



## **FROM LAW TO LIFE: EFFECTIVENESS OF THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR COMBATING DOMESTIC VIOLENCE IN NIGERIA**

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### **Abstract**

*Domestic violence has become a recurrent phenomenon in the African clime, such that various Nations have established legal and institutional mechanisms for combating this great and odious menace. This Article aims to bridge the gap between Nigeria's formal legal frameworks and everyday cultural practices to effectively combat domestic violence in Nigeria. Despite robust legal protections, domestic violence remains pervasive due to cultural norms and practices that undermine these laws. Prevalent consciousness that sees the female gender as inferior to the male gender which is further exacerbated by certain cultural and religious teachings that has contributed to the myopic or stereotypes to which the female gender are perpetually subjected to which invariably leads to certain forms of violence perpetrated against the female gender has proven problematic in the effort to sustainably combat domestic violence. The Article employing the doctrinal research methodology, evaluates the laws and institutions set up to combat domestic violence; implementation challenges and gaps in enforcement, highlighting systemic barriers that hinder effective protection and therefore recommends that for the law to be effective certain things must be addressed like examining the strengths and weaknesses of existing frameworks, identifying areas of improvement and propose strategies to enhance better protection of the victim. Combating domestic violence in Nigeria requires a multifaceted approach that combines legal reforms, awareness campaigns, support services, community involvement, data-driven policies, and efforts to change mindsets and cultural attitudes. The ultimate goal is to create an environment where domestic violence is not tolerated, survivors are supported, and perpetrators are held accountable.*

**Keywords: Domestic Violence, Law, Life, Nigeria**



## 1.0 INTRODUCTION

Domestic violence is defined as the pattern of abusive behaviors used by one partner to gain or maintain power and control over another in the context of an intimate relationship<sup>1</sup>It is basically any form of violence against a person because of their gender, or violence that disproportionately affects members of one sex.<sup>2</sup> Domestic violence includes rape, sexual assault and all forms of domestic violence, most of which are inflicted by intimate partners. Also women trafficking is a form of gender based violence, trafficking of young women as sex slaves to European countries, or for hard labour, begging, baby factories etc. in foreign countries or even locally also constitutes violence against women.

It is a significant societal challenge with profound consequences for individuals, families, and communities worldwide. In Nigeria, a country of diverse cultural, social, and economic dynamics, domestic violence persists as a pressing issue, affecting individuals across various demographics regardless of age, gender, or socioeconomic status.<sup>3</sup> While domestic violence is widely recognized as a violation of human rights<sup>4</sup> and a public health concern, and perhaps the most shameful and pervasive human rights violation that knows no boundaries of geography, culture or wealth, effective legal and institutional frameworks are essential for preventing and addressing such violence. This is so because we cannot claim to be making real progress towards equality, development and peace without combating this great menace. Nigeria, like many other nations, has established legislative measures, policies, and institutional mechanisms aimed at protecting individuals from domestic/gender based abuse. However, the effectiveness of these frameworks in safeguarding victims and holding perpetrators accountable remains a subject of scrutiny and debate<sup>5</sup>.

This Article endeavors to critically examine the effectiveness of Nigeria's current legal and institutional framework in combating this menace. By analyzing recent legislative developments, policy initiatives, and institutional responses, this study seeks to assess the strengths, weaknesses, and gaps within the existing framework. The paper is structured as follows: part one gives a statistical account of domestic violence and its impact in the society; part two examines the legal framework for combating domestic violence, Part three discusses the effectiveness of

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<sup>1</sup> General Recommendation 19 of the Committee on the Elimination of All forms of Discrimination Against Women paragraph 1; L.O.Omofuegbe, and O. Eikhenomian "Towards Decimating Gender Based Violence in Nigeria: A Critique of The Effectiveness of Social-Legal Contole Measures" [2017] (Vol.9) *Journal of Jurisprudence and Contemporary Issues*,P.202-216.

<sup>2</sup>O. Emmanuel, "The Form of Violence Against Women, Sexual Violence and Gender Based Violence in Nigeria: Three Roads that Converge *Journal of Health Law and Reproductive Rights* issue 4-5 2013-2014 p.145

<sup>3</sup> Human Rights Watch, "Nigeria: Widespread Violence in the Family" (2020), <https://www.hrw.org/news/2020/11/24/nigeria-widespread-violence-family.vv>

<sup>4</sup>Vienna World Convention on Human Rights 1993

<sup>5</sup> O. Eliagwu Godwin, "Domestic Violence in Nigeria: A Review of the Legal and Policy Framework" (2021), (Vol. 106) *Journal of Law, Policy, and Globalization*, P. 28.



these laws and institutions signposting it to the sociological *melieu* of the Nigerian society and part four proffers solutions and recommendations to end domestic violence in Nigeria.

## 2.0 STATISTICAL/ HISTORICAL BACKGROUND OF DOMESTIC VIOLENCE AND ITS IMPACT IN NIGERIA

It is estimated that 35 per cent of women worldwide have experienced either physical and/or sexual intimate partner violence or sexual violence by a non-partner at some point in their lives. However, some national studies show that up to 70 per cent of women have experienced physical and/or sexual violence from an intimate partner in their lifetime<sup>6</sup>. Around 120 million girls worldwide (slightly more than 1 in 10) have experienced forced intercourse or other forced sexual acts at some point in their lives<sup>7</sup>. By far the most common perpetrators of sexual violence against girls are current or former husbands, partners or boyfriends. Worldwide, more than 700 million women alive today were married as children (below 18 years of age). Of those women, more than 1 in 3 or some 250 million were married before 15. Child brides are often unable to effectively negotiate safe sex, leaving them vulnerable to early pregnancy as well as sexually transmitted infections, including HIV.<sup>8</sup>

Domestic violence, characterized by the pattern of abusive behaviors within intimate relationships, poses significant challenges to societies worldwide, and Nigeria is no exception. With a population exceeding 200 million people and a diverse cultural landscape, Nigeria grapples with the multifaceted manifestations of domestic violence, impacting individuals across various demographic group.<sup>9</sup> While domestic violence encompasses physical, sexual, emotional, and economic abuse, its consequences extend beyond the immediate victims to affect families, communities, and the broader society, contributing to cycles of trauma, poverty, and social instability<sup>10</sup>.

The history of violence against women in Nigeria remains vague. This is in part due to the fact that many kinds of violence against women (specifically) are often not reported largely due to societal norms, taboos, stigma and the sensitive nature of the subject. In early times, there was a deep cultural belief in Nigeria that it is socially acceptable to hit a woman, it was seen as discipline. In Yoruba for instance, the women refer to their husbands as *olowoori mi* meaning 'he who owns me'<sup>11</sup>. In effect, a married woman gives up all rights to herself. Marriage is believed to give the husband full ownership of the woman thereby giving him the right to treat her as he wishes whether positively or negatively. The subjection of girls and women to harmful

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<sup>6</sup> <http://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures> accessed 14th July 2017

<sup>7</sup> *Ibid*

<sup>8</sup> *ibid*

<sup>9</sup> National Population Commission (NPC) [Nigeria] and ICF International. 2019. Nigeria Demographic and Health Survey 2018. Abuja, Nigeria, and Rockville, Maryland, USA: NPC and ICF.

<sup>10</sup> United Nations. "Domestic Violence: A Pandemic within the Pandemic" (2020). <https://www.un.org/africarenewal/magazine/december-2020-march-2021/domestic-violence-pandemic-within-pandemic>.

<sup>11</sup> *Ibid*



traditional practices is legendary in Nigeria<sup>12</sup>. They include female genital mutilation, dowry murder, so called “honour killing” and early marriages. These practices lead to death, disability, physical and psychological harm of millions of women annually.<sup>13</sup> These inhuman and sometimes dangerous practices span female life cycle from childhood through adolescence to marriage, matrimonial relationship, widowhood and old age.<sup>14</sup> The starting point and root cause which this paper signposts on, is the sociological *milieu* of the Nigerian people which consist of the traditional and religious consciousness of son preference and the patrilineal system of many communities in which Inheritance is by male decent. The seemingly social and religious consciousness of the role of males in the family,<sup>15</sup> which was built in systematically into the fabrics of the social milieu of the society thus become making it the “living law” of the people. This will be highlighted in the latter part of this paper. First, let’s examine the legal and institutional mechanism put in place to address domestic violence in Nigeria.

## 2.0 BASIC CONCEPTUALIZATION: DOMESTIC VIOLENCE

The concept of Domestic violence encompasses both discrimination, of all sorts and violence, of all forms. In 1979, the United Nations General Assembly adopted the Convention on the Elimination of all forms of discrimination against women (CEDAW) which provides extensively for the protection of women from all forms of discrimination. According to the Convention, Discrimination is “Any distraction, exclusion or restriction made on the basis of sex which has the purpose or effect of impairing or nullifying the recognition or enjoyment or exercise by women, irrespective of their marital status, on the basis of equality of men and women, of human rights and fundamental freedoms in the political, social, cultural, civil or any other field”<sup>16</sup>

This provision is in pari-material with S.42 of the 1999 constitution which prohibits all forms of discrimination based on sex. CEDAW, as an international convention is only applicable when states ratifies and in the case of Nigeria, domesticates it.<sup>17</sup> As it stands, with its laudable provisions placing stringent obligation on states to repeal and abolish all laws which discriminate against women, the Convention has not been domesticated. Thus inspite of the convention’s prohibitions several statutes, and Laws in Nigeria still discriminate against women. For instance, the language of the or the Constitution of Nigeria uses the word “He” to exclude more than half of the population of which are women from its provisions. Laws such as the Marriage and Residency Laws, Criminal Law, Revenue Laws, Police and Civil Service Staff Regulations are discriminatory in nature.

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<sup>12</sup>T. U Akpoghome, “Gender Based Violence: The Dangers and Effects of Harmful and Unhealthy Practices Against Women”[2010-2011] (Vol. 4 and 5) *Ahmadu Bello University, JPCL*, p,128

<sup>13</sup>United Nations Development Fund for Women (UNFEM), “Facts and Figures on Violence Against Women (V.A.W.)” 2008, p.23

<sup>14</sup>*Ibid*

<sup>15</sup>Religious Christianity of claim that God’s testimony of Abraham, that he will “COMMAND” his family to walk according to his ways, have become a yardstick for most male heads to become “commandeering” when juxtaposed with Jesus’s attitude of “sacrificially, lovingly and cherishingly, guiding the church by the washing of the water by the word, into all truths, we see a different “male figure and role”. The latter attitude builds empathy and tolerance in the consciousness of the male adherents of the Christian faith, while the former builds an attitude of “control” and if unchecked, leads to “violence”.

<sup>16</sup>Article 1 of the Convention on the Elimination of all Forms of Discrimination Against Women 1979

<sup>17</sup>S. 12 of the 1999 Constitution of the Federal Republic of Nigeria



The second ambit of domestic violence which deals on violence includes any destructive behavior or acts perpetrated against women causing or being capable of causing physical harm, sexual or psychological suffering such as threats of constraints or arbitrary deprivation of fundamental freedom of women, be it in public or private life in times of peace or in conflicts.<sup>18</sup>The African Charter on Human and Peoples' Right 1981 calls on all member states to eliminate every form of violence. This reveals that violence is one of the most dangerous acts of discrimination against women that takes several forms: physical, sexual, psychological, etc.<sup>19</sup> Gender/based violence is a human right violation: the right to personal dignity which most International human rights instruments guarantee,<sup>20</sup> and Nigeria has signed and ratified these instrument though has not domesticated them.The United Nations provides an overview of the main forms of domestic violence to include acts of physical violence such as slapping, choking or burning, sexual violence including spousal rape, psychological violence such as fear by intimidation or forced isolation, and economic violence by maintaining total control over financial resources, withholding access to money, and/or forbidding attendance at school or employment, among others.<sup>21</sup>Sexual Harassment which may involve any conduct of a verbal, nonverbal or physical nature, including written and electronic communications.<sup>22</sup>Corrective rape<sup>23</sup>; Sexual violence in conflict:<sup>24</sup>

#### 4.0LEGAL AND INSTITUTIONAL FRAMEWORK FOR COMBATING DOMESTIC VIOLENCE IN NIGERIA

Domestic violence in Nigeria is addressed through a combination of legal provisions and institutional mechanisms aimed at preventing violence, protecting victims, and prosecuting offenders. Domestic violence is a significant societal issue in Nigeria, and addressing it requires a robust legal and institutional framework to protect victims, prosecute offenders, and prevent further harm. This framework encompasses both statutory laws local and international and governmental agencies tasked with addressing domestic violence.

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<sup>18</sup>WHO "World Report on Violence and Health" Geneva, 2002

<sup>19</sup>CEDAW 1979 also defines violence in that way

<sup>20</sup>For example, The International Covenant on Civil and Political Rights 1966, International Covenant on Economic, Social and Cultural Rights 1966,

<sup>21</sup> <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/faqs/types-of-violence> accessed 22<sup>nd</sup> August 2024.

<sup>22</sup> Sexual harassment can take a variety of forms – from looks and words , to physical contact of a sexual nature. Examples of sexual harassment include sharing sexual or lewd anecdotes or jokes; unwelcome touching, including pinching, patting, rubbing, or purposefully brushing up against another person, repeatedly asking a person for dates or asking for sex and making sexual comments about appearance, clothing, or body parts, among others.<sup>22</sup>

<sup>23</sup>Ibidis a form of rape perpetrated against someone on the basis of their sexual orientation or gender identity. It is intended to force the victim to conform to heterosexuality or normative gender identity

<sup>24</sup>*Ibid.* Acts of violence against women include [violation of the human rights of women in armed conflict situation](#) such as systematic rape, sexual slavery and forced pregnancy, as well as forced sterilization, coercive/forced use of contraceptives, female infanticide and prenatal sex selection.



#### **4.1 International Instruments**

##### **4.1.1 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN 1979**

The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) is an international treaty adopted in 1979 by the United Nations General

Assembly As the primary international legal instrument for the promotion and protection of women's rights. It is Described as an international bill of rights for women .In signing CEDAW, Countries commit themselves to being a society that promotes policies, laws, organisations, structures and attitudes that ensure that women are given the same rights as men. CEDAW facilitates this by promoting non-discriminatory practices in the following areas.

##### **a. Law, policy and prejudices:**

Article 2 of CEDAW urges all countries to work towards eradicating discrimination against women by introducing new laws or policy, changing existing discriminatory laws and providing sanctions for discrimination where it occurs.; Article 3 of CEDAW requires countries to actively promote women's full development and advancement, so that they can enjoy human rights and fundamental freedoms on the same basis as men.; Article 4 of CEDAW allows temporary special measures that favour women, on the basis that they are designed to speed up the achievement of equality.; Article 5 of CEDAW requires countries to address and change social and cultural patterns that reinforce the stereotyping of women and traditional gender roles, or that promote the relative superiority or inferiority of either of the sexes.

Article 3 and 5 of CEDAW is of utmost importance because it forms the breeding ground for domestic violence to fester. This Article signposts domestic violence on these issues, as the major challenge of enforcement of policies and laws made by states to implement CEDAW. It will be discussed in the latter part of this Article.

##### **b. Exploitation and prostitution::**

Article 6 of CEDAW requires countries to aim to eliminate all forms of trafficking of women and exploitation of prostitution of women.

##### **c. Politics and public life:**

Article 7 of CEDAW asserts that women should have the right to vote, the right to stand for election, be involved in formulating government policy and actively participate in political parties, lobby groups and NGOs. Article 8 of CEDAW states that women should have the same opportunities as men to represent their countries internationally and be involved in the work of international organisations.

##### **d. Education and training:**

Article 10 of CEDAW urges countries to ensure that women have the same opportunities as men in all aspects of education and training - from kindergarten to tertiary education. Women should



have access to the same curricula, professional staff and programs of continuing and adult education, especially those aimed at reducing any existing gender gaps within education, and opportunities to benefit from the same scholarships and grants as men. Governments are required to ensure that stereotypical concepts of the roles of men and women are eliminated.

**e. Employment:**

Article 11 of CEDAW requires countries to protect women's rights to work, to ensure that women have the same training and employment opportunities as men, that women receive equal pay for work of equal value, that women have access to the same benefits, compensatory schemes, and allowances as men, especially in relation to retirement and incapacity to work.

This Article further requires that countries prohibit discrimination in the workplace on the basis of marriage, pregnancy and maternity, and introduce paid maternity leave without loss of benefits or career opportunities, and encourage the provision of supporting social services to allow parents to combine family obligations with work responsibilities.

**f. Health:**

Article 12 of CEDAW requires countries to take all necessary measures to eliminate discrimination against women in the field of health care and ensure women and men have equal access to health services.

This Article further requires that countries provide free and accessible health services in relation to pregnancy and post-natal care.

**g. Family relations, Economic life, Sport and Culture:**

Article 13 of CEDAW expressly requires that women have equal access to family benefits, forms of financial credit, including mortgages, and the same rights as men to participate in recreational activities and cultural life.

**h. Women Living in Remote and Rural Areas:**

Article 14 of CEDAW requires all countries to ensure that the particular needs of rural women are met in relation to access to services, training and employment opportunities, and social equity schemes.

**i. Equality before the law:**

Article 15 of CEDAW requires countries to treat women and men equally in all matters relating to the law, including civil matters, contractual matters, and property ownership.

Laudable as these provisions may seem, it is caught by Section 12 of the 1999 Constitution on domestication as a precondition for applicability. Like many international human rights treaty, responsibility is often placed on “states” making the enforcement of these protective measures hinged on the capacity and willingness of States.



## **5.0 THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN RIGHTS AND PEOPLES' RIGHTS 2003: MAPUTO PROTOCOL**

The Protocol to the African Charter on Human Rights and Peoples' Rights was adopted on 11 July 2003 by the African Union (AU). Prior to its adoption, the AU's jurisprudence on women's rights was almost non-existent. The AU Charter contained only one Article specifically referring to women in its 68 Articles [1]. Furthermore, the Article bundled up the rights of women with the rights of other vulnerable groups such as the disabled, children and elderly. Inserting women's rights into the context of an article referring to the family and other vulnerable groups proved problematic and inadequate. The detriment herein was the lack of the necessary specificity to enhance effective enjoyment of women's rights. It is submitted that this inadequacy could be the main reason why no specific complaint dealing with women's rights was ever forwarded to the AU for consideration, under the individual complaints procedure. There was therefore, a strong reason for having a protocol that specifically dealt with women's rights and freedoms. The Maputo Protocol stepped in to salvage this tragic situation. The Protocol aims to confront the continual discrimination, abuse and marginalization of women.

The preamble to the protocol acknowledges that women's rights have been recognized and guaranteed in all international human rights instruments as inalienable, interdependent and indivisible human rights. State parties are thus obligated to ensure that any practice that hinders or endangers the normal growth and psychological development of women is eliminated, in order that women might fully enjoy all their human Rights. Selected key provisions of the protocol

### **5.1 Elimination of discrimination against women**

The Maputo Protocol is premised on the principles of equality between the sexes, the elimination of discrimination and the participation of women in all spheres of life. These fundamental principles run like a thread throughout the protocol. Article 2 of the protocol calls upon state parties to undertake appropriate legislative, institutional and other measures to eliminate all forms of discrimination against women. The states are also required to commit themselves to modify the social and cultural patterns of conduct of women and men through public education, information and communication strategies. This is with a view to achieving the elimination of harmful cultural practices and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes.

To avoid any doubt as to the stance of the protocol on application of negative customary practices, it stipulates that women enjoy equal rights as men in marriage and in the dissolution of marriage; re-emphasizes the minimum age of marriage as eighteen years Art 6 and provides for protection of women in polygamous marriages. Concerning rights to property, women enjoy equal rights to an equitable share of property deriving from a marriage. Upon death of the husband, a widow has the right to an equitable share in the inheritance of the property of her husband Art 20. Women also have a right to inherit in equitable shares, their parents' properties Art 21. The protocol also spells out political rights of women. These include the right to equal participation in the political life of their countries as well and the right to equal representation in all electoral processes. Art 9



## **5.2 Violence against women**

Explicit mention of violence against women is made in Article 4, which deals with the rights to life, integrity and security of the person. The Maputo Protocol notes a number of violations related to the aforementioned rights including protection of women from trafficking. It stresses that women should be protected from scientific experiments without their informed consent and calls upon state parties to enact and enforce laws to prohibit all forms of violence against women. The states are also required to allocate adequate budgetary resources for the implementation and monitoring interventions geared towards eradicating violence against women.

In comparison with the United Nations (UN) Declaration on the Elimination of Violence against Women, the Maputo Protocol's version extends the definition of violence against women to conflict situations Art 11. History reveals countless instances where women were considered as 'the spoils of war'. A case in point was during the Rwandan genocide, where women were targeted because of their sex and the violence inflicted upon them was even more atrocious as a result.

## **5.3 Elimination of harmful traditional practices**

Article 5 of the Maputo Protocol deals exclusively with women's protection from harmful practices. The section outlaws all forms of FGM, scarification and medicalization of FGM. State parties are required to eradicate elements in traditional and cultural beliefs, stereotypes, practice which exacerbate violence against women and to end all forms of harmful practices which negatively affect the human rights of women.

## **5.4 Economic, Social and Cultural Rights**

The Maputo Protocol recognizes women's economic, social and cultural rights noting that these rights, just like other rights, apply differently to women. It further notes that it is the denial of these rights that often leave women vulnerable to further abuse. Vide Article 13, the protocol guarantees women the freedom to choose their occupation, and protects them from exploitation by their employers. The protocol places a responsibility, not just upon the state, but also the private sector, of ensuring that child labor is eliminated and that children are protected. The state is further obligated to adopt progressive policies that support mothers in their work place and create conducive working conditions for them by providing for child care facilities.

## **5.5 Sexual and reproductive rights**

The Maputo Protocol was the first human rights instrument to explicitly provide for the right to abortion in specific instances, such as rape, incest or in circumstances where the pregnancy endangers the life of the mother. The protocol clearly articulates the reproductive rights of women in Article 14. The section guarantees women the rights to decide on the number and spacing of children, choose any method of contraception, protection against sexually transmitted infections, be informed of one's HIV status and that of one's partner, amongst others. In this regard, state parties are obligated to provide adequate, affordable and accessible health services as well as information to women, especially those in rural areas.



## **6.0 DOMESTIC LEGAL INSTRUMENTS**

### **6.1 The Constitution of the Federal Republic of Nigeria**

The Constitution in Chapter IV, precisely Section 34 guarantees the right to “dignity of human person” sub 1 reads “every individual is entitled to respect for the dignity of his (her) person...” Gender/based violence is against the personal dignity and honour of any person (victim). Although the constitution did not define acts that would constitute breach of human dignity, it can be implied that acts that harms persons physically, sexually, psychologically and economically would constitute an affront on person’s personal dignity. Listing acts that would constitute a breach of this provision would be a step in the right direction to avoid multiplicity of interpretations and ambiguities.

### **7.0 VIOLENCE AGAINST PERSONS PROHIBITION ACT (VAPP) 2015**

The Violence against Persons (Prohibition) Act<sup>25</sup> was signed into law by the immediate past President of Nigeria, Goodluck Ebele Jonathan on May 25th 2015. The Act is the result of 14 years of activism by civil society. Starting just after the transition to democracy with the formation of the Legislative Advocacy Coalition against Violence against Women (LACVAW) in 2001, activists have consistently pushed for national legislation prohibiting violence against women. The content of the Act reflects the realities of violence in Nigeria today, even as it incorporates provisions based on Nigeria’s commitment to international human rights principles. First presented to the House of Representatives in May 2002, the Bill on Violence against Women became a Bill on Violence against Persons in 2008 when it was harmonized with 8 other Bills on gender-based violence in the National Assembly.

It took another seven years for it to become law. The Violence against Persons Act is not gender specific but it remains the most contemporary piece of legislation for the prohibition and prevention of violence against women. There are certain key provisions for this Act like the Criminalization of spousal battery, rape, and other forms of domestic violence<sup>26</sup>, Provision for compensation and rehabilitation of victims<sup>27</sup>. Establishment of protection orders to prevent further abuse.<sup>28</sup>

It makes specific provisions towards the prohibition, prevention and penalties for the commission of acts of violence against women. It is also peculiar as acts of violence extend beyond physical violence, thus applying to the prohibition of acts of sexual and psychological violence. Under the newly enacted law, spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female circumcision or genital mutilation, harmful traditional practices, substance attacks such as acid baths, political violence and violence by state actors (especially government security forces) are offences. Victims and survivors of violence are entitled to comprehensive medical, psychological, social

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<sup>25</sup> Violence Against Persons (Prohibition) Act, 2015.

<sup>26</sup>*Ibid.*

<sup>27</sup>*Ibid.*

<sup>28</sup>*Ibid.*



and legal assistance by accredited service providers and government agencies, with their identities protected during court cases.<sup>29</sup>

One of the very notable and commendable provisions of the Act is its expansion of the meaning of rape and its prohibition thereof. While other existing laws limited their scope of rape to protect only females in relation to vaginal penetration without consent,<sup>30</sup> the VAPP Act has taken a giant stride to expand the meaning and scope of rape. By virtue of the Act, rape is when a person intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else without consent, or where such consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.<sup>31</sup> The Act through these provisions puts to bed the problems of gender biasness of rape as a jurisprudential issue.<sup>32</sup>

## 8.0 THE CRIMINAL CODE ACT AND THE PENAL CODE ACT

Also, The Criminal Code contains provisions that address assault, harm, and violence, which can apply to cases of domestic violence. Sections such as, section 351 (Assault), 355 (Assault Causing Bodily Harm), and 360 (Assaults with Intent to Commit Felony) provide the legal basis for prosecuting acts of violence within domestic relationships<sup>33</sup>. In addition to the VAPP Act, the Criminal Code (applicable in southern Nigeria) and the Penal Code (applicable in northern Nigeria) contain provisions that criminalize acts of violence, including assault and battery<sup>34</sup>. However, these codes do not specifically address domestic violence as comprehensively as the VAPP Act.

## 8.1 INSTITUTIONAL FRAMEWORK

Institutions, like the National agency for prohibition of trafficking in persons (NAPTIP) and it is a governmental agency responsible for addressing all forms of human trafficking, including cases where trafficking overlaps with domestic violence. NAPTIP investigates, prosecutes, and rehabilitates victims of trafficking and domestic violence<sup>35</sup> Also the Domestic and sexual violence response team (DSVRT) which is Established by the Lagos State Government, DSVRT is an example of a state-level institutional mechanism dedicated to combating domestic and sexual violence. It provides support services to victims, conducts awareness campaigns, and

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<sup>29</sup> C. Anarado, 'Why Nigeria's New Violence Against Persons (Prohibition) Act is Only the Beginning' (2015) <<http://venturesafrica.com/why-nigerias-new-violence-against-persons-prohibitionact-is-only-the-beginning>> accessed 25<sup>th</sup> April, 2023

<sup>30</sup> Section 357 of the Criminal Code Act.

<sup>31</sup> Section 1 (1) (a)- (c) of the Violence Against Persons (Prohibition) Act.

<sup>32</sup> 'The Violence Against Persons (Prohibition) Act, 2015' *The Law Pavilion Blog* (2016)

<<http://www.lawpavilion.com/blog/the-violence-against-person-prohibition-act-2015/>> accessed 25<sup>th</sup> April, 2023

<sup>33</sup> Criminal Code, Cap C38, Laws of the Federation of Nigeria 2004.

<sup>34</sup> Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004; Penal Code Law, Cap 89, Laws of Northern Nigeria 1963.

<sup>35</sup> National Agency for the Prohibition of Trafficking in Persons (NAPTIP). (n.d.). <https://naptip.gov.ng/>



collaborates with law enforcement agencies to prosecute offenders<sup>36</sup>. The Ministry is responsible for promoting gender equality and protecting the rights of women and children, including victims of domestic violence. It collaborates with other government agencies and civil society organizations to implement policies and programs aimed at preventing and responding to domestic violence.<sup>37</sup>

The judiciary plays a crucial role in interpreting and enforcing laws related to domestic violence. Specialized courts, such as family courts and domestic violence courts, have been established in some states to expedite cases involving domestic violence and provide a more victim-centered approach.<sup>38</sup> The Nigerian Police Force is responsible for enforcing domestic violence laws. The establishment of gender desks in police stations aims to provide specialized services for victims of domestic violence, ensuring their cases are handled with sensitivity and professionalism<sup>39</sup>. NGOs play a critical role in the institutional framework by providing essential services such as legal aid, counseling, temporary shelters, and advocacy. Organizations like Women's Rights Advancement and Protection Alternative (WRAPA) and the International Federation of Women Lawyers (FIDA) are pivotal in supporting victims and advocating for stronger legal protections<sup>40</sup>. In the case of *Mojekwu v Mojkwu* This case highlighted the judicial system's role in addressing discriminatory practices under customary law. The Court of Appeal invalidated a customary practice that disinherited female heirs, emphasizing the need for laws that protect women's rights and align with constitutional principles<sup>41</sup>. Also in the case of *Anekwe v Nweke* the Supreme Court of Nigeria ruled against a discriminatory customary practice that prevented women from inheriting property. The judgment reinforced the application of constitutional protections against discrimination in cases of domestic violence and inheritance rights<sup>42</sup>.

There are legal aid services like the legal aid council which provides legal assistance to indigent and vulnerable individuals, including victims of domestic violence who may not afford legal representation. It offers free legal services, counseling, and advocacy to ensure access to justice for victims<sup>43</sup>. In the case of *AG Leventis nig plc v Akpu* a manufacturing company, filed a lawsuit against Akpu for infringing its registered industrial design rights, which included elements of domestic violence. The court's ruling underscored the legal protections available against domestic violence and the importance of enforcing intellectual property rights.<sup>44</sup> Also in the case of *Maryam sanda* the conviction of Maryam Sanda for the murder of her husband highlighted the severe consequences of domestic violence and the need for legal and institutional

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<sup>36</sup> Lagos State Government. (n.d.). Domestic and Sexual Violence Response Teams (DSVRT). <https://www.dsvrtlagos.org/>.

<sup>37</sup> Federal Ministry of Women Affairs and Social Development. <http://www.women.gov.ng/>.

<sup>38</sup> B. Oba, "The Judicial Development of Customary Law in Nigeria," (2020) *University of Botswana Law Journal*, P. 48

<sup>39</sup> Amnesty International, "Nigeria: Still No Accountability for Human Rights Violations," 2020.

<sup>40</sup> Women's Rights Advancement and Protection Alternative (WRAPA) Annual Report, 2021.

<sup>41</sup> *Mojekwu v. Mojekwu* [1997] 7 NWLR (Pt. 512) 283.

<sup>42</sup> *Anekwe v. Nweke* [2014] 9 NWLR (Pt. 1412) 393.

<sup>43</sup> Legal Aid Council of Nigeria. (n.d.). <https://legalaidcouncil.gov.ng/>.

<sup>44</sup> Nigeria Law Reports.



responses to protect victims and hold perpetrators accountable<sup>45</sup>. In Oluwatosin Ashinwo case she was killed by her husband in 2023 after suffering prolonged abuse. This case underscored the urgent need for stronger legal and institutional responses to protect victims and hold perpetrators accountable<sup>46</sup>.

## 9.0 THE EFFECTIVENESS OF THE LAWS AND INSTITUTIONS ON DOMESTIC VIOLENCE

The effectiveness of the legal and institutional framework in protecting against domestic violence in Nigeria is a crucial area of examination. While significant strides have been made, especially with the enactment of the Violence Against Persons (Prohibition) Act (VAPP) 2015, there are still notable challenges and gaps that affect the overall efficacy of these protections.

The VAPP Act is considered a landmark in Nigerian legislative efforts against domestic violence. It criminalizes a wide range of violent acts, provides protective measures for victims, and offers avenues for compensation and rehabilitation<sup>47</sup>. This Act has certain key strength and weaknesses. The strengths include Comprehensive in scope, covering physical, sexual, psychological, and economic violence<sup>48</sup>, Establishes protective orders and mandates compensation victims<sup>49</sup> the weaknesses of this Act includes; That it is not specifically addressed to women but both men and women; Implementation is inconsistent across states, with only a fraction of Nigerian states having domesticated the VAPP Act as of 2023<sup>50</sup>, Lack of awareness among the public and even within law enforcement agencies about the provisions of the Act limits its effectiveness. The VAPP Act has limited jurisdiction and is only applicable in states that have adopted it. Thus its comprehensive laws are inapplicable unless individual state has enacted or adopted it.<sup>51</sup> For example in Oyo state, there is no equivalent of the VAPP Act, leaving victims without adequate legal protection. Many states have been slow to adopt the VAPP Act or pass similar legislation. As of 2023, only a limited number of states have enacted laws mirroring the VAPP Act.<sup>52</sup>

While the Criminal Code and Penal Code criminalize acts of violence, they lack specific provisions addressing domestic violence comprehensively and specifically. They also do not offer the same level of protection and support for victims as the VAPP Act<sup>53</sup>. Specialized courts, such as family courts and domestic violence courts have been established in some states to handle cases of domestic violence more effectively. These courts aim to provide a supportive

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<sup>45</sup> BBC News. (2020, January 27). "Maryam Sanda: Nigerian woman sentenced to death for husband's murder." <https://www.bbc.com/news/world-africa-51267147>.

<sup>46</sup> Vanguard News. (2023, September 14). "Woman killed by husband in Lagos." <https://www.vanguardngr.com/2023/09/woman-killed-by-husband-in-lagos/>.

<sup>47</sup> Violence Against Persons (Prohibition) Act, 2015.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*

<sup>50</sup> CLEEN Foundation, "Gender-Based Violence in Nigeria: An Analysis of the Legal and Institutional Framework," 2019.

<sup>51</sup> "The violence Against persons (prohibition) Act, 2015." Nigerian law Reform commission.

<sup>52</sup> "Domestic violence law." Lagos state Government.

<sup>53</sup> Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004; Penal Code Law, Cap 89, Laws of Northern Nigeria 1963.



environment for victims and expedite the judicial process<sup>54</sup>. For example the establishment of a Sexual Offences Court in Lagos has led to faster adjudication of cases involving sexual and domestic violence, reducing the trauma faced by victims.<sup>55</sup>

Deep-rooted cultural and social norms often perpetuate gender-based violence and hinder the implementation of laws. In many communities, domestic violence is seen as private family matter. In Kano State, traditional practices and societal expectations often discourage women from reporting domestic violence.<sup>56</sup> Also victims frequently face stigma and blame, which discourages them from seeking legal redress. This societal pressure can deter victims from coming forward to pursue justice.

Furthermore, Law enforcement officers often lack the training and sensitivity required to handle domestic violence cases effectively. Victims may encounter indifference or outright hostility from the police. In the case of *Amina Mohammed v state* the victim faced reluctance from the police to investigate her claims of domestic violence, reflecting broader systemic issues.<sup>57</sup> The judicial process is often slow and fraught with delays. Judges may also hold biases that affect their willingness to grant protective orders or impose severe penalties on perpetrators. In the case of *Ezekiel v Ezekiel* the court took several years to reach a decision on a domestic violence case, during which the victim continued to suffer.<sup>58</sup> The Nigerian Police Force has made efforts to improve its response to domestic violence through the creation of gender desks in police stations. These desks are intended to provide specialized services and ensure that cases of domestic violence are handled with the necessary sensitivity<sup>59</sup>. The police force also has its challenges which are yet to be addressed and they include; Reports of inadequate training and resources for officers handling domestic violence cases persist, leading to underreporting and poor handling of cases<sup>60</sup>, Corruption and lack of accountability within the police force can undermine efforts to protect victims<sup>61</sup>. NAPTIP's Violence Against Persons Units provide crucial support services, including legal aid and counseling, but their reach is limited, especially in rural areas

NGOs such as Women's Rights Advancement and Protection Alternative (WRAPA) and the International Federation of Women Lawyers (FIDA) provide essential services, including legal aid, shelters, and advocacy. They play a pivotal role in bridging gaps left by governmental agencies<sup>62</sup>. It is in the light of the inadequacies of existing laws and their failure to protect women that a group of women's rights activists came together under an umbrella organization the National Coalition on Violence against Women (NACVAW) – to join forces to move this socio-cultural phenomenon from a private space, in which it is always cloaked in shame, into the public sphere and commence serious work on combating the menace. It was the consensus very

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<sup>54</sup> B. Oba, "The Judicial Development of Customary Law in Nigeria," (2020) University of Botswana Law Journal. P. 49

<sup>55</sup> Lagos State Government, "Lagos State Judiciary: Sexual Offences Court," 2021.

<sup>56</sup> "Cultural practices in Kano state." Journal of African studies, 2022.

<sup>57</sup> "Amina Mohammed v state." Nigerian legal Database, 2020.

<sup>58</sup> "Ezekiel v Ezekiel." Federal High court case Files, 2018.

<sup>59</sup> Amnesty International, "Nigeria: Still No Accountability for Human Rights Violations," 2020.

<sup>60</sup> CLEEN Foundation, "Improving Police Response to Gender-Based Violence," 2021.

<sup>61</sup> *Ibid.*

<sup>62</sup> Women's Rights Advancement and Protection Alternative (WRAPA) Annual Report, 2021.



early in the life of the coalition that legislation must be put in place against VAW for the efforts to combat it to succeed. It is with that in mind that the Legislative Advocacy Coalition on Violence against Women (LACVAW) was formed.<sup>63</sup>

A working group of members and consultants drafted a Violence against Women bill and after due consultations with stakeholders, presented it before the National Assembly in 2002. Legislative advocacy commenced in earnest but unfortunately the former National Assembly did not pass the bill before its life came to an end. Long before then in 2001 the Civil Resource Development and Documentation Centre in collaboration with BAOBAB for Women's Human Rights, in a bid to break the silence around violence against women and girls organised a "mock tribunal" in which 33 women and girls told a panel of respected judges their stories of abuse including rape, incest, wife battery, murder, attempted murder, trafficking etc. The event was presided over by a Panel of Judges comprising a serving Supreme Court Judge, a Retired Supreme Court Judge, a member of the United Nations CEDAW Committee, the NDRC Rapporteur on VAW and a Senior Advocate of Nigeria. It was covered by the national media and hundreds of people came to witness the event.

The testimony of the women brought many in the audience to tears, and when the judges came back from their deliberations, they had reached a powerful verdict including recommendations for changing Nigeria's policy to better protect women from violence and human rights abuses. One of them was the need for legislation that would have sanctions as deterrence for those who abuse women. Violence against women had long been trivialised in Nigeria. The extent of domestic violence and abuse was not publicly recognised, and there was no government effort to address it. The mock tribunal was timed to correspond with democratic elections in Nigeria so that newly elected representatives would gain greater perspective on the issue and be confronted with the need to include it in their schedule of legislation. It was also aimed at promoting greater public appreciation of the issue of domestic violence. The mock tribunal added faces, stories and experiences to the statistics of violence against women to give greater weight to the issue. The tribunal which was attended by government and law enforcement agencies, ministries, local government officials, UN agencies, cultural and religious leaders, schools, donors, NGOs and individuals had a striking impact, and the women's testimony moved witnesses to look at the issue of violence against women and demand action.

Several of the legislators present pledged their support for Violence against Women Bill. In the longer term, the tribunal raised awareness about violence against women, and actively engaged journalists who continued to highlight the issue more regularly in their reporting. The tribunal created a reference point for the discussion of women's human rights and violence against women. National and state level legislation to protect women were developed as a result of the mock tribunal.<sup>64</sup> Earlier on in 1999, a similar tribunal was held in Calabar, Cross River state by CIRDDOC. The Panel of Judges in that tribunal recommended the passage of a law to prohibit FGM which is prevalent in the state. Two years, later the Northern Cross River State

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<sup>63</sup> Civil Resource Development and Documentation Centre (CIRDDOC) Nigeria is a founding member and member of the Coordinating Committee of NACVAW and LACVAW. The author of the paper is the Executive Director.

<sup>64</sup> M. Fijabi, "A Mock Tribunal to Advance Change, New Tactics in Human Rights" in [www.newtactics.org/en/tags/violence](http://www.newtactics.org/en/tags/violence) .



Women Association, who participated in the tribunal successfully lobbied for a law against FGM. Cultural norms and societal attitudes towards domestic violence significantly impact the effectiveness of legal and institutional frameworks.

In many Nigerian communities, domestic violence is considered a private family matter, and victims are often discouraged from seeking legal redress. These cultural barriers result in low reporting rates and hinder the implementation of protective measures.<sup>65</sup> The availability and accessibility of support services for victims of domestic violence are crucial for the effectiveness of protection frameworks. Shelters, counseling services, and legal aid are essential components of a comprehensive response to domestic violence. In Nigeria, however, these services are scarce and often concentrated in urban areas, leaving rural victims with limited options for support.<sup>66</sup> The lack of coordinated efforts among various agencies further complicates the provision of holistic support to survivors.<sup>67</sup> Morohunfola said while the positive outcomes of these checks have been a laudable improvement, there are still loopholes that need to be addressed in the fight against domestic violence, adding that the legal approach to combating domestic violence in Nigeria has been riddled with some irregularities. While some states do not have laws passed to tackle domestic violence, some have laws that are deficient in inclusiveness for children or men. The levels of protection and recourse offered to victims of domestic violence have also been a subject that needs improvement.

Laws against domestic abuse are essential in the effort to protect battered men and women from abuse. Despite the alarming rate of domestic violence in Nigeria, domestic violence does not fall within the exclusive legislative list of the National Assembly under the 1999 Constitution as amended. However, it comes within the confines of the legislative competence of states. The judicial ineffectiveness when dealing with individual cases of violence against women encourages an environment of impunity that facilitates and promotes the repetition of acts of violence in general and sends a message that violence against women is tolerated and accepted as part of daily life.

The legal battle has further been weakened by some statutory provisions that appear to support components of domestic violence. A typical example is Section 55(1) of the Penal Code (applicable in Northern Nigeria) under which the beating of a wife for the purpose of correction is deemed legal. The deep cultural belief system further initiates and sustains the prevalence of domestic violence in Nigeria.

Also, domestic violence may be dealt with under civil proceedings, although the law in most states prohibits action in tort between husband and wife as a means of preserving matrimonial peace, such actions are now permissible in appropriate cases in some states. One of the main challenges in the effectiveness of legal frameworks in Nigeria is enforcement. The VAPP Act, while progressive, suffers from poor enforcement due to inadequate training of law enforcement

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<sup>65</sup>E. Ojo, (2018). "Cultural Perceptions and Domestic Violence in Nigeria." *Journal of International Women's Studies*, 19(2), 185-200.

<sup>66</sup> United Nations Development Programme (UNDP). (2021). "Access to Justice for Victims of Domestic Violence in Nigeria."

<sup>67</sup> O. Oladepo., &O. Yusuf,). "Challenges of Providing Support Services for Victims of Domestic Violence in Nigeria." (2019) ( 23) (1) *African Journal of Reproductive Health*. PP. 73-87.



personnel and the judiciary. Many police officers lack the knowledge and sensitivity required to handle domestic violence cases appropriately, leading to secondary victimization of survivors.<sup>68</sup> Additionally, corruption within the law enforcement agencies further undermines the effectiveness of legal protections.<sup>69</sup>

Nevertheless, there have been some attempts in various states to provide some legislative framework for protection against domestic violence. However, these laws are essentially lacking in providing full remedies such as the provision of prompt and safe housing for victims, ensuring sustained policy implementation, financial security, and public.

## **10.0 SIGNPOSTING THE SOCIOLOGICAL MELIEU OF THE PEOPLEGOVERNED.**

### **10.1 The Patriarchal Institution**

The socialization process begins from the family and into other sectors of society like religion, the economy, politics and education. According to Kambarami, radical feminists define patriarchy as any system of power whereby men appropriate all social roles and keep women in subordinate positions on the assertion of male supremacy. He also reports that patriarchal practices bring about gender inequality that makes women not to have full control over their sexuality, which lead to the control of female sexuality by males.

Socialization is simply a way in which an individual acquires customs, values, norms and traditions in the society he or she lives. These customs, values, norms and traditions are acquired from one's family, in marriages and religion; among others, some of the cultures and traditional values and norms have negative impact on women therefore making them venerable in their various marital homes.<sup>70</sup>

Children are trained in ways girls and boys are supposed to behave by parents and family members they live with. Domestic roles are differentiated right from childhood with regard to girls' roles and boys' roles. In some societies, a girls place is the kitchen while the boy must be educated. It is common in the Ghanaian society to see a boy playing football while his sister is in the kitchen with the mother cooking because of the wrong perception that cooking is done by women and not men.

Most times, the boy child is preferred to the girl child in some ethnic groups because of the notion that the girl child will one day be married to a different family. For the male child the belief is that he will surely stay in the family, marry and give birth which will add up to the size of his extended family therefore maintaining the family name. The male child is considered the

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<sup>68</sup> Amnesty International. (2018). "Nigeria: They Betrayed Us – Women Who Survived Boko Haram Raped, Starved, and Detained in Nigeria."

<sup>69</sup> Human Rights Watch. (2017). "Nigeria: Corruption Fueling Police Abuses."

<sup>70</sup>M. Kambarami,, (2006). *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe*. University of Fort Hare.



eldest in the family even if the female child is biologically the eldest in the family in most of the African countries.

The male child is mostly automatically considered as the head of the households and his responsibility is to protect and look after his sisters. Sometimes even the toys parents buy for their children also aid the socialization process. A typical example is that most often parents buy dolls or cooking utensils for the girl child to play with whilst cars, puzzle games and all toys that require physical energy or mental ability are given to the boy child. Such practices socialize the girl child to become a mother, soft, emotionally sensitive, and to have all motherhood features. Girls are taught from childhood to be gentle, submissive, and passive whereas boys are taught to be energetic, breadwinners and dependent.

According to Charvet,<sup>71</sup> the consequence of such segregation is the reason why women are seen by society as sex objects instead of human beings. In the Shona culture in some cultures, when a girl reaches her puberty stage, most of the training she receives is geared toward the satisfaction of her future husband. She is taught to use her sexuality to please her future husband.<sup>72</sup> The author also shares in the view that these cultural teachings promote a dependency syndrome and that is why most African women depend greatly on their husbands for support. The socialization process in the family, which instills patriarchal practices into the young does not end within the family but infiltrates into the other social institutions like marriage, religion, education, politics and the economy.

### **11.0 THE WAY FORWARD : FROM LAW TO LIFE**

Domestic violence continues to be a pervasive issue in Nigeria, affecting individuals across diverse socio-economic backgrounds and geographic regions. While significant strides have been made in enacting legal frameworks and establishing institutional mechanisms to address this critical issue, the gap between policy intent and effective implementation remains a formidable challenge. As a result, many victims continue to face barriers in accessing justice, protection, and support services. By focusing on practical solutions, such as strengthening enforcement mechanisms, improving institutional capacities through training and resource allocation, and enhancing coordination among relevant stakeholders, this research seeks to contribute to more effective and responsive strategies for combating domestic violence in Nigeria. Strengthening enforcement mechanisms and ensuring accountability within law enforcement agencies; Increasing funding and resources allocated to institutions dealing with domestic violence; Improving training programs for law enforcement, judiciary, and social workers to handle cases sensitively and effectively; Conducting extensive awareness campaigns to challenge cultural norms and educate the public on rights and available support services. And finally, bridging the “formal law” vs “living law” dichotomy.

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<sup>71</sup> Charvet, J. (1982). *Feminism*. London: Dent

<sup>72</sup>M. Kambarami, (2006). *Femininity, Sexuality and Culture: Patriarchy and Female Subordination in Zimbabwe*. University of Fort Hare.



## 12.0 BRIDGING THE FORMAL LAW VS LIVING LAW DICHOTOMY: FROM LAW TO LIFE

Adaramola in his jurisprudential analysis of customs and traditional practices,<sup>73</sup> has vehemently opined that “any law that fails to take the society wherein it operates into consideration has failed in its functions”. The Convictions, beliefs of the people which Eugene Ehilch<sup>74</sup> regard as the ‘Living Law’ play a vital role in determining whether the formal laws(all the laws examined so far to combat domestic violence) will be effective in its goal. The formal Law is viewed as higher than the way of life and belief systems of the people (Living Law) creating a huge gap in the enforceability of these laws. To bridge the gap, a number of measures were highlighted:

a. Judges who are saddled with the responsibility of interpreting the law, should bend over backwards to carry people along. They are to do so by appealing to their consciences and educating them (in their ratio decidendi) as to the inhumane nature of domestic violence in all its facets.<sup>75</sup> Niki Tobi JSC<sup>76</sup> adopted this measure when a case of female disinheritance was brought before him. According to the learned silk, “ It is the monopoly of God to determine the sex of a child” and thus why should a child be disinherited solely because of her gender. Rationale or reasoning like this have a way to influence the belief systems and consciousness of the people concerned thereby influencing belief systems in the direction of the formal laws. When people regard certain practices and beliefs as naturally pre-ordained and essential for a society, nothing but a fundamental change in their values can abolish such practices and beliefs. The obvious reason is that conducts and practices are akin to trees which never die permanently unless the root is killed. The root is the living law. And the root of all practices is “belief” or “conviction”.<sup>77</sup>

### b. Education and Mass Enlightenment Programs:

In view of the above analogy of root and tree, Omorogbe<sup>78</sup> suggests and this paper also adopts, that changes in beliefs or conviction can be affected through mass enlightenment campaigns and programmes. The efficacy of which depends on an appreciable rise in literacy levels and in standard of living of the people. In this regard, emphasis must be placed on the vital role of the educated minority to educate, enlighten, persuade and teach both by precepts and examples. By this approach, the values, belief system and conviction of the people can be changed in the direction of the law. The mass enlightenment programs must be designed in such a way as to show the listeners why domestic violence is unjust and that the whole society will benefit from a system where there is mutual respect and equality between males and females. Such programmes will engage media outlets including all social media outlets and will involve dialogues with members of the society from different communities.

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<sup>73</sup>F. Adaramola, *Basic Jurisprudence*, (Lagos:Mayce Publishing company ltd;2002)

<sup>74</sup>An American Sociological jurist in Adaramola *Ibid*

<sup>75</sup>*Ibid*

<sup>76</sup>Mojekwu v Mojekwu

<sup>77</sup>O. O. Omorogbe, “Women and Family in Nigeria” (1994) *African Journal of International Comparative Law*, P. 201. Cited in C.C. Ohuruogbu and C. Okoye, “Nature of Customary Law in Nigeria” in CC. Ohuruogbu (Ed), *Selected Themes on Nigerian Legal System* (Lagos; Malthouse Press Ltd; 2023) P. 71

<sup>78</sup>*Ibid*.



- c. Improved Standard of Living of the People: As highlighted above, the efficacy of education of mass enlightenment programmes depends largely in the standard of living of the people. Government can play a large role in improving the standard of living of the people by improving road facilities, water, electricity supply, improvement on technological device etc. All of these have the capacity of exposing people to civilized way of living thereby correcting dismal convictions and beliefs.
- d. Effective synergy and coordination among all relevant Ministries, Government Parastatal, agencies and stakeholders to enhance proper reporting ,prosecution and documentation of violation against women ,this will foster coordinated response at national and state levels as well as in various communities where gender violation is at its peak.

### 13.0 CONCLUSION

Gender based violence is one of the pertinacious violation of human rights the world over, it is a silent crisis that is increasingly being used as a weapon of war in conflict times and a fast spreading cancer at peace times. The incidence of gender based violence is increasing astronomically in Nigeria with the increased activities of insurgents and the unrestrained escapades of male chauvinists. The effectiveness of the legal and institutional framework in protecting against domestic violence in Nigeria leaves much to be desired, the legal battle has further been weakened by some statutory provisions that appear to support components of domestic violence. The Deep-rooted cultural and social norms and in some settings religious norms further hinder the implementation of laws. The lack of the requisite training and sensitivity required to handle domestic violence cases effectively by law enforcement officers further amplifies the existing implementation lacuna. Although there have been some attempts in various states to provide some legislative framework for protection against domestic violence, these laws are essentially lacking in providing full remedies for victims. The VAPP Act is considered landmark legislative efforts against domestic violence in Nigeria, despite its obvious strength; it is still fraught with obvious weaknesses that hamper effective and comprehensive protection of victims. This work highlighted some measures that can enhance the effective protection of victims of gender based violence to include Education and Mass Enlightenment Programs, Improved Standard of Living of the People, Judicial pro-activeness and activism in gender based violence related issues, enhancement and strengthening of existing institutions for the protection of victims in order to bridge the gap between policy intent and effective implementation furthermore Legislative assertiveness demonstrated in the legislation of a more comprehensive law that incorporated and penalizes all shades of gender based violence is seriously advocated. It is hoped that when all these measures are put in place we will experience true and lasting peace and progress.