life of the victim.

Grace Titilayo Akinola posits that the essence of emotional violence is to take away feelings of self-worth.<sup>41</sup> Its effect equates that of physical violence as it burrows down to the innate self-worth, integrity and dignity of an individual.<sup>42</sup> Emotional violence extends to the use of threats of other forms of violence to control the actions of a victim. For instance, a person who had previously and successfully raped another can issue rape threats to the same person, to coerce the person to perform a task. This is known as emotional tactics of coercive control.<sup>43</sup>

### **Economic Violence**

This is a special form of G-BV. This is because it has a correlation with financial resources as held by Elsie Bonthuys.<sup>44</sup> Imagine an individual whose ability to acquire financial resources are greatly limited,<sup>45</sup> this leads to total or substantial reliance on another with the needed financial resources. Economic violence occurs when the individual with the financial resources maltreats the dependant.<sup>46</sup> In this instance, making no substantial financial contribution may equate aligning their freewill to those who can.

Jamie Haar suggests that the end game of economic violence is to maintain dominance and control over the victim.<sup>47</sup> The aim is to ensure that the victim becomes totally and economically dependent on the abuser, while eliminating possible chances of the victim acquiring any alternative means of financial security apart from the one provided by the abuser. This is done by preventing the victim from acquiring the needed educational qualification for gainful employment, preventing the victim from

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<sup>40</sup> Onyemelukwe Cheluchi, 'Stigma and Mental Health in Nigeria: Some Suggestions for Law Reform' (2016) 55 *Journal of Law, Policy and Globalization* 63

<sup>41</sup> Grace Titilayo Akinola, 'Domestic Violence Against Women in Nigeria: The Role of the Nigerian Government' (2014) 17(1) *Nigerian Law Journal* 160

<sup>42</sup> *ibid*

<sup>43</sup> Sharon Hayes and Samantha Jeffries, 'Romantic Terrorism: An Auto-Ethnographic Analysis of Gendered Psychological and Emotional Tactics in Domestic Violence' (2016) 6(2) *Journal of Research in Gender Studies* 39

<sup>44</sup> Elsie Bonthuys, 'Domestic Violence and Gendered Socio-Economic Rights: An Agenda for Research and Activism' (2014) 30(1) *South African Journal on Human Rights* 111

<sup>45</sup> Helena Alviar Garcia, 'Violence Against Women as an Economic Issue: Making Sense of a Fragmented Field' (2016) 3(2) *Brazilian Journal of Empirical Legal Studies* 53

<sup>46</sup> Britt Brown and Cameron M, 'Invisible Inequality and Economic Empowerment: Domestic Violence, Discrimination and the Creation of a New Protected Class' (2018) 2(2) *Business, Entrepreneurship and Tax Law Review* 451

<sup>47</sup> Jamie Haar, 'Women's Work: Economic Security in the Domestic Violence Context' (2014) 31 *Hofstra Labor and Employment Law Journal* 471

joining the workforce, and making threats of withdrawing financial assistance if the victim tries to acquire some financial independence.<sup>48</sup>

## **Domestic Violence**

Domestic violence is a major marital issue challenging the integrity and assumed perpetuity of a marriage setting. Olakunle Michael Folami identifies that this violence accommodates beating, punishing, raping and sometimes killing of an intimate partner by the other partner, or by a member of the family.<sup>49</sup> Two major features of this violence are it must occur in a domestic setting, and it takes the physical, sexual, emotional or economic form.<sup>50</sup> Domestic violence is a series of forcible controls which is exercised over people in a domestic setting, involving the use of intimidations, verbal altercations and economic restrictions.<sup>51</sup> It is the consistent and intentional act of abusing a wife or husband by the other partner as the case may be. It also includes horrific acts such as torture and acid baths.<sup>52</sup>

There is this misconception which is made with reference to domestic violence. Some scholars tend to group violence in any intimate or sexual relationship under domestic violence. But in the actual sense, only violence occurring in a domestic setting (marriage or family relationship) should be graded under domestic violence. For this reason, Tamara Kuennen states that not all violence in every relationship is domestic violence”.<sup>53</sup> Violence occurring in other relationships other than in a domestic setting can be graded under other forms of G-BV. In all parts of the world where domestic violence occurs, the victims suffer irrespective of race, sex or religion.<sup>54</sup> .

## **Victims of Gender-based Violence**

Under this heading, reference will be made to the set of people who have suffered the most under the parameters of G-BV.

### **Women**

Article one of the United Nations Declaration on the Elimination of Violence Against Women states that violence towards women refers to all G-BV which leads to emotional, physical or sexual maltreatment or agony to women, which involves life threatening behaviors towards women, total deprivation of freedom or liberty from

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<sup>48</sup> Haar, 'Women's Work: Economic Security in the Domestic Violence Context' (n 78) 471

<sup>49</sup> Olakunle Michael Folami, 'Survey of Unreported Cases of Domestic Violence in Two Heterogenous Communities in Nigeria' (2013) 2013(4) *International Review of Law* 1

<sup>50</sup> Collins G Adeyanju, 'The G-BV as an Instrument of Warfare in Armed Conflicts' (2020) 6(2) *Journal of Liberty and International Affairs* 57

<sup>51</sup> Enemo Ifeoma Pamela, 'Effectiveness of Nigeria's International Obligations in Curbing Domestic Violence' (2018) 9(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 1

<sup>52</sup> Nimah Modupe Abdulraheem, R K Salman and Abdulqadir I Abikan, 'Domestic Violence Against Women in Nigeria: A Scourge Devoid of Solution?' (2014) 17(2) *The Nigerian Law Journal* 78

<sup>53</sup> Tamara Kuennen, 'Not All Violence in Relationships is "Domestic Violence"' (2020) 86(1) *Brooklyn Law Review* 43

<sup>54</sup> Abdulraheem, Salman and Abikan, 'Domestic Violence Against Women in Nigeria: A Scourge Devoid of Solution?' (n 85) 78



women in their private or public life.<sup>55</sup> Notwithstanding the series of laws and enforcement mechanisms to minimize violence against women, all have been to no avail as women still suffer this to a large extent.<sup>56</sup> It is due to the persistent violations women suffer that most G-BV definitions are specific to them.

Cheluchi Onyemelukwe identifies that these violence women and young ladies face have a negative effect on their sexual and reproductive health.<sup>57</sup> This usually happens through physical, sexual and economic violence. For physical violence, there are instances where women are assaulted brutality, sometimes while pregnant which can cause still birth or miscarriage. Sometimes, these women receive attacks to the stomach, which houses the womb causing damage to it. For sexual violence, sometimes these women are raped by people with deadly sexually transmitted diseases which are unknown to the woman, and which can deter her reproductive health if not treated.<sup>58</sup> For economic violence, some women lack the financial resources to attend prenatal and post-natal care for the pregnant ones, acquire sanitary facilities for their menstrual cycle or to acquire other necessary health facilities noting how complex the female body is which requires frequent care.

Rose Grace Grobe and Shelly Grabe posit that violence towards women shows how men exert power and dominance over them.<sup>59</sup> A report of the World Health Organization in 2017 recorded that many women are survivors of physical and sexual violence.<sup>60</sup> Since men are behind most violence perpetrated against women, sexism is as a major precursor to it.<sup>61</sup> Some husbands subject their wives to psychological, physical, economic or sexual violence as seen under domestic violence.<sup>62</sup> Just like men, some women barely report abuses against them, though for some reasons. Some of the reasons include fear of ostracization, monetary restrictions, fear of revenge or further attacks, and absence of effective legal measures which leads to suffering in silence.<sup>63</sup>

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<sup>55</sup> United Nations Declaration on the Elimination of Violence Against Women 1993

<sup>56</sup> Lina Abirafeh, 'Intimate Partner Violence as Evidence of Widespread G-BV in the Arab Region' (2018) 20(2) *Seton Hall Journal of Diplomacy and International Relations* 36

<sup>57</sup> Cheluchi Onyemelukwe, 'Intersections of Violence Against Women and Health: Implications for Health Law and Policy in Nigeria' (2016) 22(3) *William and Mary Journal of Women and the Law* 609

<sup>58</sup> Alena Allen, 'Rape Messaging' (2018) 87(3) *Fordham Law Review* 1033

<sup>59</sup> Rose Grace Grose and Shelly Grabe, 'The Explanatory Role of Relationship Power and Control in Domestic Violence Against Women in Nicaragua: A Feminist Psychology Analysis' (2014) 20(8) *Violence Against Women*

<sup>60</sup> World Health Organization, 'Violence Against Women' (29 November 2017)

<<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>> accessed 5 May 2021

<sup>61</sup> Cynthia Grant Bowman, 'Sexism, Sexual Violence, Sexuality and the Schooling of Girls in Africa: A Case Study from Lusaka Province, Zambia' (2013) 23(1) *Texas Journal of Women and the Law* 37

<sup>62</sup> Faisal Ibrahim Mohammad Al-Matalka, 'Physical Violence Against Women in Jordan: Evaluation of Women Assaulted by Husband' (2014) 4(28) *Research on Humanities and Social Sciences* 189

<sup>63</sup> Aaron Horth, 'Toward a Comprehensive G-BV Court System' (2015) 24(2) *Boston University Public Interest Law Journal* 222

In Nigeria, the violence women face has grown to the point where they are being used as a tool for various attacks. For instance, Nigeria has been plagued with attacks from the Boko Haram sect.<sup>64</sup> In 2012, some security operatives arrested some of the wives and children of some Boko Haram members.<sup>65</sup> This led to the kidnapping of 12 women as well as children as retaliation. The hallmark of this retaliation was witnessed when the 200 Chibok girls were kidnapped in 2014. Overtime, Boko Haram members continued kidnapping more women and girl-child which they used as suicide bombers.<sup>66</sup> Noting how vulgar Boko Haram members are, it is expected that these women and female children would have been physically harmed or sexually abused before being sent off to their deaths. In other parts of the world as well, women are usual targets of sexual violence in war or armed conflicts.<sup>67</sup>

## Men

Irrespective of how much this may be disputed, men are victims of G-BV. However, Tolulope Ibitoye states that men would rather hold back emotions or refuse seeking help in the face of such violence.<sup>68</sup> This is attributed to the fact that in many societies, men are admonished to display a strong front amidst any challenge being faced, as doing otherwise would make them less of a man. Also, due to the prevalence of patriarchy in the many societies, it would be unsettling for a man to be seen in a vulnerable state. Research has shown that most men face economic,<sup>69</sup> and psychological violence. The fact that men can be vulnerable to G-BV is not accorded the same attention as women, which is evident in the non-inclusion from G-BV programs,<sup>70</sup> or provision of immediate help in times of distress.

For this reason, Christen Grant posits that men are regarded as the “Forgotten Victim”.<sup>71</sup> When compared to that of the female counterpart, cases of male victimization are accorded less attention.<sup>72</sup> Without prejudice, the motive for this could be based on the question; why should men be paid attention to when they are the major perpetrators of most G-BV especially against women? From a patriarchal point of view, men being the stronger vessel should be able to scale through any

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<sup>64</sup> Taylor Lynn, ‘Boko Haram Terrorism: Reaching Across International Boundaries to Aid Nigeria in the Humanitarian Crisis’ (2014) 21(1) *ILSA Journal of International and Comparative Law* 1

<sup>65</sup> Sylvia Ifemeje, Boniface Ewulum and Chineze Ibekwe, ‘Gender Based Violence Dimension of Terrorism in Nigeria: A Critique’ (2015) 34 *Journal of Law, Policy and Globalization* 40

<sup>66</sup> *ibid*

<sup>67</sup> Christopher M Bailey, ‘Women in the Crosshairs: Expanding the Responsibility to Protect to Halt Extreme G-BV’ (2018) 78 *Air Force Law Review* 75

<sup>68</sup> Tolulope R Ibitoye, ‘Impact of Law on Domestic Violence Against Men in the Nigerian Society’ (2018) 21(2) *Nigerian Law Journal* 377

<sup>69</sup> Renee C Hatcher, ‘The Everyday Economic Violence of Black Life’ (2017) 25(3) *Journal of Affordable Housing and Community Development Law* 275

<sup>70</sup> Michael Salter, ‘Men’s Rights or Men’s Needs: Anti-Feminism in Australian Mens’s Health Promotion’ (2016) 28(1) *Canadian Journal of Women and the Law* 69

<sup>71</sup> Christine Grant, ‘The Forgotten Victim: Men and Domestic Violence – Issues for the I-360 Petition’ (2016) 4(2) *Penn State Journal of Law and International Affairs* 608

<sup>72</sup> Solange Mouthaan, ‘Sexual Violence Against Men and International Law’ (2013) 13(3) *International Criminal Law Review* 665

challenge they face. This way, the available resources will be channeled to the weaker vessel; women. Nevertheless, a reason for the focus on violence against women as against men could be that cases with men as the victims are rarely reported, and not necessarily that they are non-existent.

With reference to the fact that most men are victims of economic and psychological violence, this violence is largely fixed on the incapacity to afford financial resources, leading to verbal utterances or abuses by the wife, intimate partner or even strangers. In this light, poor men have it worse.

### **The Incessant Occurrence of Gender-based Violence in Nigeria**

In Nigeria, G-BV issues is connected to the unequal power relations between the genders leading to persistent control and domination of one gender by the other.<sup>73</sup> This work recognizes violence towards women as the most perpetrated one in Nigeria.<sup>74</sup> The nature of G-BV in Nigeria is such that it has burrowed deep into the society. Domestic violence is one of the most common violence committed in Nigeria.<sup>75</sup> During the corona virus pandemic that plagued many countries such as Nigeria, incidents of G-BV occurred.<sup>76</sup>

Sexual, physical and economic violence occurred during the pandemic in Nigeria. For the economic violence, the pandemic led to shortage in financial resources as the lockdown led to reduction in economic activities.<sup>77</sup> So, the person with more financial resources had the power to influence the will of others. For sexual violence, a major occurrence was rape. Rape has always been an issue in Nigeria to the point where it seems there is no solution in sight.<sup>78</sup> The pandemic brought an alarming spike in rape cases.<sup>79</sup> This was traced to the lockdown measures that were imposed which led to

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<sup>73</sup> M O Bakare, M D Asuquo and A O Agomoh, 'Domestic Violence and Nigeria Women – A Review of the Present State' (2010) 8(2) Nigerian Journal of Psychiatry 5

<sup>74</sup> Kingdom Sunday Mboho and Udoh Ekaette Raphael, 'Gender and Violence Against Women in Nigeria: A Socio-Psychological Perspectives' (2018) 4(5) International Journal of Sociology and Anthropology Research 29

<sup>75</sup> Ayotunde Titilayo O, Akintoye Omisakin S and Adefunke Ehindero, 'Influence of Women's Attitude on the Perpetration of Gender-Based Domestic Violence Nigeria' (2014) 12(2) Gender and Behaviour

<sup>76</sup> Grace Abosede Oladele, 'Legal Implications of Human Rights Violations During Covid-19 Lockdown in Nigeria' (2020) 100 Journal of Law, Policy and Globalization 86

<sup>77</sup> Rotimi Oguntayo *et al*, 'Spousal Violence in the Era of Covid-19 Lockdown: The Implication of Socio-Economic Distress and Contextual Factors' (2020) 7(3) Ilorin Journal of Economic Policy 51

<sup>78</sup> Hilary Chukwuka Achunike and Rimamsikwe Habila Kitause, 'Rape Epidemic in Nigeria: Cases, Causes, Consequences and Responses to the Pandemic' (2014) 2(1) International Journal of Research in Applied, Natural and Social Sciences 31

<sup>79</sup> Libby George, 'Nigerian Women Take Action as Rape, Assault Cases Surge During Pandemic' (*Reuters*, 29 April 2021) <<https://www.reuters.com/world/africa/nigerian-women-take-action-rape-assault-cases-surge-during-pandemic-2021-04-28/>> accessed 8 May 2021

victims being enclosed in the same space with their abusers.<sup>80</sup> A rape case that went viral during the pandemic was the rape and subsequent killing of Vera Uwaila Omozuwa, 22 years old, who went to study at an empty church in Benin City.<sup>81</sup> She was found in her pool of blood when her relatives went to look for her as she did not come back home.<sup>82</sup> This rape incident happened on 27 May 2020.<sup>83</sup> This case is simply one of the pool of the rape cases that occurred during the pandemic. Just like many rape cases in Nigeria, this was swept under the rug as nothing has been done to bring the culprits to justice. During the pandemic, many resources were channeled towards the controlling the viral spread and enforcement of covid-19 regulations. This is part of why other issues troubling the Nigerian society were more or less set aside which gave more room for its continuity.

This violence occurs at home as well as work places.<sup>84</sup> This occurs in form of sexual harassments and other undesired sexual advances. Women, once again, are the main victims of this work place G-BV. In order to maintain their dignity and integrity, some women take the liberty of resigning. Others endure all the advances made towards them mostly in order to retain their source of income.

In Nigeria, the social media is now used as an active tool for committing G-BV.<sup>85</sup> Sexual violence and emotional violence are usually perpetrated through social media. For sexual violence, the nude photos of the victim could be posted on the web for public access, and nude photos and sexual threats could be issued to the victim. This leads to emotional violence which is also perpetrated through cyber-bullying. This cyberbullying or online harassment are usually sexual, persistent and violent.<sup>86</sup> Since it is non-physical, the violent nature of the online harassment takes the form of frequent posts and tagging people to view and disseminate.

Cases on **G-BV** exist in the Nigerian society. At Rivers State, a woman was reported to have stabbed her husband to death after the couple had a confrontation.<sup>87</sup> Another

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<sup>80</sup> Justina Kwaskebe, 'Covid-19 Lockdown and Outbreak of Rape in Nigeria: A Review of the Public Health Implications' (2020) 2(3) Sapientia Foundation Journal of Education, Sciences and Gender Studies 49

<sup>81</sup> Emmanuel Akinwotu, 'Rape and Murder of Students in Church Sparks Outrage Across Nigeria' (*The Guardian*, 2 June 2020) <<https://www.theguardian.com/global-development/2020/jun/02/and-of-student-in-church-sparks-outrage-across-nigeria>> accessed 8 May 2021

<sup>82</sup> *ibid*

<sup>83</sup> Peter David, 'Autopsy Revealed Uwa was Raped as a Virgin, Says Edo AG' (*Punch*, 20 June 2020) <<https://punchng.com/autopsy-revealed-uwa-was-raped-as-a-virgin-says-edo-ag/>> accessed 8 May 2021

<sup>84</sup> Olaoluwa Samson Agbaje *et al*, 'Workplace Gender-based Violence and Associated Factors Among University Women in Enugu, South-East Nigeria: An Institutional-Based Cross-Sectional Study' (2021) 21 *BMC Women's Health* 1

<sup>85</sup> Olusesan A Makinde *et al*, 'Gender-based Violence Following Social Media Acquaintance in Nigeria' (2016) 20(4) *African Journal of Reproductive Health* 82

<sup>86</sup> Adedayo L Abah, 'Legal Regulation of CSR? The Case of Social Media and Gender-Based Harassment' (2016) 5(4) *University of Baltimore Journal of Media Law and Ethics* 38

<sup>87</sup> Tony John, 'Wife Stabs Husband to Death in Rivers' *The Sun* (Lagos, 10 December 2020)

man in Katsina State met his early grave after being stabbed by the wife.<sup>88</sup> In Lagos State, Nigeria, a man stabbed his wife repeatedly to death after which he killed took his life at Victory Park Estate, Lekki.<sup>89</sup>

The above illustrations show specific instances of G-BV occurrence in the country. This shows how deep rooted this violence is in the country, as at every corner harbours some form of G-BV occurrence. Due to this depth, it has been denoted that G-BV is deep rooted in the culture of the Nigerian society. Most, if not all, cultural practices in Nigeria subjugate women to activities which ordinarily no one should be made to do, and women are given no choice but to comply with the heinous activities. In Anambra State of Nigeria for instance, a woman whose husband dies is made subject to different dehumanizing and degrading treatments such as compulsorily shaving her heads, staying without bathing or eating, sleeping on the floor, and so on as a form of displaying grief.<sup>90</sup> Unfortunately, what makes this even sadder is that fellow women are the ones that enforce these supposed widowhood practices, and they deploy all means (aggressive or otherwise) to ensure compliance by the widow. It is due to these cultural practices and many others occurring to widows across the country that the House of Representatives sought to propose a bill to amend the Violence Against Persons (Prohibition) Act to accommodate safeguarding women from various degrading widowhood practices across Nigeria.<sup>91</sup>

Religiously, man and woman were charged to subdue the earth.<sup>92</sup> But events have shown both sexes redirecting the subduing spirit, with men at the forefront of the battle for supremacy.<sup>93</sup> Religion is meant to be a safe haven for its practitioners. However, this has not always been the case. A death that shocked Nigeria is the death of the gospel singer Osinachi Nwachukwu, who sang one of the most popular and heartfelt gospel songs “ekwueme”.<sup>94</sup> The fact that made her death shocking was the allegation that it was her husband that caused her death, after years of brutalization, and the fact that she died in the hospital due to injuries inflicted on her by her

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<sup>88</sup> Opeyemi Kehinde, '19-Year-Old Housewife Kills Husband in Katsina' *Daily Trust* (Abuja, 27 January 2020)

<sup>89</sup> Precious Igbonwelundu, 'Man 'kills' Wife, Self in Lagos' *The Nation* (Lagos, 22 June 2020)

<sup>90</sup> Patricia Chinwe Iloka, 'Review of the Obnoxious Widowhood Practices in Nigeria: Anambra State in Perspective' (2022) 13(1) Nnamdi Azikiwe University Journal of International Law and Jurisprudence 49

<sup>91</sup> Queen Esther Iroanusi, 'Reps consider Bill to end, penalize degrading widowhood practices in Nigeria' (*Premium Times*, 17 February 2022) <<https://www.premiumtimesng.com/news/top-news/512130-reps-consider-bill-to-end-penalise-degrading-widowhood-practices-in-nigeria.html?tztc=1>> accessed 14 May 2022

<sup>92</sup> Chris U Manus and Des Obioma, 'Preaching the 'Green Gospel' in our Environment: A Re-reading of Genesis 1:27-28 in the Nigerian Context' (2015) 72(4) HTS Theologiese Studies/Theological Studies 1

<sup>93</sup> Lecia Vicente, Ruggeri Lucia and Kashiwazaki Kozue, 'Beyond Lipstick and High Heels: Three Tell-Tale Narratives of Female Leadership in the United States, Italy and Japan' (2021) 32(1) *Hastings Women's Law Journal* 3

<sup>94</sup> Ochogwu Sunday, 'How Osinachi Nwachukwu died of Domestic Violence revealed, Police Arrest Husband' (*Daily Post*, 11 April 2022) <<https://dailypost.ng/2022/04/11/how-osinachi-nwachukwu-died-of-domestic-violence-revealed-police-arrest-husband/>> accessed 14 May 2023

husband. The couple were well known in the Dunamis International Gospel Centre, with the assumption that they lived in bliss. Clearly, that was not the case as evident with Osinachi's death.

It is trite that the Penal Code as operational in Northern Nigeria is carved out of Islam as a religion. This makes it interesting to note that the Penal code under section 55 (1) (d) makes it lawful for a man to hit his wife as a means of disciplining her, on the condition that the marriage must be subject to native law and there should be no grievous hurt.<sup>95</sup> Irrespective of how this section is considered, it is prone to promote wife beating or battery. Perhaps, how can "grievous hurt" be measured noting that some hurt can be internal which cannot be seen with the eyes.

#### **4. Legal Framework against Gender-based Violence in Nigeria**

Most, if not all, laws in Nigeria do not criminalize G-BV using the words "G-BV". However, there are enforceable laws in the country against different forms of the violence.

##### *Violence Against Persons (Prohibition) Act*

This was established as a response to the persistent nature of violence especially against women.<sup>96</sup> Generally, this Act was made to enable victims of violence gain access to justice.<sup>97</sup> Section 1 (1) of this Act provides for the offence of rape. Rape here is occurs where a female or male penetrates the anus, mouth, or vagina of another with a thing or part of the body devoid of consent or where consent was gotten through threat, intimidation, fear of harm, false or fraudulent representation or through the use of a substance having the ability to take away the will of the person being penetrated.<sup>98</sup> This section covers sexual violence, rape to be precise.<sup>99</sup>

Section 2 criminalizes the act of inflicting or causing physical harm or injury on another person. Section 2 (1) provides that anyone who willfully or intentionally causes physical harm or injury on another through the use of any object, weapon, or substance commits a crime and will serve a jail term that should not exceed 5 years or fine which should not exceed 100,000 naira, or both.<sup>100</sup> This section in its entirety criminalizes physical violence.<sup>101</sup> Subsection 3 criminalizes the act of inciting or

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<sup>95</sup> Penal Code (Northern States) Federal Provisions Act – CAP P3 L.F.N. 2004

<sup>96</sup> Chibueze Ngozi, Irehobhude and Ebenezer Tope Durojaye, 'The Violence Against Persons Prohibition Act, the Maputo Protocol and the Rights of Women in Nigeria' (2018) 39(3) Statute Law Review 337

<sup>97</sup> Awele Loretta Ikobi-Anyali, 'Powers of Service Providers Under the Violence Against Persons Prohibition Act (Vappa) 2015: A Privatisation of Services' (2017) 20(2) Nigerian Law Journal 551

<sup>98</sup> Violence Against Persons (Prohibition) Act 2015 (VAPPA 2015)

<sup>99</sup> Taiye Joshua Omidoyin, 'Violence Against Persons (Prohibition) Act 2015: A Positive Step to the Eradication of Domestic Violence in Nigeria' (2018) 9(1) Nnamdi Azikiwe University Journal of International Law and Jurisprudence 39

<sup>100</sup> VAPPA 2015

<sup>101</sup> Anthony N Nwazuoke, 'A Critical Appraisal of the Violence Against Persons (Prohibition) Act, 2015' (2016) 47 Journal of Law, Policy and Globalization 69

counselling another to commit the offence under subsection 1.<sup>102</sup> The essence of this subsection is to accommodate instances where people are sent by another individual to attack and cause physical injury to another.

Section 3 provides that when a person compels another into partaking in an act which is detrimental to the physical or psychological well-being of the other person, the person commits an offence and therefore liable to 3 years imprisonment.<sup>103</sup> Some detrimental acts which people are coerced into include forced sexual intercourse, human trafficking, and forced labour.<sup>104</sup> These acts all affect the physical and psychological wellbeing of the victims. For forced sexual intercourse, the victims live with the awful experience.<sup>105</sup> Physical injuries are sustained rape victims struggle against rapists. For human trafficking and forced labour, the victims are exploited and subjected to bad living conditions and are sometimes physically attacked to ensure compliance.

Section 5 (1) provides that compelling another through threat or force to partake in any act, sexual or otherwise, which is detrimental to the physical or psychological wellbeing of the victim is an offence, making the perpetrator liable to 2 years in prison or to a fine not more than 500,000 naira or both.<sup>106</sup>

Irrespective of these provisions, section 27 of the Act limits the hearing of an application brought under this law to the High Court of Abuja alone.<sup>107</sup> In other words, no other High Court in Nigeria, apart from that in Abuja, can try matters under this Act.<sup>108</sup> Besides from poor law implementation which is a scourge to justice in Nigeria, this limitation is another bane to justice in the country.<sup>109</sup> The Act is that of the National Assembly, making it a federal law. Meaning that it should be applicable all over Nigeria and triable in the High Courts. This limitation to Abuja means that if an offence under this Act is committed in Lagos State, the victim would

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<sup>102</sup> VAPPA 2015

<sup>103</sup> *ibid*

<sup>104</sup> Cheluchi Onyemelukwe, 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015' (2016) 5(2) *DePaul Journal of Women, Gender and the Law* 1

<sup>105</sup> Bolaji S Ramos, 'De-Genderisation of the Offence of Rape Under the Violence Against Persons (Prohibition) Act 2015: An Assessment of the Practical Challenges and the Slippery-Slope Effects' (2020) 28(3) *African Journal of International and Comparative Law* 488

<sup>106</sup> VAPPA 2015

<sup>107</sup> *ibid*

<sup>108</sup> Okonkwo-Ogabu Lilian and Ifeancha Martins, 'Enforcement of the Violence Against Persons Prohibition (VAPP) Act 2015 in Fighting Domestic Violence Against Women in Rivers State: Challenges and Remedies' (2018) 6(11) *International Journal of Scientific Research and Management* 345

<sup>109</sup> Felicia Anyogu and B N Okpalaobi, 'Violence Against Persons (Prohibition) Act 2015 and Other Existing Gender Legislation: A Comparative Analysis' (2017) 8(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 35

have to travel to Abuja to file report the issue. In practice, this is unrealistic as some people lack the finance to travel to Abuja to seek justice.<sup>110</sup>

## **5.2 Trafficking in Persons (Prohibition) Enforcement and Administration Act**

It was identified in the preceding chapter that human trafficking falls under G-BV. For this reason, there are laws in Nigeria that seek to eradicate the menace from the country. This is one of such laws. Section 13 of this Act prohibits trafficking of persons in Nigeria, making it an offence of which the perpetrator will serve an imprisonment of not less than 2 years and 250,000 naira fine if convicted.<sup>111</sup> Section 14 provides that any individual who imports anyone into Nigeria or exports anyone out of Nigeria for prostitution or any sexual exploitation commits a crime of which will serve an imprisonment of not less than 5 years and a fine not less than 1,000,000 naira.<sup>112</sup> Forced prostitution and other forms of sexual exploitation falls under sexual violence.

Noting how paramount it is to eradicate child abuse, sections 15, 16, and 17 specifically tags acquiring persons below 18 years old to be forced into prostitution or other sexual exploitations an offence attaching specific punishments to the perpetrators.<sup>113</sup> 18 years is the age of adulthood in Nigeria,<sup>114</sup> therefore those below 18 years of age are regarded as children. Section 23 (1) (a) of this Act provides that anyone who employs or acquires the services of a child below 12 years old as a domestic staff commits a crime of which will be liable to an imprisonment of not less than 6 months or not exceeding 7 years if convicted by the court.<sup>115</sup> In Nigeria, the use of children as domestic workers irrespective of the age remains a major societal issue.<sup>116</sup> Section 23 (1) (b) includes that if the work the child does is unfair, harmful or injurious to wholesome development of the child, the perpetrator will serve an imprisonment of a minimum of 2 years and maximum of 7 years.<sup>117</sup> Section 23 (2) (b) provides that in addition to the punishment provided under section 23 (1), the perpetrator will serve a term of not less than 3 years if the child was defiled or bodily harmed in the course of the work the child was subjected to.<sup>118</sup>

## **5.3 Matrimonial Causes Act**

Section 15 (2) (c) of this Act provides part of the grounds for the dissolution of marriage is that the respondent, since marriage, has acted in a way that the petitioner should not be rationally assumed to continue living with the respondent.<sup>119</sup>

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<sup>110</sup> *ibid*

<sup>111</sup> Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TPPEAA 2015)

<sup>112</sup> TPPEAA 2015

<sup>113</sup> *ibid*

<sup>114</sup> CFRN 1999

<sup>115</sup> TPPEAA 2015

<sup>116</sup> Wilson Diriwari and Alexis Foua, 'Cultural and Legal Perspectives on Child Protection in the Context of Child Trafficking in Nigeria' (2020) 11(1) Beijing Law Review 11

<sup>117</sup> TPPEAA 2015

<sup>118</sup> *ibid*

<sup>119</sup> Matrimonial Causes Act – CAP M7 L.F.N. 2004 (MCA 2004)



Looking at this particular provision, the law did not mention the particular manner in question (with the exception of the grounds already contained under section 15 (2)) which the petitioner should not be reasonably expected to live with the respondent. Rather, it gives the petitioner the opportunity to present before the court such situation that has made living with the respondent impossible. This provision can be regarded as an inclusive or open-ended provisions giving room for situations not covered under the act. In line with this provision, acts constituting G-BV can be included as part of the manner the respondent behaves in making it unreasonable for the petitioner to continue residing with. Notably, this section also gives the court the discretion to determine whether the manner presented to it by the petitioner is sufficient.

Additionally, section 16 (1) (a) provides that one of the ways a petitioner can satisfy the court on the aforementioned section 15 (2) (c) is if the petitioner proves that the respondent has committed either rape, sodomy or bestiality.<sup>120</sup> Rape is the focal point here. In this case, husband having unconsented sex with the wife or vice versa is not the concern here as Nigerian law does not recognize marital rape.<sup>121</sup> Nevertheless, the rape of an individual outside the marriage is the main concern here. It is trite that rape falls under sexual violence. This provision allows the petitioner to divorce and abstain from a person capable of committing any form of violence on another. By extension, if the petitioner is able to satisfy the court on the rape issue, it gives the opportunity for the respondent to be taken into custody and prosecuted for the crime of rape.

Section 16 (1) (e) (ii) provides that another criteria for satisfying the court on section 15 (2) (c) is to show that during the marriage, the respondent has been convicted of an offence involving intentionally inflicting grievous hurt or intent to do so on the petitioner.<sup>122</sup> In as much as this section states “grievous harm” and not “grievous bodily harm” or “physical grievous harm” does not negate the fact that the most potent way of inflicting grievous harm on an individual is physically. For this reason, this section covers physical violence. Also, it covers domestic violence as well since the inflicted grievous harm is done by one spouse against the partner.

#### **5.4 Protection Against Domestic Violence Law**

The law aids in eradicating domestic violence. This law was established in Lagos State in 2007. A credible feature here is that it was made gender neutral; made to protect both husband and wife from domestic abuse.<sup>123</sup> It prioritizes no gender over the other. Apart from the interests of the husband and wife, this law accommodates

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<sup>120</sup> *ibid*

<sup>121</sup> Chidinma Ogba and Kayode Adetifa, ‘Marital Rape in Nigeria: Appraising the Information so far’ (2019) 89 *Journal of Law, Policy and Globalization* 190

<sup>122</sup> MCA 2004

<sup>123</sup> Adeyemo and Bamidele, ‘The Menace of Domestic Violence: Improving the Lives of Women in Nigeria’ (n 69) 177

the interest of the children, servants and all persons that can be victims of domestic abuse.<sup>124</sup>

Section 18 (g) stipulates some acts of domestic violence to include bodily harm, harassment, sexual abuse, starvation, psychological abuse, intimidation, and refusal of basic education.<sup>125</sup>

Section 139 (2) of this law provides for financial aid from the Lagos State Government to any victim who requires it to pursue redress in court.<sup>126</sup> By virtue of this law, being financially handicapped no longer serves as a barrier from seeking redress in court. Notably, this provision is a potent innovation of the law which took cognizance of the fact that some victims of the violence may lack financial facilities.

## **5. Recommendations**

The government should review the current legal framework and strengthen the laws against gender-based violence. In this light, the Federal Government, through the National Assembly, should make the Violence Against Persons Prohibition Act to be of general application. It turns out that the said Act only applies in Abuja, the Federal Capital Territory of Nigeria. This Act included men (males) as part of the people that can be raped (not just women). The provisions, as stated in this study, are precise and accurate to tackle both physical and sexual violence (which are the most occurring forms of Gender-based violence in Nigeria). If this Act is made applicable all over Nigeria, it would go a long way in mitigating violence in the country. This way perpetrators can be easily brought to book. Also, given the diverse forms of G-BV as enumerated in this study, there should be a comprehensive law banning and penalizing different forms of G-BV in Nigeria. This can be effectively done by establishing a committee that would collate data on the most prevalent forms of G-BV in different parts of the country, and to provide suggestions on how to curtail them. This may take time and resources, but the intention to be achieved is worth it.

Campaigns to raise awareness and educate the public about gender-based violence in Nigeria are urgently needed. Men and women should be the goal of this in order to advance gender equality and stop gender-based violence. The government may increase public awareness through media campaigns, neighborhood engagement initiatives, and school-based initiatives. Through a few of its Ministries or Agencies, this is possible. The goal of this awareness campaign should be ongoing. This is due to how deeply gender-based violence has ingrained itself in the national fabric. Such awareness campaigns cannot be organized at regular intervals and expect quick change.

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<sup>124</sup> *ibid*

<sup>125</sup> Protection Against Domestic Violence Law 2007

<sup>126</sup> *ibid*

The government should see to it that those who experience gender-based violence have access to resources including counseling, medical attention, and legal assistance. This would aid victims in moving past the trauma of the attack and seeking retribution. Additionally, precautions should be taken to shield victims from any injury or vengeance. If government facilities are insufficient, the government may also hire private firms to carry out the same tasks. The government ought to work with non-governmental groups to develop a thorough strategy for combating gender-based violence in Nigeria. Programs that assist victims, spread awareness, and promote change would be created and put into place as part of this. These non-governmental groups can be extremely important in assessing and monitoring the efficacy of laws and policies pertaining to gender-based violence.

Non-governmental organization on their own, with little or no influence from the government, have a major role to play. As has been stated earlier, G-BV is deep rooted in the Nigerian society. Therefore, an effective means of weeding out the violence is by going back to those roots in order to exhume them. By roots, I mean the rural areas. The sociological theory of law posits that law is that which is accepted by the society as such. In addition to law, practices of any kind that is prevalent within a society (whether good or bad) are those the society allowed to creep in. The non-governmental organizations as part of their outreach programs to the rural areas can hold seminars on the dangers of G-BV and the chaos that it would lead to if it continues.

G-BV can and should be imbedded into the curricula of secondary school students under subjects like Social Studies and Government. This is in a bid to catch them young. This way, if parents are unable to teach their children the proper thing, this would be an effective way to reach out to children.

## **6. Conclusion**

In conclusion, Nigeria's laws against gender-based violence continue to be ineffective. Although Nigeria has made strides in establishing legislative frameworks and policies meant to safeguard women and girls from abuse, these laws have not been effectively implemented or enforced. The prevalence of gender-based violence remains, and many victims experience shame, insufficient support, and limited access to justice. In order to solve this problem, there has to be more political will, improved access to justice for survivors, and enhanced cooperation between law enforcement and civil society organizations. The Nigerian government must move quickly to combat gender-based violence and make sure that offenders are held responsible for their deeds.

