

THE PREVALENCE OF DOMESTIC VIOLENCE AGAINST WOMEN IN NIGERIA: CAUSES AND CONSEQUENCES

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Abstract

Domestic violence is a global phenomenon that has affected women all over the world. It violates the fundamental human rights of women in the society. Domestic violence has devastating effect on women and it is one of the wide spread violation of right directed against women. Women often experience domestic violence than men due to the society and the incidence of regarding women as the weaker vessel who are expected to be submissive to their husbands. It is a threat to the political cultural, social and economic development of the society. Amongst the various forms of domestic violence, physical abuse is the most common form of violence which often leads to the death of the victim. Most cases of domestic violence are not reported by the victims because of the fear of being stigmatized and also due to the fact that it is seen as a private matter. This work identified the prevalence of domestic violence against women in Nigeria, its causes, consequences and relevant legislative frame work. The relevant primary and secondary source were examined and relied upon in this work. It however concluded that domestic violence against women is a common phenomenon in Nigeria that needs the prompt intervention of the state, security agents and non-governmental organizations.

Keywords: Domestic Violence, Causes, Consequences, Nigeria, Human Rights

Introduction

Women are important to the growth and development of any nation and the world at large, they constitute half of the world's population and they are homemakers, custodians of social, cultural and fundamental values of the society.¹ According to Alokun, Full community development would not be achieved without the understanding, cooperation and effect participation of women in the society.² Considering the importance of women as mother, sometimes breadwinners, teachers and guardians, they deserve respect,

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¹ F. B Alokun, Domestic Violence against Women: A family Menace. 1st Annual International Interdisciplinary Conference (AIIC) April 2013, Azores, Portugal.

p.101

² Ibid

recognition and better treatment but the opposite is often the case.³ Women are enslaved in a circle of poverty and they suffer from neglect, discrimination, abuse, emotional trauma and exploitation, they are also subjected to different forms of violence by their male counterparts.⁴ According to the World Health Organization, about 40%-70% of murder of women is caused by domestic violence or physical abuse by intimate partners.⁵ Domestic violence is a common phenomenon at the local and international level. Domestically violent behaviour seeks its appearance from the character of the perpetrator, societal belief, domestic behaviour and incidences of abuse in the homes.⁶ Violence against women has long been recognized as not only a violation of women's human rights but also as an impediment to the enjoyment of many rights. Countries, therefore, have the obligation to take active steps to eliminate violence against women.⁷ To some people, women are seen as lacking initiatives and are to be guided and monitored;⁸ this notion arose from the fact that African society has some sex role assumption for both male and female which has led to the belief that the right to life of the woman is dependent on the man.⁹ Domestic violence encourages damaging effects such as depression, low self-esteem etc. For instance it has been estimated that in the United States of America, between two to four million women are victims of domestic violence every year.¹⁰

Women who are victims of domestic violence do not share their experience with others or report to the law enforcement agents, health officials who can help them due to the fear of what the society would think of them, respect for tradition, fear of retaliation and ignorance of the victim. They are prepared to remain in the abusive relationship until it gets out of control. The culture of

³ Ibid

⁴ A. Davies, 'Violence Against Women and its Effects. 2(2)(1999), *Journal of Personal Guidance*, 78-85.

⁵ World Health Organisation (2002). Intimate Partner Violence

⁶ F. Jura, and R. Bukaliya, 'Domestic violence: Causes and Implications for the Education System' 2(4)(2015) *International Journal of Research in Humanities and Social Studies* 62-63

⁷ C. Onyemelukwe, 'Legislating on Violence against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015', 5(2)(2016) *DePaul Journal of Women, Gender and the Law* 25

⁸ B. Olujimi, *Integrating Women In Nigeria Polity for Growth and Development: Perspectives from Obasanjo's Administration (1999-2007)* In Kehinde A. Gender and Development. Essential Readings. (Ibadan: Hope Publications Ltd, 2009) 69

⁹ A. A. Adebayo and O. T. Kolawole, 'Domestic violence and Death: Women as Endangered Gender' 3(3) (2013) *American Journal of Sociological Research* 55-56

¹⁰ P. Colleen, 'The Impact of Domestic Violence on Society', 1(2004) *P B & J* 22 <http://www.wtamu.edu> accessed 27 August 2017

silence and stigmatization of victims of domestic violence hinders public acknowledgment of the problem.¹¹ This often occurs because the woman being abused has no place to run to, no money to be on her own and are sometimes faced with the risk of losing their children and sometimes when the cases are reported to the police for intervention, such victims are left to their plight.¹² The aim of this paper is to examine the meaning of domestic violence from different perspectives, various forms of domestic violence, causes and consequences of domestic violence and the legal framework against domestic violence in Nigeria,

Meaning of domestic violence

Domestic violence is an abuse of the fundamental human right of the victim and an abuse of power in a relationship displayed by assertions of verbal, physical, emotional and psychological control.¹³ It is a form of abusive behaviour in any relationship that is used by one partner to maintain a sense of control over the other;¹⁴ it repeats itself in a cycle of events which, in the absence of any intervention could spread out of control.¹⁵ It occurs without regard to race, age, sexual orientation or religion. According to Nwakwo, domestic violence is the intentional and persistent abuse of anyone in the home in a way that causes pain, distress or injury, it is a common occurrence throughout Nigeria and “wears many faces”, it involves disrespect and powerlessness that runs through women’s lives.¹⁶ Scott and Marshall argued that domestic violence is specifically male violence against women; they argued further that it is a reflection of gender inequalities in power and of women oppression.¹⁷ Seimeniuk, Krentz, Gish and Gill stated that domestic violence, has many forms, which include physical aggression or assault (hitting, kicking, biting, shoving, restraining, slapping, throwing objects), or threats, sexual abuse, emotional abuse, controlling or domineering,

¹¹S. A. Ishola, ‘Domestic Violence: The Nigerian Experience’, 13(2016) *Asia-Africa Journal of Mission and Ministry* 3-4

¹² H. Nwozo H. ‘Culture of Silence and Domestic Violence: The Death of Nkechi and Unborn Child. True Story’. The Nigerian Voice Feb. 9, 2012. <http://www.thenigerianvoice.com/news/82327/1/culture-of-silence-and-domestic-violencethe-death.html> Accessed 25 August 2017

¹³ Jura and Bukaliya, supra note 6

¹⁴ Colleen supra note 10

¹⁵ Jura and Bukaliya, supra note 13

¹⁶ O. Nwankwo, *Manual on Domestic Violence*, (Enugu: Fourth Dimension Publishing Co. Ltd, 2003) 7

¹⁷ J. Scott, and M. Gordon, *An Oxford Dictionary of Sociology*. (New York: Oxford Press, 2009)

intimidation, stalking, passive/covert abuse otherwise known as neglect, and economic deprivation.¹⁸

Ahiie defines domestic violence as any abusive treatment of one's family member by another, thus violating the law of basic human rights.¹⁹ It includes battering of intimate partners and others, sexual abuse of children, marital rape and traditional practices that are harmful to women.²⁰ It is a pattern of abusive behaviour by one partner against another in an intimate relationship such as marriage, dating, family or cohabitation.²¹ Domestic violence is regarded as a serious human right violation and an important global health problem; it has negative consequences on the women's health.²² Domestic violence has also been confirmed by the report of amnesty international where it stated that:

*On a daily basis, women are beaten and ill-treated for supposed transgressions, raped and even murdered by members of their family. In some cases, vicious acid attacks leave them with horrific disfigurement. Such violence is too frequently excused and tolerated in communities and not denounced.*²³

The Nigerian society is bedeviled with various forms of violence against women, such as the husband beating or killing their wives at the slightest provocation, father sexually assaulting their children. For instance in the case of Roselyn, her husband beats her at the slightest disagreement. For the eight years she lived with him, Roselyn was beaten more than 60 times. Sadly, her 16-year old son witnessed several sessions of the ugly incident.²⁴ With each scar, came a sting of pain in her heart that kept multiplying until she ran for her dear life.²⁵ Filled with regrets at the turn of events in her life, Roselyn

¹⁸ R.A. Siemienuk, H.B Krentz, J.A Gish and M.J Gill, (2010). Domestic Violence Screening: Prevalence and Outcomes in a Canadian HIV Population (2010). *AIDS Patient Care and STDs.* ; A. Stark, and J. McEroy, 'Middle class violence' 4(2001). *Psychology Today.* 52-65.

¹⁹ O. N Ahiie, 'Prevalence of Domestic Violence in Nigeria: Implications for Counseling'. (2009) *Edo Journal of Counseling*, p1

²⁰ Ibid

²¹ Alokun, supra note 1 at 100-105

²² D. Rapp, B. Zoch, M. Khan, T.Pollman, A. Kramer, 'Association between Gap in Spousal Education and Domestic Violence in India and Bangladesh', 2 (2012) *BMC Public Health*, 467

²³ Amnesty International, *Nigeria: Unheard Voices* (2005),

<http://web.amnesty.org/library/index/engaf440042005> accessed 27 August 2017

²⁴ K. Halim and V. Wisdom, 'Abused Battered, Abandoned and Horrible Stories of Nigerian Women who Survived Violent Murderous Spouses. The Sun Newspaper (May 21 May 2016) www.sunnewsonline.com accessed 09 September, 2017

²⁵ Ibid

said she would have called it quits, because her husband told her his father used to beat his mother a lot. While beating her, he tells her, 'my father used to beat my mother and she didn't die, if I beat you, you will not break, you are not an egg.'²⁶ When she went to the police station to lay a complaint, she was asked to bear it or seek a divorce.²⁷

Domestic violence can happen to anyone irrespective of race, age, sexual orientation, religion or gender, it can happen to couples who are married, living together or who are dating, it affects people of all socioeconomic backgrounds and education levels.²⁸ The United Nations Declaration on the Elimination of Violence against Women defines domestic violence against women as any act of gender-based violence that results in or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private.²⁹ It is the pattern of behaviour in any relationship which is used to gain or maintain control over an intimate partner.³⁰ It is an intentional and persistent abuse of anyone in the home in a way that causes pain, injury or death; it is regarded as an abusive treatment of one family member by another, thus violating the right of the victim.³¹ Domestic violence constitutes cruel, inhuman and degrading treatment which causes severe physical or mental pain.³²

The Violence against Persons (Prohibition) Act³³ defines domestic violence as any act perpetrated on any person in a domestic relationship where such causes harm or may cause imminent harm to the safety, health or well-being of any person.³⁴

²⁶ *ibid*

²⁷ *Ibid*

²⁸ A. K.. C Mohiuddin and S. Morium, 'Domestic Violence against Women: a Historic and Socio-Cultural Reality in Bangladesh', 11(26) (2015) *European Scientific Journal* 243-244

²⁹ United Nations. *Declaration on the Elimination of Violence Against Women*. Paper presented at the United Nations General Assembly, New York.1993

³⁰ National Domestic Violence Hotline, from US Department of Health and Human Services (HHS).Report on Domestic Violence.2013

³¹ O.N.Ahiie, L.L.Dahlberg, and E. G Krug, *Violence – A Global Public Health Problem* In King E, J .A. M Dahlberg1, and A. B. Zwi, R. Lozano (eds.) World Report on violence and health. Geneva. Switzerland: WHO,2002) 1-56.

³² UNICEF. Domestic violence against women and children. 2000
https://www.unicef.org/malaysia/ID_2000_Domestic_Violence_Women_Girls_6e.pdf accessed 25 August 2017

³³ 2015

³⁴ Violence Against Persons (Prohibition) Act, 2015, s.46

Forms and types of domestic violence

At one point or the other, victims of domestic violence often experience one or all the various forms and type of domestic violence which often affects them negatively. These form and types of domestic violence are examined below:

(a) Physical abuse

Physical abuse is any form of abuse that causes physical pain such as beating, slapping, punching, choking, confinement, biting etc; it also includes denying the partner medical care or forcing her to use drug or alcohol.³⁵ It is the most common form of domestic abuse. It means acts or threatened acts of physical aggression towards any person such as hitting.³⁶ This is the use of physical force in a way that injures the victim or puts the victim at the risk of being injured.³⁷ Physical abuse also includes murder, kicking, threats with an object or weapon, and harmful traditional practice such as female genital mutilation.³⁸ For instance in the case of Hadiza, Right from the beginning of their marriage, it was hell personified for her frail body, violence and physical assault was an integral part of their marriage.³⁹ Her husband lashed out at her, verbally abused her, and threw things at her. Hadiza lost count of how many times he beats her and pushed her out of their house or abandoned her on the road if they had an argument in the car while driving home from somewhere.⁴⁰ According to her, “On more than two occasions, I went to the police station to report, but they never took me seriously. When I could not take it any longer, I decided to take my destiny in my hands. Initially, I ran away, because Zaaky had said, if I did not leave, he would kill me.”

(b) Emotional/ Psychological Abuse

Psychological abuse affects the emotional balance of the victim. It undermines the self-esteem of the victim and often leads to depression and deliberate isolation from family and friends. It is sometimes referred to as emotional battering though not as serious as physical violence but it harms the mental state of the victim.⁴¹ Emotional abuse harms the person’s sense of self-worth and it puts the victim at the risk of behavioural, cognitive, emotional or mental disorder.⁴² Psychological abuse consist of the behaviour intended to intimidate and torture, it takes the form of threats of

³⁵ Colleen supra note 14

³⁶ Violence against Persons (Prohibition) Act 2015 s46

³⁷ Ishola supra note at p6

³⁸ Mohiuddin and Morium supra note 28

³⁹ Halim and Wisdom supra note 24

⁴⁰ Ibid

⁴¹ Colleen supra note 35 at p22-23

⁴² Ishola supra note 37

abandonment, confinement to the home, threat to take the children away, constant humiliation and verbal aggression.⁴³ Sometimes, the emotional torture often experienced by victims of domestic violence could be more unbearable than physical abuse.⁴⁴ It is an insidious form of violence that keeps women, particularly in domestic violence situations, from seeking help.⁴⁵ Psychological abuse means a pattern of degrading, humiliating conduct towards any person including repeated insults, ridicule or name calling, repeated threats to cause emotional pain or the repeated exhibition of possessiveness that constitutes a serious invasion of such person's privacy, liberty, integrity or security.⁴⁶

(c) Sexual Abuse

Sexual abuse means any conduct which violates, humiliates or degrades the sexual integrity of any person.⁴⁷ Sexual abuse includes marital rape, sexual assault, and forced sex after physical violence or treatment of women in such a sexually demeaning way by her partner.⁴⁸ Sexual abuse and rape by an intimate partner is not considered a crime where the parties are married or cohabiting.⁴⁹ Sexual abuse is the deliberate use of sex as a weapon to demonstrate power over, and to inflict pain and humiliation upon another human being, it may also include threat, humiliation, and intimidation.⁵⁰ Sexual abuse also means coerced sex through threats, intimidation or physical force or forcing unwanted sexual act on the woman.⁵¹ A sexual act done in some unwanted, degrading manner which sometimes involve threats to life is also a sexual abuse.⁵² Apart from marital rape, incest is a form of sexual abuse or violence. It is an inappropriate sexual intercourse with someone who shares a biological relationship with the victim.⁵³

⁴³ Mohiuddin and Morium supra note 38

⁴⁴ UNICEF. Domestic violence against women and children. 2000. 5
https://www.unicef.org/malaysia/ID_2000_Domestic_Violence_Women_Girls_6e.pdf accessed 25 August 2017 4

⁴⁵ Onyemelukwe supra note 7

⁴⁶ Ibid

⁴⁷ Violence against Persons (Prohibition) Act (2015) s46

⁴⁸ Colleen supra note 41

⁴⁹ UNICEF. Domestic violence against women and children. 2000. 5
https://www.unicef.org/malaysia/ID_2000_Domestic_Violence_Women_Girls_6e.pdf accessed 25 August 2017

⁵⁰ P.Gordon, and K. Crehan, *Dying of Sadness: Gender, Sexual Violence, and the HIV Epidemic. HIV and Development Programme, UNDP.* (New York, 1998)
<http://www.undo.org/seped/publication/dyingofsadness.pdf> accessed 25 August 2017

⁵¹ Mohiuddin and Morium supra note 43

⁵² Ishola supra note 42 at p6-7

⁵³ Ibid

(d) Economic Abuse

Economic abuse makes the woman financially dependent on her husband. It includes act such as the denial of fund, refusal to contribute financially to the upkeep of the family and the denial of food and other basic needs.⁵⁴ It means forced financial dependence, unreasonable deprivation of economic or financial resources and unreasonable disposal or destruction of household effect or other property in which any person has interest.⁵⁵ The situation also becomes worse where the woman does not have any means of income to sustain herself and her children. Economic abuse also involves manipulation and exploitation of family members for financial gain and prevention of a loved one or wife from working or controlling her choice of work.⁵⁶ Absence of economic resources strengthens women's vulnerability to violence and their difficulty in getting out of a violent relationship.⁵⁷ Some men also see increasing economic activity and independence as threat to them, thereby leading to domestic violence most especially where the male counterpart is unemployed.⁵⁸

Causes of domestic violence

The varying causes of domestic violence are often associated with the society and the orientation of the perpetrator and the victim. Several complex and interconnected institutional, social and cultural factors have made women vulnerable to domestic violence.⁵⁹ In many countries of the world, women are discriminated against politically, culturally, economically, leading to series of domestic violence. Some of these causes would be discussed one after the other.

(a) Cultural factors

⁵⁴ Mohiuddin and Morium supra note 51

⁵⁵ Violence Against Persons (Prohibition) Act 2015 s46

⁵⁶ Ahiie supra note 19 at p4

⁵⁷ UNICEF. Domestic Violence Against Women and Children. 2000.

https://www.unicef.org/malaysia/ID_2000_Domestic_Violence_Women_Girls_6e.pdf accessed 25 August 2017 8

⁵⁸ Ibid

⁵⁹ Violence against women, on behalf of the Federal Ministry for Economic

Cooperation and Development Deutsche Gesellschaft, Germany 2009

<https://www.oecd.org/dac/gender-development/45743834.pdf> accessed 25 August 2017

By virtue of the cultural practices across Nigeria, men are regarded as the head of the house and semi god; they have the absolute control and also make decisions for their homes and no one dares to question their authority.⁶⁰ Men are viewed as leaders while women are viewed as followers who are made to subject to their control, this often drives men to abuse their wives. Such men see wife battering as a form of instilling discipline in their wives. Women are seen as inferior in the community while male children are preferred over the female.⁶¹ They are seen as property to be acquired by their husband and with little or nothing to contribute to the growth and development of the family. Another factor that has contributed to this is the issue of the payment of bride price, some men in the primitive communities feel that the payment of bride price entitle them to deal with the woman any how they like since it is their commodity purchased through the payment of bride price.⁶² The idea of suppression of women is established that some society tend to accept that violence against women is justified.⁶³

One cultural factor that has violated the fundamental human rights of women is the female genital mutilation which often has negative effect on its victims. A careful study of African culture reveals that there are encouragements for the man to treat the woman with dignity and respect instead of being abusive, the woman is to be most cherished and not brutalized.⁶⁴ Another issue is the assignment of role due to the belief that the boys are stronger than the girls, this has led to discrimination against women and domination by men to the extent of preventing the advancement of women in the society.⁶⁵ Also in respect of acquisition of property, women can buy property but men often inherit property than women.⁶⁶ In most cases the male members of the family do not allow women inherit property due to custom and traditional beliefs.⁶⁷

⁶⁰ Adebayo and Kolawole supra note 9

⁶¹ M.O Oladeji, *Dimensions of Domestic Violence Against Women In Nigeria*, in A. Kehinde, (ed.). *Gender and Development. Essential Readings.* (Ibadan: Hope Publications Ltd, 2009)

⁶² I. Eze-Anaba, *Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges.* (Berkeley: Electronic Press, 2006)

⁶³ Adebayo and Kolawole supra note 60

⁶⁴ Ishola supra note 52 at p13-14

⁶⁵ B.E. Uwameiye, and F. E. Iserameiya, 'Gender Based Violence against Women and its Implication on the Girl Child Education in Nigeria, 2(2013)(2)(1), *International Journal of Academic Research in progressive Education and Development.* 221

⁶⁶ C. S. Zadding, *Assessment of domestic violence and abuse against women and its effects on family relationship in four selected local government in Taraba State, Nigeria.* (Thesis Ahmadu University Zaria, October 2012), 39

⁶⁷ Ibid

(b) Low level of education and poverty

The level of education of the woman is often linked to domestic violence. A woman who has little or no level of education is likely to be a victim of domestic violence. Due to the low level of education, such woman do not have any form of exposure, she see wife battering as a sign of warning from her husband for wrong doing. According to Ndungu, the reproductive and productive roles of women often place them at the bottom of the ladder, they are sometimes found in low paid jobs, which rob them of power to participate in decision making, within the political, social-economic and cultural sphere of life.⁶⁸ This situation results in the over burdening of women with family and domestic responsibilities while giving them no resources or political room to improve their standard of living. In some parts of Nigeria, it is known that the input of women into the family income is so high that it becomes economically unwise to allow such a child to go to school.⁶⁹ The main gender roles which assign females to production work within the homes and agricultural role of feeding the family served to keep the females out of school.⁷⁰ The fruits of education were denied them and consequently the production of further knowledge as an outcome of education was a male affair.⁷¹

(c) Psychological factor

This factor is often associated with the personal trait of perpetrators of domestic violence.⁷² Some of the personal traits that often lead to domestic violence are low self-esteem, inability to control stress, poor impulse control, frustration, anger etc.⁷³ Sometimes these personal trait of the perpetrators of domestic violence started when they were still young and became worse when they became adults.⁷⁴ Sometimes the cause of domestic violence may be attributed to the ability to have and maintain control over the victim which is often caused by his low self- esteem, insecurity, poverty and cultural influence.⁷⁵

(d) Political Factors

⁶⁸ N. Ndungu. Gender Based Violence within Africa Region. An Overview of United Nation Wilaf News. 2004

⁶⁹ Uwameiye and Iserameiya supra note 65

⁷⁰ Zadding supra note 66

⁷¹ Ibid

⁷² Alokun supra note 21

⁷³ Ibid

⁷⁴ M. Kalra, M. *Juvenile delinquency and adult aggression against women.*

(Unpublished M.A.Thesis, Wilfrid Laurier University, 1996)

<http://scholars.wlu.ca/etd/570/> accessed 25 July 2017

⁷⁵ Alokun supra note 72

The Nigerian politics has not being favourable to women, women are seen as not having the capacity to hold some elective positions no matter how educated or enlighten they are. Women are often not well represented in Nigerian politics; gender-sensitive laws and policies are not given priority either at the state or national level.⁷⁶ This has contributed to the non-realization of women's political rights and has contributed greatly to the perpetration of violence against women.⁷⁷

(e) Financial factor

Historically it is the responsibility of the husband to provide for his family, this is one of the reasons he is regarded as the bread winner of the family. He is expected to provide for the up keep of his family. When he is unable to take up his responsibility in the home due to unemployment, there is bound to be crisis and where the crisis is not properly managed, it leads to an abusive relationship. Where a man cannot establish his authority economically over his family, he would tend to do so physically.⁷⁸ The danger becomes even more heightened where the woman believes the man makes more money but fails to provide sufficiently for his family, this also leads to series of quarrel and physical abuse by the husband.⁷⁹

(f) Childlessness and male child syndrome

One of the causes of domestic violence in many relationships is the issue of childlessness as women are often blamed for any form of inability to bear children. It is culturally seen as a fault from the woman than the man, whereas both of them might be responsible.⁸⁰ The woman takes the whole blame for the childlessness; any woman who has not been able to bear children is seen as an enemy of progress who may be maltreated and physically abused by her husband and in-law.⁸¹ Sometimes the challenge of childlessness also leads to the husband beating and maltreating the wife at the slightest provocation. On the other hand, the obsession of traditional Nigerian men to having male children at all cost often leads to domestic violence, some women who find themselves in this situation are sometime abandoned and left to cater for the female children. Some men also go to the extent of denying the paternity of the child, forgetting that the sex of the child is often determined by the chromosomes released into the woman by the man.⁸²

⁷⁶ Adebayo and Kolawole note 63

⁷⁷ Ibid

⁷⁸ Mohiuddin and Morium supra note 54

⁷⁹ Ishola supra note 64

⁸⁰ Ibid

⁸¹ Ibid

⁸² Ibid

(g) Religion

Most religious practices in Nigeria believe in the idea that the man is the head of the family and has greater control and decision making powers just like the cultural factor, most religion faithful believe that the woman is the weaker vessel and mere partner to the husband.⁸³ They are taught to always obey and be submissive and not to question their husband command. And since the woman is taught to be subservient to the man, she accepts her battering as part of obedient obligation to her husband.⁸⁴ Sometimes religion is used as a means of preventing the wife from engaging in her religious practice, it can also be used to manipulate or dominate her.⁸⁵

Consequences of domestic violence

Despite the fact that there are various causes of domestic violence against women in Nigeria, there are also devastating effect of such violence against women in the society. This has reduced their self-esteem and has also thrown them into traumatic condition while some have also lost their lives and are permanently deformed in the process. It is important to note that the most dominant consequences of domestic violence is the violation of fundamental human right of the victim. Some of the consequences of domestic violence are examined as follows:

(a) Psychological effect

Domestic violence usually goes a long way in affecting the victims psychologically. The psychological effect of domestic violence may lead to depression, self-destruction, feeling of isolation, low self-esteem, hostility, anger, name calling, difficulty in trusting men,⁸⁶ somatic complaints and attention deficit.⁸⁷ According to Vitanza, Vogal and Marshall, the most common form of psychological effect of domestic violence is the post-traumatic stress disorder; it is characterized by nightmares, exaggerated startle response, flashbacks and intrusive image that are associated with the abuse.⁸⁸ The anger and stress experienced by victims may lead to depression and other emotional disorder which sometimes lead to suicide.⁸⁹ After the victim had left the abusive relationship the post-traumatic stress disorder is

⁸³ Adebayo and Kolawole *supra* note 76

⁸⁴ *Ibid*

⁸⁵ Ahiie and Dahlberg *supra* note 31

⁸⁶ Ishola *supra* note 79

⁸⁷ M. O. Bakare, and M.D Asuquo and A.O Agomoh, 'Domestic violence and Nigeria women- A review of the Present State', 8(2)(2010) *Nigerian Journal of Psychiatry* 11

⁸⁸ Vitanza, S; Vogal, L.C. and Marshall, L.L (1995), 'Distress and Symptoms of Post-traumatic Stress Disorder in Abused Women'. *Violence and Victim.* 10 (1) 23-34.

⁸⁹ CDC (2006) Intimate Partner Violence – fact sheet. www.Cdc.gov/injury

often experienced for a long period of time.⁹⁰ Psychological factor often impedes the establishment of rewarding and healthy relationship in the future.⁹¹ Victims of domestic violence may voice frustration on their children and others, thereby transmitting and intensifying the negative experiences of those around them.⁹²

(b) Physical effect

This is the most common effect of domestic violence and it varies from one victim to another, victims are known to suffer physical and mental problems as a result of domestic violence, they may likely experience physical injury (lacerations, bruises, broken bones, head injuries), internal bleeding, chronic pelvic pain, abdominal and gastrointestinal complaints, frequent vaginal and urinary tract infections and sexually transmitted diseases.⁹³ Other chronic health conditions connected to victims of domestic violence are internal bleeding, arthritis, irritable bowel syndrome.⁹⁴ Pregnant women who are physically abused experience a greater risk of premature birth, death, miscarriages and injury or still birth.⁹⁵ Assault ranges from bruises and fractures to chronic disabilities such as partial or total loss of hearing or vision and burns may lead to disfigurement,⁹⁶ abdominal or thoracic injuries, fibromyalgia fractures, eye damage and reduced physical functioning.⁹⁷

(c) Economic effect

One of the causes of divorce among married couple is the occurrence of domestic violence, in the process of the divorce proceedings, women sometimes abandon their right to alimony (even when they do not have a means of livelihood) in order to avoid further abuse by their partner.⁹⁸ On the other hand, where a man is convicted of killing his wife in the process of

⁹⁰ S. Vitanza and Vogal supra note 88

⁹¹ Causes and effect of gender-based violence. Pan America Health Organisation, Women, Health and Development Program 2003
http://hrlibrary.umn.edu/svaw/advocacy/modelsessions/causes_effects.PDF
accessed 25 July, 2017

⁹² Ibid

⁹³ Ishola supra note 86

⁹⁴ D,G Berrios, 'Domestic violence: Risk factors and outcomes'. 17(2) (1991) *Western Journal of Medicine*, 133-143.

⁹⁵ R. H. Jones, R.H. 'The American College of Obstetricians and Gynecologists: A decade of Responding to Violence against Women'. 58(1)(1997) *International Journal of Gynecology and Obstetrics* 43-50.

⁹⁶ UNICEF supra note 57

⁹⁷ L. C. Casique and A.R.F. Furegato Violence Against Women: Theoretical Reflections. 2006. <http://www.scielo.br/pdf/rlae/v14n6/v14n6a18.pdf> 954 accessed 26 July 2017

⁹⁸ Ishola supra note 93

physical abuse, the children are left to alone with no proper care, the implication of this is that he endangers the children who might rely on their peers for means of livelihood and likely learn the negative parts of life, joining bad gangs and becoming terror in the society.⁹⁹ The economic factors are related with the cultural and political factors as the cultural norms and political societal views have been reliably fixing the role of women in the society for millennia which have shackled the women and made them economically vulnerable.¹⁰⁰ Other forms of economic factor are unemployment, women dependency on men, limited access to education and poverty.¹⁰¹ The economic capacity of women improves her financial independence and also reduces domestic violence.¹⁰² Violence against women imposes cost on the society in term of lower workers productivity, erosion of its human capital and capabilities and the perpetration of intergenerational cycle of violence.¹⁰³

(d) Social effect

Social factor is a factor which is external to individual and it has palpable effect on individual.¹⁰⁴ It is present in the society and it has great impact on the life of the victim.¹⁰⁵ The children are sometimes affected by the abusive relationship of their parents. Such children would miss the affection of their parents; they are sometimes stigmatized and might have difficulty in relating well in the society.¹⁰⁶ Some social behavioural problems that may result due to domestic violence include increased aggressiveness, anxiety, and changes in how a child socializes with friends, family and authorities.¹⁰⁷ Correlation

⁹⁹ Ibid

¹⁰⁰ Mohiuddin and Morium supra note 78 at p245

¹⁰¹ R. T Naved, S. Azim, A. Bhuiyan, L.A Persson, 'Women's Health and Domestic Violence against Women in Bangladesh' 4(2) (2006). *Health and Science Bulletin*, 1-6

¹⁰² N. Giridhar, Global Spread of Domestic Violence Legislation: Causes and Effect. (International Relations honour thesis, New York, 2012).

https://as.nyu.edu/content/dam/nyu-as/politics/documents/Giridhar_Nisha.pdf accessed 25 August 2017

¹⁰³ N. Kabeer, N, Violence against Women as 'Relational' Vulnerability: Engendering the Sustainable Human Development Agenda 2014 http://hdr.undp.org/sites/default/files/kabeer_hdr14.pdf accessed 26 August 2017

¹⁰⁴ N. Abercrombie, S. Hill, and B.S Turner, Dictionary of Sociology, (3rd ed., England: Penguin Books Ltd, 1994) ; Kishor et al, *Profiling Domestic Violence: A Multi-Country Study*. Calverton, Maryland: ORC Macro 2004

¹⁰⁵ Z. Azhar and M. M. Sohail et al, 'Exploring Socio-Economic factors behind Domestic Violence against Women in Sargodha District' 2(9) (2016) *International Journal of Asian Social Science*

¹⁰⁶ Ishola supra note 98

¹⁰⁷ Alokun supra note 75

has been found between the experience of abuse and neglect in childhood and perpetrating domestic violence and sexual abuse in adulthood.¹⁰⁸

(e) Political effect

Women are seen to be lagging behind in politics globally, only few of them participate in politics and the few of them who are into politics do not contest for sensitive elective positions for the fear of losing the election or not being voted for due to their gender. In other words, the forms of political factor are under-representation of women in power and politics, risk of challenges to religious laws and limited participation of women in organised political system.¹⁰⁹ Despite the fact that women have started participating in politics, their participation or involvement in politics is still minimal compared to the participation of men in politics.

(f) Financial effect

Due to economic abuse and isolation, sometimes the victims are who not gainfully employed or who do not have job of their own are often faced with financial crisis and few people on whom they can rely when seeking help tend to disappoint them.¹¹⁰ This has been shown to be one of the greatest obstacles facing victims of domestic violence, and the strongest fact that can discourage them from leaving the abusive relationship.¹¹¹

(g) Stigmatization

The fear of been stigmatized in the society is one of the reasons victims of domestic violence remain silent despite its physical and psychological effect. It is an issue that makes victims to keep quiet and not to cry out for help.¹¹² There is also the issue of shame and social stigma associated with being unable to sustain a family. Such women are considered imprudent and irresponsible.¹¹³

¹⁰⁸ C. Sadeler, *An ounce of prevention: The life stories and perceptions of men who sexually offended against children*. (Unpublished M.A. Thesis 1994) Wilfrid Laurier University <http://scholars.wlu.ca/etd/634>

¹⁰⁹ M.T Khatun, K.F Rahman, Domestic Violence Against Women in Bangladesh: Analysis from a Socio-Legal Perspective. *Bangladesh e- (9)(2)(2012) Journal of Sociology* 19-29.

¹¹⁰ Alokun supra note 107

¹¹¹ Stop violence against women 2010

http://www.stopvaw.org/Domestic_Violence_and_Housing.html. accessed 25 August 2017

¹¹² Ishola supra note 106

¹¹³ S. Bhandari, S and A. Diebold, 'Globalization and Domestic Violence Among South Asian Immigrant Women in the United States' (3)(2)(2010) *Journal of Global Social Work Practice* ; C.C Igbokwe, and M.C Ukwuma, and K. J.

Legal framework against domestic violence

Every individual (including women) are expected to be protected from any form of abuse or violence. Domestic violence is a breach of fundamental right of the victim; it violates the right to life and dignity of its victim. It is one of the most pervasive of human right violation that denies women of their security, equality, dignity, self-worth and right to enjoy fundamental freedom.¹¹⁴ Efforts have been made on several occasions locally and international in a bid to protect women from domestic violence, these efforts led to the enactment of law and recognition of various conventions on the rights and protection of women against domestic violence. Apart from the conventions prohibiting domestic violence there was no specific or national law prohibiting domestic violence prior to the enactment of the Violence against Persons (Prohibition) Act 2015.

The only similar enactment was the provision of section 383 of the Criminal Code which prohibits assault occasioning harm; it also prescribed a maximum punishment of three years imprisonment. This provision of the Criminal Code does not protect women from domestic violence, and does not provide any form of compensation for the victim.¹¹⁵ Also in the case of rape, the Criminal Code makes provision for life imprisonment which must be corroborated.¹¹⁶ The requirement of corroboration however makes the proof of the offence a tedious task.¹¹⁷ Some provisions in the Criminal Code define mild punishments for sexual violation, permit spousal or marital rape. Other provisions in the Penal Code allow husbands to beat wives in chastisement.¹¹⁸ The offence of domestic violence was not provided for in the Penal and Criminal code. Existing laws were inadequate, gave impetus to inequality, were discriminatory to women, and allowed violence against women.¹¹⁹

There is no national law that prohibits domestic violence against women. The Constitution of the Federal Republic of Nigeria¹²⁰ protects the rights of every individual but did not make specific provision or legislation prohibiting domestic violence against women. The Constitution guarantees the right to

Onugwu, Domestic VIOLENCE against Women: Challenges and Innovations (11)(2)(2013) *JORIND*

¹¹⁴Zadding *supra* note 70

¹¹⁵Nwankwo (n25)

¹¹⁶Criminal Code CapA4 LFN 2004 s357 &358

¹¹⁷Nwankwo (n25)

¹¹⁸Section 55 Penal Code Act CapP3 LFN 2004 ; Onyemelukwe (n8)7-8

¹¹⁹Ibid

¹²⁰1999

life,¹²¹ dignity of persons and freedom from torture or inhuman or degrading treatment,¹²² and personal liberty.¹²³ The provisions protect a person from any form of abuse. In a bid to eradicate the rate of domestic violence against women some States enacted laws prohibiting domestic violence against women such as the Ekiti State Gender Based Violence (Prohibition) Law 2011, Ekiti State Widowhood Law 2002, the Oyo State Widows' empowerment Law, 2002, the Anambra State Malpractices against Widows and Widowers (Prohibition) Law 2005, Edo State Inhuman Treatment of Widows (Prohibition) Law 2004.¹²⁴ The only national law against violence is the Violence against Persons (Prohibition) Act 2015. This protect both men and women against violence, it does not make specific provision prohibiting domestic violence against women.

The Violence against Persons (Prohibition) Act protect against any form of domestic violence, such as forceful ejection from home,¹²⁵ abandonment of spouse, children and other dependents,¹²⁶ and other harmful traditional practices.¹²⁷ The Act also makes provision for the protection of the rights of victims of domestic violence such victims are also entitled to compensation for harm done to them. It prohibits infliction of physical injury by any weapon, substance or object,¹²⁸ female genital mutilation,¹²⁹ deprivation of a person's right to liberty except with the order of court,¹³⁰ forced financial dependence or economic abuse,¹³¹ emotional, verbal and psychological abuse,¹³² harmful widowhood practices,¹³³ stalking,¹³⁴ intimidation,¹³⁵ battery,¹³⁶ attack with harmful substance such as chemical or any other harmful liquid,¹³⁷ political violence.¹³⁸ A victim of domestic violence has the right to apply for a protection order before the High Court.¹³⁹ The essence of

¹²¹ Constitution of the Federal Republic of Nigeria 1999 s33(1)

¹²² Ibid s34(1)(a)

¹²³ Ibid s35(1)

¹²⁴ Nwankwo (n25)9

¹²⁵ Violence against Persons (Prohibition) Act 2015 s9(1)

¹²⁶ Ibid s16(1)

¹²⁷ Ibid s20(1)

¹²⁸ Ibid s2(1)

¹²⁹ Ibid s6(1)

¹³⁰ Ibid s10(1)

¹³¹ Ibid s12(1)

¹³² Ibid s14(1)

¹³³ Ibid s15(1)

¹³⁴ Ibid s17(1)

¹³⁵ Ibid s18(1)

¹³⁶ Ibid s19(1)

¹³⁷ Ibid s21(1)

¹³⁸ Ibid s23(1)

¹³⁹ Ibid s28(1)

this protection order is to protect the victim of domestic violence from further acts of violence. This Act is a sign of relief for the victims of domestic violence and would also assist in alleviating their hardship. Apart from this Act, the African Charter on Human and Peoples' Rights also protects the right of women against any form of domestic violence.

The African Charter on Human and Peoples' Right protect the rights of women against any form of domestic violence. This is an effective legislation in Nigeria because Nigeria is a signatory and has also domesticated the charter. By virtue of the provisions of the charter, every individual has the right to respect the dignity inherent in a human being and it also prohibits all forms of exploitation.¹⁴⁰ The protocol to the African Charter on Human and Peoples' Right on the Rights of Women in Africa requires the enactment and enforcement of laws to prohibit and eliminate all forms of harmful practices and violence against women.¹⁴¹ The Charter prohibits any form of discrimination on the ground of sex, group, colour, language, religion, birth, origin or other status,¹⁴² it guarantees integrity and respect for human life,¹⁴³ and it prohibits any form of slavery, torture, cruel, inhuman or degrading punishment.¹⁴⁴ The African Charter on Human and peoples' Right recognizes and guarantees the right of persons and does not give an individual any right to violate or infringe upon another person's right.

Concluding remark and Recommendation

Domestic violence is a breach of the fundamental human right of the victim and a common phenomenon throughout the world. Both men and women are victims of domestic violence but women fall victim in most cases. The Nigerian society and the cultural beliefs, including discrimination against women have also contributed to the alarming rate of domestic violence. Domestic abuse ranges from slapping, hitting, stalking and financial dependence, verbally abusing the victim, inhuman or degrading treatment, neglect, emotional trauma, depression etc. Domestic violence has cost a lot of victims their lives. The victims see domestic violence as a private matter and as a result, they suffer in silence.

Apart from States that enacted specific Laws prohibiting domestic violence against women in Nigeria, there is no national law prohibiting domestic

¹⁴⁰ Article 4 and 5 African Charter on Human and Peoples' Rights 1986

¹⁴¹ Protocol of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, 2003, African Comm'n on Human and Peoples' Rights, Art. 4(2) &5

¹⁴² African Charter on Human and Peoples' Right 1986 art.2

¹⁴³ African Charter on Human and Peoples' Right 1986 art.4

¹⁴⁴ African Charter on Human and Peoples' Right 1986 art.5

violence against women. The only national law close to this issue is the law which prohibits violence against persons. On other hand, it is hereby recommended that there is need for public awareness and enlightenment of the causes and impact of domestic violence by the government and the non-governmental organizations, government should ensure that the perpetrators of domestic violence are severely punished so as to serve as deterrent to others, harmful traditional practices that discriminates against women should be abolished and the police should be sensitized on how to respond promptly to the victims of domestic violence. When Nigeria becomes committed to the eradication of domestic violence against women, it would enhance gender equality a great deal.