

Domestic Violence in Nigerian Society: Causes, Consequences and Cure.

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Abstract: Any form of Sexual & Gender Base violence negates core human, cultural values of society and constitutional right to dignity of citizens.. Domestic Violence has become a menace to the Nigerian society. It is a problem that transcends gender, age, religion and ethnicity. Despite existing criminal statutes providing for punishment of perpetrators, and attendant publicity, it has escalated, which a worrisome trend. The paper utilizes doctrinal methodology by examining primary and secondary sources of data. The work examines causes, patterns, effects and solutions to this malaise. It delves into role of Patriarchal structures, poverty, illiteracy and unemployment and the culture of silence which enhances victim shaming and victim blame. Measures for Law Enforcement to be more responsive to ensure effective investigation, arrest and prosecution of perpetrators is critical. Advocacy to galvanize public awareness and need for counseling, free medical treatment & psycho-social support for victims was also examined.

I. Introduction

Domestic violence(DV) or Intimate Partner Violence is a serious social and legal problem that now receives increased global attention due to the struggle by women for equality and human rights protection. There is now attention on the immense harm done by domestic violence and the need to combat it. At the federal level, prior to 2015, there was inadequate protection against domestic violence as the existing legislation did not provide for it as a specific offense and penalties. The Lagos State Government pioneered this effort with the enactment of its Protection Against Domestic Violence Law of Lagos (DVL, 2007). It was followed by the 2015 Violence Against Persons Prohibition (VAPP) Act. The Act is a federal legislation enacted to eliminate violence in private and public life by providing protection and remedies for victims of violence and punishment for offenders.

The VAPP Act is only applicable in the Federal Capital Territory (FCT). All the States except Kano State have domesticated it as a Law prohibiting Domestic Violence across Nigeria.(partnersnigeria.org) The major consequence of this is that there will be limited impact of them easures against Domestic Violence in Kano State. Hence, the perpetrators of this offence living outside the Federal Capital and other states where the legislation has not been enacted cannot be prosecuted under these laws.

There is now attention on the immense harm done by domestic violence(DV) in the nation and the need to combat it. The death of Late Osinachi Nwachukwu, the late gospel artiste who allegedly suffered domestic violence from her husband for years galvanised public action. DV is a world- wide phenomenon but in Nigeria, there is socio-cultural conspiracy that enforces veil of silence and stigma that castrates the law until the Violence

Against Persons Prohibition (VPP) Act of 2015 served as a boost to give victims a voice and punish perpetrators.

II. Conceptual Analysis

Violence is defined in the Blacks's Law dictionary as the use of physical force usually accompanied by fury, vehemence, or outrage; especially physical force unlawfully exercised with the intent to harm (Garner, 2009). Domestic Violence or abuse is a pattern of abusive behavior in any relationship or privacy of a home that is used by one partner to gain or maintain power and control over another intimate partner. It happens regardless of race, age, sexual orientation, religion, or gender, and manifests in many forms ((Oluremi, 2015). These range from physical, (e.g. blows, slaps, kicks, shoves, beatings and sexual abuse) sexual, emotional, economic and psychological abuse. Every one of these manifestations results from an urge to harm or kill. The VAPP Act makes a distinct provision for spousal battery which is an act of violence within the confines of a home. It is usually a form of battery between spouses or partners who co-habit. It may be male or female but largely against the female. DV can be committed by Children against Parents or Dependants also.

Legal Position

As far back as 1995, the 4th World Conference on Women held in Beijing, China identified violence against women as a widespread phenomenon and listed it as one of the twelve critical areas of concern requiring urgent action and worldwide. The 1999 Constitution has several provisions against violence implicitly. Section 34 guarantees every citizen the right to dignity of the human person. Subsection (a) forbids torture, inhuman or degrading treatment. Section 42 guarantees all citizens the right to freedom from discrimination on the basis of sex. The Penal Code and Criminal Code made provision for offenses of Assault (section 252, Criminal Code) and Penal Code (section 264). The problem is that it is regarded as a misdemeanor and so attracts only a one (1) year imprisonment sentence under the Criminal Code. Where the offense is Grievous bodily harm, then it is a felony attracting seven years imprisonment in section 336 of the Penal Code. Assault on a male is regarded as felony attracting seven year jail term (section 353 & 360 of the CC) while assault on a female is a misdemeanor which attracts two year jail term. Under the Penal Code, of Northern Nigeria it is not an assault by a man on a woman if they are married (section 55(1)(d)). This appears to legalize wife beating as it is portrayed as an exercise undertaken for purposes of correction (Onyegu & Essiet, 2002:30). It should be mentioned that Assault is both a tort and a crime (Koni, 2012, 275). Koni argues that in a strict sense, assault is distinguishable from Battery in that the latter is more serious but what is important is that under Nigerian Law, the term 'assault' covers the meaning of both assault and battery (Bamgbose & Akinbiyi, 2015, 142).

Fundamentally any violence is a constitutional infringement under section 34 of the 1999 Constitution against the dignity of a citizen against Torture and Other Cruel, Inhuman or Degrading Treatment. It is also a violation of the rights of a person under Regional and International Protocols. These include the Universal Declaration of Human Rights (1948); African Charter on Human & Peoples Rights (1981) International Convention on Elimination of All Forms of Discrimination Against Women (1979); Convention Against Torture And other Cruel inhuman or degrading Treatment or Punishment (1984) and Convention on the Rights of A Child (1989) reproduced in the Child Rights Act of 2003. It is a tort in that the victim can sue as plaintiff in a civil action and claim damages whilst it is also a crime whereby the State prosecutes the offender. Due to complications of relations and emotions, it is more practicable the offender is handled under criminal law as it also ensures possibility of imprisonment/fine as a penal sanction. There is the Ekiti State Gender-Based Violence Law of 2011 which is apt and relevant also. However, the issue of Domestic or Intimate Partner Abuse is not specifically addressed. The VAPP Act addressed specifically what constitutes the offence of Spousal Battery. It provides for a punishment of three year imprisonment and/or N200,00 fine. Any person who attempts, incites or supports the offense stands the risk of up to one year imprisonment or a fine of N100,000. Any one who receives or assists someone who committed the offense will be sent to prison for up to one (1) year or pay a fine of N200,00 or both.

III. Forms Of Domestic Violence

Physical Abuse: This means acts or threatened acts of physical aggression towards any person such as slapping, hitting, kicking and beating and acid baths, where the perpetrator throws acid onto his victim's body, resulting most times in permanent disfigurement of the victim. It is the use of physical force in a way that injures the victim or puts him or her at risk of being injured. It is very common in Nigeria for women to face physical violence in domestic relationships. The acts of domestic violence is however not perpetuated by only the men in the family. Recent incidences have shown that women also have the tendency of being violent in the family. It was reported that on the 17th of February, 2021, the Ondo Police Command arrested one Queen Beatrice for allegedly killing her husband, Emmanuel Ikujini at Omotosho town, in Okitipupa Local Council of the state following an argument that ensued between them because the deceased spoke with another woman in her presence.

Sexual Abuse: Sexual abuse within a household is a form of domestic abuse. It is any conduct which violates, humiliates or degrades the sexual integrity of any person or child. It includes sexual assaults, harassment or exploitation. It is pertinent to note that both touching and non-touching activities can amount to sexual abuse for children. Touching activities include touching of the child's genital or private parts for sexual pleasure, making a child touch someone else's genitals and playing sexual games etc. while non-touching activities include showing pornography to children, deliberately exposing an adult's genital to a child, encouraging a child to watch or hear sexual acts etc.

Economic Abuse: This includes stealing from or defrauding a loved one, withholding money for essential things like food and medical treatment, manipulating or exploiting family members for financial gain, preventing a loved one from working or controlling his or her choice of occupation. In economic abuse, the abuser keeps their partner financially dependent by controlling the resources available in the household, preventing a spouse from resource acquisition, limiting the amount of resources to be used by the victim for his or her profit or gain. In many cultures and traditions underpinned by patriarchy, this form of abuse exists where the women in a family are denied of the right of inheritance of the property of their deceased parent as opposed to their male siblings.

Neglect or Abandonment: This means deliberate neglect or abandonment of women, children and other persons; deliberately leaving women, children and other persons under the perpetrator's care, to provide adequate care food, clothing, shelter, medical care or to provide care at all. It occurs when a person, either through his or her action or inaction, deprives a vulnerable partner of the care necessary to maintain the partner physically or mentally. Neglect of a child refers to the failure of a parent or caregiver to provide for the development of the child where the parent is in a position to do so. Neglect is distinguished from circumstances of poverty in that neglect occurs only in cases where reasonable resources are available to the parent or caregiver.

Emotional Abuse: It is a pattern of degrading or humiliating conduct towards any person which includes repeated insults, ridicule or name calling, threats to cause emotional pain or an exhibition of obsessive possessiveness, which is of such a nature as to constitute a serious invasion of such person's privacy, liberty, integrity or security. It also includes threatening the person of his or her possession or harming a person's sense of self-worth by putting him or her at risk of serious behavioral, cognitive, emotional or mental disorders. Shouting at a partner was also found to be the commonest abuse. Others include name calling, criticism, social isolation, intimidating or exploitation to dominate, routinely making unreasonable demand, verbally or physically exposing a child to violence.

Elderly Domestic Violence

Of special note is Violence perpetrated on the Elderly. This is usually done by a younger person, age mate or even an older person to derive gratification etc. Most elderly persons suffer from decreased functionality, frailty and weakness and thus are reliant on care takers. The abuse can be sexual or otherwise.

Men In Domestic Violence

Men also suffer from Domestic Violence but not at same rate as women. It is a truism that men are less likely to report being victims(Nour,2020) to avoid social stigma of being seen as weak. However, the rate of domestic violence against men is often inflated due to the practice of self -defense against violence by a partner(Johnson, 2008). There is on going debate whether abused men should be provided the same resources and legal protections as women..

IV. Causes Of Domestic Violence In Nigeria

1. Psychological Causes: Some possible reasons given for domestic violence include drunk state of spouses, financial issues and the rejection of sexual advances from the partner resulting in frustration. Women also link perpetuation of physical violence with husbands who are very controlling. These can lead to psychological disorder that requires psychiatric attention. However, most people cannot afford to consult with a psychiatrist as a result of financial constraints, and many disorders are not properly diagnosed.
2. Social & Cultural Causes: Historically in many cultures, domestic violence has been accepted because of the dominance of patriarchy in every sphere of our society, where the male gender is perceived to be superior and more important than the female gender. Domestic violence in Nigeria is based on its patriarchal society. Traditionally in Nigeria and some African countries, the beating of wives and children is widely sanctioned as a form of corrective discipline. Violence against the wife is seen as a tool that a husband uses to chastise his wife and to improve her. Well, it is now a criminal offence under the VAPP Act.

3. Religion: Nigerians are highly religious, practicing Christianity, Islam and African Traditional Religion and some others. These religions are the major belief systems in many homes in our society. Religious ideologies portray women as being inferior to men, the perception of women as 'unclean' and the portrayal of virtuous women as submissive. This makes it difficult for victims to leave abusive marriages, all of which endorse domestic violence. This makes it difficult for victims to leave abusive marriages, even when their lives are in danger(Ibikunle & Kassim, 2023) .
4. Economic Causes: Economic problems increase the level of stress and aggression which often leads to domestic violence. A high level of unemployment for example can result in poverty thereby causing increased aggression and quarrels in the family. In Nigeria, women who are economically dependent on the man are usually at a higher risk of being abused in the home. Conversely, cases exist where reversal of fortunes force the man to be dependent on the wife. Unable to bear what he considers an aberration, the husband becomes excessively controlling and abusive.
5. Family Background: Aggressive behavior becomes more apparent when the person was a victim or witness of violence in childhood. A child raised in a home where he witnessed acts of violence can learn such model of behavior from his abusive parents. Such child grows up with the mindset that exercising such act of violence is normal or manly behavior. This is different from correction of child which the Bible approves in Proverbs 13:24, 22:15 & 29:15. Some of the nation's legislation permit the use of physical force in correcting a child, pupil in school, servants BUT it should be with

reasonable application. Recently we had the case of a teacher who beat a pupil to death. This of course has gone beyond violence to capital offence.

6. Lack of awareness in the society: There is need for increased awareness as many people do not understand what actions or behavior can constitute violence or that it is now a crime especially spousal abuse. Additionally, many women are simply unaware of avenues for help, and the provisions of recent legislation. Non-governmental agencies, social media, entertainment stars, Press have been doing a yeoman's job in galvanizing societal awareness against all forms of DV especially Spousal abuse with intensive campaigns. The FCT Sexual & Gender Based Violence Response Team in Abuja handles complaints of domestic violence.

7. Veil of Silence: Where a child is molested or raped or incest occurs, there is pressure on the family to keep quiet to protect the family name. Where a wife is being battered regularly, she is advised to be more submissive to the husband or pray more or behave better until she is beaten to death. This cannot be allowed to continue. It is God that gives life and so, no man should be allowed to batter another to death physically or otherwise.

8. Victim Blaming: Victims of DV are forced not to seek redress by a form of social blackmail, sometimes even by the victim's family. The reasons vary but include(Onyegu & Essiet, 2002:29)

- i. It must be my fault that he beats me
- ii. I am scared he will kill me if he finds out I have told anyone.
- iii. He says he will take my children away from me if I go to the police
- iv. I love my husband. I don't want him to go to prison or lose his job. I just want him to stop beating me.
- v. His brothers say: I must have asked for it. Even his sisters would say I should put up with the beatings-I am lucky to have a good home.

Indirectly, they arm the perpetrator with a defense, which is that the victim precipitated the attack by an action, conduct or words. The defense is that of provocation which is a defense to a charge of assault under the law(Okonkwo & Naish: 2010,269-270). The irony is most cases of assaults/battery are serial assaults so the issue of provocation as a defense soon wears thin: and in any case, the force used should not be disproportional to the provocation which cases of DV represent.

Nigeria Police Force: The police treat cases of DV as 'domestic case' or 'family matter'. So, they do not diligently pursue investigations or prosecutions, rather advising the couple to go and settle.

V. Cure For Domestic Violence

To preserve the sanctity of marriage and uphold a family system devoid of violence and abuse in our society, certain obligations have been made mandatory, the avoidance of which constitutes an offence under the VAPP Act for persons in domestic authority. They include:

1. Emotional Support for the Abused: A person going through abuse needs help. Most times the very person finds excuses to justify the abuse. However, where he /she comes to a place of realization that the abuse should stop, she needs all the support available. In a marital relationship, the families especially of the abused should step in to protect their child. The first step is to remove the abused from the place of abuse. Don't be deceived by promises the abuse will stop. An abuser does not stop unless he is stopped or the abused is removed from his reach or the abused dies. Remember this! Second, insist the abuser gets help. Third, monitor the situation closely and regularly when the couple get together, if or when they get back together.
2. Counselling & Therapy For the Abused And the Abuser: An abuser is a person with severe psychological disease. The unresolved mental challenges may arise out of low or poor self- esteem or inability to come to terms with a disability or inability to cope with certain challenges in his background –it may be an abusive childhood, displaced early childhood, loss of job, inability to handle relationship or marital challenges etc. In all of these, there is really no excuse for domestic violence

upon another human being. The abuser requires intensive therapy and counseling and prayers not mere good intentions to change.

3. **Place of Refuge:** One of the reasons abuse victims stay in abusive relationship is lack of place of refuge they could go to, The FCT now has a Referral Center. This center provides place of refuge for those who need it, usually women or under aged persons with no close relative by. In the alternative, a friend or family can provide such assistance. The problem is that where the abuser is a husband, in a subsisting marriage he or she may 'picket' the house or use Law Enforcement to do same or claim his children.
4. **Legal Sanctions:** The Law can now bite not just bark. For Example: A person who abandons his wife or husband, children or other dependent without any means of sustenance commits an offence and is liable on conviction to a term of imprisonment not exceeding N500,000.00 or both.(2) A person who forcefully evicts his or her spouse from his or her home or refuses him or her access commits an offence and is liable to 2 years imprisonment or to a fine not exceeding N200,000.00 or both. Isolating a person from family and friends secures a term of imprisonment not exceeding 6 months or to a fine not exceeding N100,000.00 or both under section 13.
 5. **Protection Order:** The Law gives the court power to grant Protection Orders following a complaint of violence by a victim, and such order shall be applicable throughout the Federation and no time limit or prescription shall apply in relation to a person seeking to apply for such protection order under section 13 of VAPP Act. This order extends to prohibiting the respondent from committing any future act of violence, entering a shared household in the interest of the victim, entering the complainant's residence or place of work or the imposition of any other additional condition which the court deems necessary to protect and provide for the safety, health or well-being of the complainant under section 31.
5. **Protection Of Victim's Right And Victim's Safety:** Section 38 of the VAPP Act has extensively safeguarded the rights and safety of victims of violence in addition to the rights guaranteed under the constitution or any international human rights instruments. It provides that victims of violence are entitled among other things to receive necessary and comprehensive medical materials; to be informed of the availability of legal, health or social services and other assistance and be readily afforded access to them; to rehabilitation and re-integration program of the state to enable them acquire pre-requisite skills in any vocation of their choice etc.
6. **Recognition of Domestic Violence as an offence:** The VAPP Act has made a great stride to bring the Nigerian Law at par with international standards and requirements. Domestic violence was not expressly mentioned but the Act made reference to the major act of violence that constitutes domestic violence i.e. spousal battery under section 46.
 8. **Recognition of domestic violence as a gender neutral offence and not only gender specific against women.** With the rise in incidents of violence against men, it has become apparent that women are now capable of inflicting injury on their partners or spouses. This has seemingly influenced the gender neutral approach of the VAPP Act. Domestic violence like all violence, is a human issue. It is not merely a gender issue. Classifying spousal and partner violence as a women's issue is erroneous. In domestic relations, women are as inclined as men to engage in physically or emotionally abusive acts.
9. **Re-orientation of Law Enforcement:** The Nigerian Police Force inadvertently contributes the protection of abusers by refusing to investigate and 'encouraging' settlement instead of pursuing justice. The role of law enforcement agencies, particularly the Police is very well articulated in the Act as it relates to the protection of victims of violence.
10. **Recognition of Private Sector Providers:** Section 40 & 41 makes provision of registration of organizations/service providers. It further gave powers to registered service providers to record incidences of violence and forward same to the Magistrate court within jurisdiction; get the victim

medically examined and forward the report to a protection officer within the locality; ensure that the victim is provided shelter in a shelter home if required. He/She may upon the failure of the respondent to make payment ordered by the Court, direct employer or his bank, to directly pay to the complainant or deposit with the Court a portion of the wages/ salaries/r debt due to or accrued to the credit of the respondent. All these are to ensure that victims of violence are well protected and compensated. Due to wide acceptance of their credibility, religious bodies and Non governmental agencies are encouraged to serve as private sector providers.

11. Vocational Centers should be established to help victims develop a skill that would help them live their lives independently and reduce their risk of exposure to violence.

VI. Consequences of Domestic Violence

1. Domestic violence against women has serious implications on the psychological development of children. Psychological causes could be seen in some children who are forced to witness violence in their homes. Children raised in violent homes are known to imbibe violent tendencies in adulthood; they become social misfits, prone to psychological imbalance and violent criminal tendencies (Adebayo, 2014). They grow up to become social misfit, prone to psychological imbalance in their relationships and violent criminal tendencies.
2. Neglect or abandonment of a child can have many long term side effects such as physical injuries, low self-esteem, attention disorders, violent behavior, and even death.
3. For the victims, the scars of emotional abuse are very real, as they run deep and can be just as damaging as physical abuse, sometimes even more so. These are scars that mark the brain of the victims rather than their bodies. They remain unseen but can cause untold damage that may never heal.
4. Victims today become abusers of tomorrow except the chain is broken by sustained counseling and therapy. Early detection is important.

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