

**A CRITICAL ANALYSIS OF THE NIGERIAN CRIMINAL JUSTICE SYSTEM
RESPONSE TO DOMESTIC VIOLENCE : EVALUATING LAWS, POLICES AND
PRACTICES**

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BENIN CITY**

NOVEMBER 2025

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,
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UNIVERSITY OF BENIN, BENIN CITY.**

NOVEMBER 2025

CERTIFICATION

I, JESSICA ISHIOMA UKPENE, with Matriculation number **LAW2002962**, hereby certify that apart from references to other persons' works which have been duly acknowledged, the entire work is a product of my research, and this project has neither in whole or in part been presented for another degree elsewhere.

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APPROVAL

We certify that this project was written and completed by Jessica Ishioma UKPENE, with Matriculation number **LAW2002962** in partial fulfilment of the requirements for the award of a Bachelor of Laws (LLB) degree.

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DEDICATION

To victims of domestic violence seeking solace in the comforting arms of justice.

ACKNOWLEDGEMENT

My immense gratitude goes firstly, to God Almighty, the very essence of my being, then to Barr (Mrs) Linda Osagie, my project supervisor whose jovial and enthusiastic nature created a conducive atmosphere for proper guidance and interaction. My immeasurable gratitude goes to my dad, Dr. AO Ukpene whose unwavering support and immense contribution has made the success of this project a reality. To my mum, Dr (Mrs) CP Ukpene, who never fails with her words of encouragement and prayers, I am immensely grateful for your love and guidance so far.

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LIST OF ABBREVIATIONS

All ER - All England Law Reports

CFRN- Constitution of the Federal Republic of Nigeria

CLEEN- Centre for Law Enforcement Education in Nigeria

COVID-19 -Coronavirus Disease 2019

DVSA - Domestic and Sexual Violence Agency

KEHC - Kenya High Court

KLR- Kenya Law Reports

LFN- Laws of the Federation of Nigeria

LGBT- Lesbian, Gay, Bisexual and Transgender

NGOs- Non-Governmental Organizations

VAPA- Violence Against Persons Prohibition Act

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ABSTRACT

This study was a critical study of how domestic violence is handled in Nigeria through the criminal justice system, evaluation of the legal institutions, institutional processes, and cultural/socio-cultural factors that guide the handling and adjudication of domestic violence laws in Nigeria. The results suggest that despite significant legislative progress, especially with the Violence Against Persons (Prohibition) Act (VAPP) 2015, significant implementation issues are present because the federal system has led to unequal domestication across states, which generates a patchwork of protection and legal pluralism that leads to discrepancies in jurisdictions. The study shows much discrepancy between the international human rights commitments of Nigeria and their implementation at the local level, particularly on matters of marital rape, emotional and harmful traditional practices. The paper also indicates institutional flaws such as the attitude of police that sees domestic violence as family affairs, lack of special domestic violence courts, and lack of victim support services, which are centralized in urban centres. Patriarchal norms, religious pressures of family conservation, bride price, and gender stereotypes of roles were considered as deep-rooted socio-cultural forces that strengthened silence, victim-blaming and economic dependence. Comparing the advantages of the United States, the study determines the advantages in specialized domestic violence courts, mandatory arrest policies, comprehensive victim support systems, batterer intervention, and coordinated responses of the community through VAWA. The report suggests the harmonization of the VAPP Act across the nation, the creation of special courts, training of the justice actors in a broad way, increasing support systems to victims, and cultural transformation programs. It concludes that though Nigeria has developed a good legal framework, there is still a huge discrepancy between the law and the practice, which requires more institution capacity, proper resource allocation, and social transformation to make a significant difference in protection of all victims.

CHAPTER ONE

1.0 INTRODUCTION

1.1 Background of Study

Domestic violence is one of the most universal human rights abuse in the entire world in the sense that it cuts across all geographical, cultural and socioeconomic bridges and it has become a critical social problem in Nigeria and needs serious attention among the policy-makers, legal practitioners, and the civil society organizations.

Over the last 20 years, the direction that Nigeria has taken as far as the issue of domestic violence is concerned within the criminal justice context has changed considerably.¹ Domestic violence is widespread in Africa, and a national law prohibiting it and holding perpetrators accountable is crucial not only in Nigeria, but across the African continent. In the past, domestic violence was considered to be a domestic family issue, which was covered by the customary laws and traditional dispute resolutions systems focused mainly on family preservation rather than its members.² This view started changing in the early 2000s, when advocacy agencies, women rights groups and international organizations mounted pressure over domestic violence to be treated as a crime which needs official legal action. Between half and two-thirds of Nigerian women have experienced domestic violence, with prevalence varying by region and ethnicity. For example, up to 70% of women in South East Nigeria

¹ EA Bature ‘Gender, Culture and Domestic Violence: Interrogating the Criminal and Penal Code in Nigeria’ *KIU Journal of Humanities* [2020] (4) (4) 145-154

<https://www.kampalajournals.ac.ug/ojs/index.php/niu_hums/article/view/653> accessed on July 2nd 2025

² Abdulrazaq Adelodun Daibu and others ‘Resolution of Marital Disputes and Domestic Violence in Nigeria: The Role of Alternative and Traditional Dispute Resolution Mechanisms’ *African Journal of Legal Studies* [2025] (17) (1) 106-136 <https://brill.com/view/journals/ajils/17/1/article-p106_5.xml> accessed on July 2nd 2025

report abuse, and 47% of women in Kaduna have experienced domestic violence in their lifetime.³

These moves were an apex event in the legislative sphere with the passage of the Violence Against Persons (Prohibition) Act (VAPP Act) at the national level in 2015. This historic law criminalized some ways of domestic violence and developed detailed legal strategies of preventing, prosecuting, and protecting victims. Also, there are other legislations that though do not expressly provide for domestic violence, but they define some of its components such as assault and battery, as well as penalties for offenders. For instance, the Criminal Code defines assault,⁴ expressly provides for the punishment for assault⁵ and indecent assault on females,⁶ although it does not expressly define domestic violence or specifically address its nuances within relationships. The Penal Code is also not exempted from this shortcoming although provisions within the code can be applied to certain acts of domestic violence such as assault and battery. The Matrimonial Causes Act⁷ includes cruelty as one of the several grounds upon which divorce can be sought.⁸

In addition, the federal nature of Nigeria however has its distinct issues because it is under the concurrent power that criminal law lies and therefore it is the individual states that have the responsibility of domesticating federal laws. By 2024, the laws covering domestic violence are inconsistently enforced and implemented in Nigeria, the 36 states and the Federal Capital Territory did not unanimously implement the laws thus resulting in a patchwork of protection with respect to domestic violence issues. As a party to the United

³ Awawu Grace Nmadu and others 'Cross-Sectional Study on Knowledge, Attitude and Prevalence of Domestic Violence Among Women in Kaduna, North Western Nigeria' (2022) <<https://doi.org/10.1136/bmjopen-2021-051626>> accessed 2nd July 2025

⁴ Section 252 of the Criminal Code Cap C38 Laws of the Federation of Nigeria 2004

⁵ Section 351 of the Criminal Code Cap C38 Laws of the Federation of Nigeria 2004

⁶ Section 360 of the Criminal Code Cap C38 Laws of the Federation of Nigeria 2004

⁷ Matrimonial Causes Act Cap M7 Laws of the Federation of Nigeria 2004

⁸ Section 16(1)(e)(ii) of the Matrimonial Causes Act Cap M7 Laws of the Federation of Nigeria 2004

Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Nigeria equally domesticated the Convention and other laws for the promotion and protection of the rights of women against domestic violence.⁹ Under international law, states have a duty to curb domestic violence and punish offenders. To this end, there are various international and regional instruments on violence against women especially domestic violence and most of these treaties have been ratified in Nigeria. Some of these treaties have been domesticated and ratified in Nigeria and they include The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) 2003¹⁰, Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) 1979¹¹, Vienna Declaration and Programme of Action (VDPA) 1993, Universal Declaration of Human Rights (UDHR) 1948, Declaration on the Elimination of Violence Against Women (DEVAW) 1993 among others.

The role of the Nigerian criminal justice system to the violence occurring at home is based on several systems such as the Nigeria Police Force, the courts, providers of legal aid, and the correctional facilities. Every element is very central to the completion of justice delivery swinger, beginning with reporting and investigations, prosecution, adjudication, and rehabilitation. Nonetheless, structural problems such as lack of adequate funding, unsuccessful training, cultural biases, and the institutional gap have been identified as problematic issues in the past that negatively impact efficient intervention in cases of domestic violence¹².

⁹ MO Ujah 'Unveiling the Impediments on the Implementation of the Law on Domestic Violence Against Women: Nigeria as a Case Study' *The International Journal of Science and Technology* 8 [2021](26)(6)56-65 <<https://www.iosjournals.org/iosr-jhss/papers/Vol.26-Issue6/Series-5/12606055665.pdf>> accessed 2 July, 2025

¹⁰ Article 2, 4,5,8,12 and 13 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

¹¹ Recommendation No. 19 and 35 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979

¹² Faidah N, 'Criminal Justice System Law Elimination of Domestic Violence' Proceeding of the International Conference of Innovation, Science, Technology, Education, Children and Health (2022) <<https://doi.org/10.62951/icitech.v2i1.114>>

Modern statistics shows that there are alarming trends regarding the prevalence of domestic violence in Nigeria. The Nigeria Demographic and Health Survey of 2018 showed that about 31 percent of women between the ages of 15 and 49 had been battered at some point and that 17 percent had been raped. During the COVID-19 pandemic, 35.9% of women in an urban community in Southern Nigeria experienced domestic violence, with psychological and physical violence being most prevalent and perpetrated mainly by intimate partners.¹³ It is likely that these statistics do not reflect the real extent of the issue because it is underrepresented by underreporting because of the stigma of the problem, the fear of retaliation, not being aware of legal options, and not having access to the legal justice system, mostly in rural regions. In addition, The National Population Commission's (NPC) demographic and health survey reported that 58% of women, who have ever been married, have experienced physical violence from their husbands in Nigeria.¹⁴ The court operations are often bogged down by too many cases to handle and the prosecutors are often not adequately equipped to properly handle the cases of domestic violence which involve the knowledge of trauma-informed care and the safety of the victims.

Over the past years, the problem of domestic violence has been receiving more attention, especially after the high-profile cases and usages of advocacy campaigns. The pandemic caused by COVID-19 also showed the importance of resolving domestic violence since, following lockdown procedures implemented around the world, a rise in the number of domestic violence cases was reported in many countries, Nigeria included. This background has further accelerated demands to give concerted considerations to the extent of laws, policies, and practices available to provide good protection to victims and to bring perpetrators to book.

¹³ VY Adam and Erhus Efe, 'One-year Prevalence of Domestic Violence Against Women During the COVID-19 Pandemic in an Urban Community in Southern Nigeria' *Journal of Community Medicine and Primary Health Care* [2022](34) (1) < <https://doi.org/10.4314/jcmphc.v34i1.8> > accessed 2 July, 2025

¹⁴ National Population Commission (NPC) (Nigeria) and ICF 'Nigeria Demographic and Health Survey' (2018) 427 < <https://dhsprogram.com/pubs/pdf/FR359/FR359.pdf> > accessed 2 July, 2025

1.2 Justification of the study

There are various compelling reasons, prompting the need to conduct a critical analysis of the response of the criminal justice system in Nigeria towards domestic violence, to underline the academic, policy, and social importance of the study. Although domestic violence has been an issue of concern in Nigeria and there are legislative provisions against domestic violence, there is also a gap in the critical writing on the criminal justice system in dealing with such matters in the country.¹⁵ Although several studies have looked into the only issues of the domestic violence in Nigeria, few of them have conducted or analyzed the total system of the criminal justice system that begins with a reporting system, prosecution and adjudication. Also, the study facilitates the expanding exercise of gender-related violence in the African scenes but provides information on how the federal system manages domestic violence laws and enforcement. There is also, the need to assess the existing measures to address the problem of domestic violence in Nigeria with evidence and use it as the primary source of information when developing evidence-based policies. Domestic violence constitutes a gross violation of human rights that requires institutional action as victims are deprived of their right to life,¹⁶ dignity of human person¹⁷ and personal liberty.¹⁸ The importance of carrying out this study of assessing the effectiveness of the systems can be indicated with regard to the social justice component which is that the goal is to make sure that all citizens are equally subject to the legal protection and the legal means of redress without the need of considering gender in the pursuit of such goals.

The study focuses on the pressing importance of realizing why in numerous instances of domestic violence, the cases fail to attract the proper criminal justice action despite the

¹⁵ EA Bature (n1) 1

¹⁶ Section 33 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

¹⁷ Section 34 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

¹⁸ Section 35 of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

presence of a law against the vice. The findings which help in the detection of systemic inhibitions and failures have helped in making the study an input towards working towards ensuring that victims of domestic violence have their protective role served by the criminal justice system.

1.3 Research Questions

The Nigerian criminal justice system's response to domestic violence seems to be quite a complex issue due to the different level of effectiveness of existing laws and policies across various regions in the country. The effectiveness and degree of enforcement of the relevant existing laws enacted to curb domestic violence have been confronted by various cultural and religious beliefs in certain parts of the country. The extant Nigerian laws take into consideration the need to guarantee and ensure safety in the domestic lives of individuals, especially spouses, as the issue of domestic violence is on the increase on a daily basis among partners.

Therefore, this study seeks to answer the following questions;

1. What is domestic violence and the criminal justice system?
2. How effective is the criminal justice system's response to domestic violence?
3. How does cultural and social prejudices affect the response of the criminal justice system to domestic violence cases?
4. What are the obstacles faced by the victims of domestic violence in seeking criminal justice solutions?
5. To what extent is the current legislation on domestic violence in Nigeria safeguarding the victims of domestic violence and punishing the perpetrators?

6. To what extent do various within the criminal justice system cooperate in responding to various instances of domestic violence?

1.4 Aim and Objectives

The aim of this study is to critically review the linkage of the Nigerian criminal justice system to domestic violence with a view of analyzing the range of sensitivity or lack of the existing laws, policies and institutional practices to tackle, prevent and prosecute domestic violence cases.

The study seeks to achieve the following objectives:

1. To investigate the existing systems of domestic violence in Nigeria, and the laws that specifically deal with it.
2. To assess the quality and production of law and institutional approaches to the care of the victim and the punishment of the perpetrators of domestic violence.
3. To determine failures, difficulties and disparities in how the criminal justice system responds to domestic violence.
4. To examine how cultural, societal and institutional influences reflect upon the enforcement and perception of laws against domestic violence.
5. To propose effective legal, policy and institutional changes to enhance the Nigerian criminal justice system's response to domestic violence.

1.5 Methodology

This essay is set to make use of the doctrinal method of research, relying on relevant primary sources of authority such as case laws, the Constitution of the Federal Republic of Nigeria,

1999 (as amended), Criminal Code, Violence Against Persons (Prohibition) Act 2015, Penal Code amongst others. Also, several international laws on the issue such as the Universal Declaration of Human Rights 1948, convention on the Elimination of all forms of Discrimination Against Women (CEDAW) 1979, International Covenant on Civil and Political Rights (ICCPR), The Protocol to the African Charter on human and Peoples' Rights on the Rights of Women in Africa (The Maputo Protocol) and others will be considered.

Reference will also be made to secondary sources such as online publications and articles to provide the contributions and opinions of various authors on the subject matter.

In addition, this research is comparative as the best practices and legislations of the criminal justice systems of other jurisdictions that have reasonably solved the problem of domestic violence will be examined in this essay. This will help in filling in the legal gaps and make evidence-based recommendations in law reform and policy formulation.

This essay will be divided into five chapters with a heading and subheadings. The headings of each chapter are as follows:

Chapter One: Introduction

Chapter Two: Conceptual Analysis and Theoretical Framework of the Nigerian Criminal Justice System

Chapter Three: Domestic Violence and the Nigerian Criminal Justice System

Chapter Four: Comparative Analysis of the Criminal Justice System of Nigeria and the United States of America on Domestic Violence

Chapter Five: Summary of Findings, Recommendations and Conclusion

1.6 Contribution to Knowledge

This essay is a contribution in the field of criminal justice knowledge, especially in the aspect of studying cultural, social and institutional influences on the system's response to the issue of domestic partner abuse in developing nations. It also seeks to help potential victims identify warning signs and long term effects, seek help and support services, and examine the extent to which the criminal justice system effectively punishes and reforms offenders.

1.7 Conclusion

The problem of domestic violence is a crucial issue that demands urgent attention from the justice system of Nigeria. To this end, this study seeks to raise concern on the impact of the criminal justice system's response to domestic violence not only on the victims, but on their relatives, especially children born into abusive homes. In addition, this study proposes the need for the prioritization of domestic violence cases by the Nigerian criminal justice system, adequate enforcement of relevant laws, public enlightenment, reformation and support for victims of domestic violence.

CHAPTER TWO

2.0 CONCEPTUAL ANALYSIS AND THEORETICAL FRAMEWORK OF THE NIGERIAN CRIMINAL JUSTICE SYSTEM

2.1 Conceptual analysis

The conceptual foundation of this study rests upon a comprehensive understanding of domestic violence as a complex social phenomenon that requires nuanced analysis within the context of Nigeria's criminal justice system. Domestic violence is conceptualised as a systematic pattern of coercive behaviours used by one intimate partner to establish and maintain power and control over another, covering physical, sexual, emotional, psychological, and economic abuse¹⁹. This conceptualisation moves beyond viewing domestic violence as isolated incidents of conflict to understanding it as a deliberate strategy of domination that occurs within intimate relationships, including marriage, cohabitation, dating relationships, and other family arrangements. The study adopts an intersectional approach that recognises how various social identities and structural inequalities intersect to create different experiences of violence and varying levels of vulnerability among different populations.

The criminal justice system's response to domestic violence is understood as the collective institutional response encompassing law enforcement, prosecution, judiciary, and correctional services, along with their formal procedures, informal practices, organisational cultures, and decision-making processes²⁰. This response includes both reactive measures that address violence after it occurs and proactive strategies aimed at prevention and early intervention. The conceptualisation recognises that criminal justice responses operate within

¹⁹ Karolus Kanefo Lafau and Others 'Domestic Violence by a Husband Against His Wife (Case Study of Decision Number 270/Pid.Sus/2022/PN Bnj)' *Journal of Law, Politic and Humanities* [2024] (5) (2)1339-1348 < <https://dinastires.org/JLPH/article/download/1319/1026/9096> > accessed August 7 2025

²⁰ SB Harper and Angela Gover 'A Feminist Perspective on the Criminal Justice System Response to Domestic Violence' (2021) < https://doi.org/10.1007/978-3-319-89999-2_203 > accessed August 7 2025

broader social, cultural, and political contexts that significantly influence their effectiveness and legitimacy. In Nigeria's federal system, this response is further complicated by the intersection of federal and state jurisdictions, the coexistence of statutory, customary, and religious legal systems, and varying levels of institutional capacity across different regions²¹.

Effectiveness within this framework is understood as a multidimensional concept that embraces the criminal justice system's capacity to achieve its stated goals of victim protection, perpetrator accountability, deterrence, and social order maintenance. This conceptualisation recognises both instrumental effectiveness, measured through quantitative outcomes such as conviction rates, case processing times, and reoffending reduction, and expressive effectiveness, which relates to the system's ability to communicate social values, reinforce legal norms, and maintain public confidence in justice institutions. The concept of effectiveness is further complicated by the need to consider cultural appropriateness, victim satisfaction, community acceptance, and long-term behavioural change rather than simply focusing on short-term legal outcomes.

Access to justice is conceptualised as encompassing both formal legal access and substantive justice delivery, recognising that the mere existence of legal remedies does not guarantee meaningful access for all domestic violence victims²². This comprehensive understanding includes physical accessibility of justice institutions, affordability of legal services, cultural and linguistic appropriateness of services, awareness of legal rights and remedies, and the availability of support services that enable victims to navigate the justice system safely and effectively. The concept also recognises that access to justice may be mediated through various channels, including formal court processes, alternative dispute resolution

²¹Foluke Oluyemisi Abimbola and Others 'Women's Rights in Nigeria's Indigenous Systems: An Analysis of Non-Discrimination and Equality Under International Human Rights Law' (2023) <<https://doi.org/10.3390/socsci12070405>> accessed August 7 2025

²² Singh R 'Barriers to Accessing Legal Aid for Domestic Violence Victims in Rural India: A Study of Uttar Pradesh' (2024) <<https://doi.org/10.56397/sssh.2024.09.03>> accessed August 7 2025

mechanisms, traditional justice systems, and hybrid approaches that combine multiple justice frameworks.

2.2 Conceptual Clarification

In this study, violence, domestic violence, abuse, assault, battery and grievous bodily harm will be reoccurring terms used in discussing the subject matter hence, there is need for lexical and conceptual definition of these words.

2.2.1 Violence

Violence is the intentional use of physical force or power, threatened or actual, against oneself, another person or against a group or community, which either results in injury, death, psychological harm, maldevelopment,²³ or depravation.²⁴ It is characterised as the use of physical force by humans to cause harm to other living beings, such as pain, injury, disablement, death, damage and destruction.²⁵ This definition highlights the physical form and effects of violence, excluding its verbal form.

In addition, the Violence Against Persons (Prohibition) Act 2015 does not expressly define violence. However, it comprehensively lists and defines specific actions including all types of physical and non-physical acts deemed violent and unlawful. Such acts include rape,²⁶ inflicting physical injury,²⁷ forced financial dependence or economic abuse,²⁸ and emotional, verbal and psychological abuse.²⁹ Furthermore, violence is any action or attempted action that leads or can lead to harm, suffering or death of any human, which may include such

²³ Maldevelopment is the state of an organism or an organization that did not develop in the “normal” way (used in medicine e.g. “brain maldevelopment of a foetus”) Definition of maldevelopment <<https://en.wikipedia.org/wiki/Maldevelopment>> accessed August 7, 2025

²⁴ World Health Organization ‘International Statistical Classification of Diseases and Related Health Problems (2015) <<https://iris.who.int/handle/10665/246208> > accessed August 7, 2025

²⁵ Definition of violence < <https://en.wikipedia.org/wiki/Violence> > accessed August 7, 2025

²⁶ Section 1(1) of the Violence Against Persons (Prohibition) Act 2015

²⁷ Section 2(1) of the Violence Against Persons (Prohibition) Act 2015

²⁸ Section 12(1) of the Violence Against Persons (Prohibition) Act 2015

²⁹ Section 14(1) of the Violence Against Persons (Prohibition) Act 2015

levels of violence as physical, sexual, psychological, domestic, harmful traditional practices, religious, discrimination and intimidation³⁰.

These definitions acknowledge that violence does not just mean physical harm alone but psychological trauma, emotional distress and other types of coercive control which may result in causing the victim pain without necessarily being affected physically.

2.2.2 Domestic Violence

Domestic violence is a pattern of abusive behaviour in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. It can be physical, sexual, emotional, economic, psychological or technological actions or threats of actions or other patterns of coercive behaviour that influences another person within an intimate partner relationship.³¹ The World Health Organisation (WHO) defines domestic violence as behaviour directed towards a family or household member that would cause a family or household member that would cause a reasonable person to feel traumatized, frightened, intimidated, threatened, harassed or assaulted.³² Also, the Protection Against Domestic Violence Law of Lagos State 2007³³ defines domestic violence to mean:

physical abuse, sexual abuse, exploitation including but not limited to rape, incest and sexual assault, starvation, emotional, verbal and psychological abuse, economic abuse and exploitation, denial of basic education, intimidation, harassment, stalking, hazardous attack

³⁰ Gumin O 'Physical Violence Against a Person: Criminal-Legal Aspect' *Uzhhorod National University Herald. Series: Law*

<https://www.researchgate.net/publication/370034612_Physical_violence_against_a_person_criminal-legal_aspect> [2023] (2) (75) 88-92 accessed August 7 2025

³¹ Office on Violence Against Women (OVW) U.S Department of Justice 'Domestic Violence' (2025) <<https://www.justice.gov/ovw/domestic-violence>> accessed 8 August, 2025

³² Famsville Solicitors 'Laws on Domestic Violence in Nigeria' (2022)

<<https://www.mondaq.com/nigeria/human-rights/1221230/laws-on-domestic-violence-in-nigeria>> accessed August 8 2025

³³ Section 18(g) of the Protection Against Domestic Violence Law of Lagos State 2007

including acid, both with offensive and poisonous substance, damage to property, among others.

2.2.3 Abuse

Abuse means to use power or knowledge unfairly or wrongly, to treat a person or an animal in a cruel or violent way, especially sexually, to make rude or offensive remarks to or about someone.³⁴ It means to make excessive or improper use of a thing, or to employ it in a manner contrary to the natural or legal rules for its use, as to abuse one's authority.³⁵ The legal construct acknowledges abuse as consisting of other kinds of damaging actions in the context of domestic as well as intimate associations. Although the Act³⁶ does not specify a single definition of the word abuse, it differentiates between various distinct types of abuse, such as physical abuse (which means any act or threatened act of physical violence), sexual abuse (defined as any conduct of a sexual nature that is committed without the consent of the other person), emotional, verbal and psychological abuse (that constitutes a pattern of degrading or humiliating conduct, including threats, intimidation and harassment), as well as economic abuse (an unreasonable exercise of control over the financial resources of another person or unreasonable limitation of access to financial resources)³⁷.

2.2.4 Assault

³⁴Definition of assault <<https://www.oxfordlearnersdictionaries.com/definition/americanenglish/abuse2>> accessed August 8 2025

³⁵Black's Law Dictionary '*Abuse*' (11th ed. 2019)

³⁶

³⁷ Lori Heise and Others 'Measuring Psychological Abuse by Intimate Partners: Constructing a Cross-Cultural Indicator for the Sustainable Development Goals' (2019) <<https://doi.org/10.1016/j.ssmph.2019.100377>> accessed August 8 2025

Assault is a violent physical or verbal attack, the crime or tort of threatening or attempting to inflict immediate offensive physical contact or bodily harm that one has the present ability to inflict and that puts the victim in fear of such harm or contact.³⁸ Under Nigerian criminal law, the word ‘assault’ is defined as follows:

‘ striking, touching, moving or otherwise applying force, including heat, light, electrical force, gas, odour, or any other substance or thing whatever, if applied in such a degree as to cause injury or personal discomfort to the person of another , either directly or indirectly without his consent, or with his consent if the consent is obtained by fraud, or any bodily act or gesture, amounting to an attempt or threat to apply force any kind as aforesaid to the person of another without his consent, in such circumstances that the person making the attempt or threat has in fact or apparently a present ability to effect the purpose.’³⁹

The above statutory definition emphasises that assault occurs when there is apprehension of immediate harm, regardless of whether actual physical contact occurs. The Criminal Code provides that a person who strikes, touches, or moves another person without consent commits an assault,⁴⁰ and this provision includes situations where the victim reasonably believes that unlawful force is about to be applied to their person, even if no physical contact ultimately occurs.

2.2.5 Battery

³⁸ Definition of assault < <https://www.merriam-webster.com/dictionary/assault>> accessed 8 August 2025

³⁹ Section 15(1) of the Robbery and Firearms (Special Provisions) Act CAP 398 LFN 1990

⁴⁰ Section 252 of the Criminal Code Act 1916

Battery is defined as a criminal offense involving unlawful physical contact, distinct from assault, which is the act of creating reasonable fear or apprehension of such contact.⁴¹ It is any unlawful beating, or other wrongful physical violence or constraint, inflicted on a human being without his consent.⁴² The Criminal Code uses the term ‘assault’ to define both the act of threatening to apply force (assault) and the actual application of force (battery).⁴³ The statutory framework recognises that battery can range from minor unwanted touching to more serious forms of physical violence, with the severity of the offence often determined by the extent of harm caused and the circumstances surrounding the incident.

2.2.6 Grievous Bodily Harm

Grievous bodily harm is defined as a crime in which one serious does physical injury to another.⁴⁴ Grievous body harm may consist of emasculation, permanent deprivation of the sight of an eye, hearing of an ear or the power of speech, deprivation of any member of joint, destruction or permanent impairing of the powers of any member or joint, permanent disfiguration of the head or face, fracture or dislocation of a bone or tooth.⁴⁵ It is any hurt which endangers life or which causes the sufferer to be during the space of twenty days in severe bodily pain or unable to follow his ordinary pursuits.⁴⁶ Under the Criminal Code, grievous bodily harm consists of serious injuries that have lasting consequences for the victim's health and well-being, including injuries that may not immediately threaten life but could result in permanent disability or disfigurement such as wounding, striking with any kind of projectile or with a spear, sword, knife, or other dangerous offensive weapon, causing explosive substances to explode, putting any corrosive fluid or any destructive or explosion

⁴¹ Definition of battery by Wikipedia < [https://en.wikipedia.org/wiki/Battery\(crime\)](https://en.wikipedia.org/wiki/Battery(crime)) > accessed August 8 2025

⁴² Black’s Law Dictionary ‘*Battery*’ (11th ed. 2019)

⁴³ Section 252 of the Criminal Code Act 1916

⁴⁴ Definition of grievous bodily harm <<https://dictionary.cambridge.org/dictionary/english/grievous-bodily-harm>> accessed August 8 2025

⁴⁵ Section 241(a)-(f) of the Penal Code Act 2004

⁴⁶ Section 241(g) of the Penal Code Act 2004

substances in any place or casting, throwing or applying any such fluid or substances to the person of any person.⁴⁷ The law distinguishes grievous bodily harm from simple harm based on the severity and potential long-term consequences of the injury, with grievous bodily harm carrying significantly more serious criminal penalties.

These statutory definitions provide the legal foundation for understanding and prosecuting various forms of violence and abuse within Nigeria's criminal justice system. The definitions reflect both traditional common law concepts and contemporary understanding of domestic violence as a complex phenomenon involving multiple forms of harmful behaviour. The comprehensive nature of these definitions, particularly in the Violence Against Persons (Prohibition) Act, demonstrates Nigeria's evolving legal approach to addressing domestic violence through recognition of its various manifestations and the need for inclusive legal protection for all victims regardless of the specific nature of abuse they experience.

2.3 Theoretical Framework

This study employs an integrated theoretical framework that draws from multiple disciplinary perspectives to provide a comprehensive analytical lens for examining Nigeria's criminal justice system's response to domestic violence. The framework is anchored in feminist criminological theory, which provides the foundational understanding of domestic violence as a manifestation of gendered power relations embedded within patriarchal social structures. Feminist theory illuminates how domestic violence both reflects and reinforces broader patterns of gender inequality while highlighting how criminal justice responses may inadvertently perpetuate these inequalities through institutional practices, legal procedures,

⁴⁷ Section 332 of the Criminal Code Act 1916

and cultural assumptions that fail to adequately address the gendered nature of domestic violence.⁴⁸

The feminist theoretical foundation is complemented by systems theory, which conceptualises the criminal justice system as a complex network of interconnected institutions that must coordinate effectively to achieve desired outcomes. Systems theory provides crucial insights into how different components of the justice system interact, how changes in one area creates ripple effects throughout the system, and how external environmental factors influence system performance.⁴⁹ This perspective is particularly valuable for understanding the challenges of coordination between police, prosecutors, courts, and support services, as well as the impact of resource constraints, institutional capacity limitations, and political factors on system effectiveness.

Procedural justice theory forms another essential component of the theoretical framework, emphasising that perceptions of fairness and legitimacy depend not only on case outcomes but also on how victims and other stakeholders are treated throughout the justice process.⁵⁰ This theory highlights the importance of voice, neutrality, respect, and trustworthiness in shaping victim satisfaction and cooperation with justice authorities. In the context of domestic violence, procedural justice theory helps explain why some victims choose not to report violence or cooperate with prosecutions and how improving procedural fairness might enhance system effectiveness and victim safety.

⁴⁸ Mackay F 'Raising Awareness and Improving Responses to Gender-Based Violence: The Contribution of Feminist Thought and Activism' (2021) <https://doi.org/10.1007/978-3-030-65006-3_1> accessed August 9 2025

⁴⁹ S Mayeux 'The Idea of The Criminal Justice System' *American Journal of Criminal Law* [2018] (45)(55) <<https://scholarship.law.vanderbilt.edu/faculty-publications/898/>> accessed August 9 2025

⁵⁰ Matthew Radburn and others 'When is Policing Fair? Groups, Identity, and Judgements of the Procedural Justice of Coercive Crowd Policing' *An International Journal of Research and Policy* [2016] (28) (6) 647-664 <<https://dx.doi.org/10.1080/10439463.2016.1234470>> accessed August 9 2025

Furthermore, the framework incorporates implementation theory to understand the gap between policy intentions and practical outcomes in domestic violence response. Implementation theory recognises that well-designed laws and policies do not automatically translate into effective practice but require adequate resources, institutional capacity, stakeholder buy-in, and appropriate adaptation to local contexts. This theoretical perspective is crucial for analysing why the Violence Against Persons (Prohibition) Act and related policies may achieve different levels of success across Nigeria's diverse states and communities and for identifying factors that facilitate or hinder effective implementation of domestic violence responses.

Intersectionality theory enriches the analytical framework by examining how multiple forms of identity and oppression interact to create unique experiences of violence and justice-seeking for different groups of victims. This theory helps analyse how factors such as class, ethnicity, religion, age, disability, sexual orientation, and geographical location intersect with gender to create varying levels of vulnerability to violence and different barriers to accessing justice. Understanding these intersections is essential for developing responsive and inclusive justice policies that address the needs of all domestic violence victims.

Legal pluralism theory provides important insights into Nigeria's complex legal landscape, where statutory law coexists with customary law, religious law, and informal social norms. This theory helps analyse how different legal systems interact in domestic violence cases, examining both conflicts and complementarities between formal criminal justice processes and traditional dispute resolution mechanisms. Legal pluralism theory is particularly relevant for understanding how cultural values, traditional practices, and community expectations influence both the occurrence of domestic violence and institutional responses to it.

The theoretical framework operates across multiple analytical levels to provide a comprehensive understanding of domestic violence and justice system responses. At the macro level, the framework examines how broader social, economic, and political structures influence both the prevalence of domestic violence and the institutional capacity to respond effectively. This includes analysis of gender relations, cultural norms, economic inequality, political stability, and policy frameworks that shape the context within which domestic violence occurs and justice systems operate. At the meso level, the framework focuses on institutional and organisational factors that influence justice system performance, including organisational culture, professional training, resource allocation, inter-agency coordination, and accountability mechanisms. This level of analysis examines how institutions translate legal mandates into operational practices and how institutional characteristics facilitate or hinder effective responses to domestic violence cases. The micro-level analysis examines individual experiences and interactions within the justice system, including victim experiences, perpetrator characteristics, professional decision-making processes, and case-specific factors that influence outcomes. This level of analysis provides insights into how broader structural and institutional factors manifest in individual cases and how personal characteristics and circumstances interact with system responses.

Essentially, the framework ensures that analysis considers multiple dimensions of the problem while remaining sensitive to Nigeria's unique cultural, legal, and institutional context. This comprehensive theoretical approach enables the study to move beyond simplistic explanations of system failures or successes to develop nuanced understanding of the complex factors that influence criminal justice responses to domestic violence and to identify realistic and culturally appropriate strategies for improvement.

2.4 Domestic Violence in Nigeria

Domestic violence is one of the persistent and embedded problems in Nigeria, as it can be discussed by members of different demographics without respect to age, tribe, religion, or social status. The widespread nature of this issue is reflected in the fact that, according to the CLEEN Foundation, 1 out of every 3 respondents described a case of domestic violence as the issue that made them a victim. Surveys have shown a vast difference between the reported experiences of different areas insofar as it turns out that a study in South Western Nigeria reported that only 18.6 per cent of the respondents had experienced or committed violence against themselves and their spouse, although that same study also showed that a full 60 per cent of respondents had heard about violence between other couples.⁵¹ Domestic violence in Nigeria has various forms that include physical, emotional, verbal, sexual and financial abuse. The effects seem to be more evident in the rural regions, where domestic violence continues to be rife in the rural regions of Nigeria, where traditional cultural systems and inaccessibility of help services might contribute to the issue.

Furthermore, the court structure of Nigeria has changed, and mainly domestic violence is covered in the Violence Against Persons (Prohibition) Act which offers general immunity in situations of domestic violence without gender but is unevenly applied at the state level. This Act is mainly used in cases investigated in the Federal Capital Territory (Abuja) of Nigeria, with states having their own laws by means of criminal code laws and penal codes.⁵² The popular approach to responding to domestic violence through urging victims to tolerate the abuse to ensure the sustainability of marriage, marital privacy, and child welfare remains so

⁵¹ Alawode O 'Socioeconomic Determinants of Domestic Violence Against Women in Nigeria: Empirical Evidence from National Demographic and Health Survey Data (2024) <<https://doi.org/10.11648/j.sf.20240504.15> > accessed August 9 2025

⁵² JI Mantu 'Review of the Nigerian Penal System on 'Idle Persons' and 'Vagabond': The Plateau State Code Law, 2017 in Focus *SSRN Electronic Journal* [2021] <<https://doi.org/10.2139/ssrn.3846765> > accessed August 9 2025

cultural and social to the extent that it is not effective due to its propensity towards violence circulation.

In addition, recent scholarly studies have found out several causative factors to domestic violence in Nigeria, such as childlessness, extramarital affairs, interference of in-laws, and illiteracy, among others, and the possible role of education as a remedial aspect. The vice does not indicate any signs of declining despite the heightened campaigns to create more awareness, as civil rights organisations have continuously strengthened campaigns on improved forms of reporting and prosecution of abusers. The dilemma itself is rather tricky and demands a multilateral stance that will not only address the current challenge of ensuring protection but also outer influences that either motivate or discourage domestic violence throughout Nigerian society.

2.5 Causes of Domestic Violence in Nigeria

Domestic violence in Nigeria has its roots deep-seated in a complex variety of cultural, socio-economic, and individual dimensions that have been confronted generation after generation. Conventional gender norms and cultural practices of the past constitute a distinct basis of domestic violence, as the norms and practices of the past and of the culture continue to be influential and are regarded as being the cause of the perpetuation of domination of women, including domestic violence among respondents.⁵³ Such cultural systems tend to entrench the status of women in a disadvantaged position in the context of marriages and family systems such that violence may be condoned or even legitimised as a method of preserving the male dominance and power.

⁵³ Dixit S 'Role of Social Norms and Culture in Domestic Violence' *International Journal of Research and Scientific Innovation* < <https://doi.org/10.51244/IJRSL.2023.1012027> > [2024] (10) (12) accessed August 9 2025

Also, economic determinants are very significant in enhancing domestic violence within the households of Nigerians. Such issues, as unpaid bills and debts which lead to the cases of potential frustration, often spark violent events, specifically the interrelation of the economic stress with cultural expectations of male financial sufficiency. The fact that women depend on their partners economically adds further dependence to vulnerability since the victims lack easy access to other sources of income which would then enable them to stop being subjected to abusive relationships.⁵⁴ These challenges are compounded by poverty and illiteracy that are the primary factors inducing domestic violence and establishing cycles in which the economic disadvantage combines with educational constraints to perpetuate unequal power distribution in relationships.

In addition, there are also single acts and psychological reasons towards domestic violence. Drunk condition of spouses qualifies as one of the main causes of violent outbursts whereas refusal of sexual intercourse to the partner bears the seeds of abuse.⁵⁵ The others that are more outstanding are the control and domination problems, in which women who ended up with domineering husbands tend to suffer more physical, sexual, and emotional violence significantly. Intergenerational transmission of pattern of violence also contributes to the fact that a history of parental violence in the partner raises chances of intimate partner violence.

Furthermore, systemic and institutional processes are elements that facilitate domestic violence by promoting the failure to uphold the law and social support systems.⁵⁶ Unchecked environments that allow abuse to take place and remain unrestrained include barbaric cultural

⁵⁴ Elizabeth Frost and others 'Money, Economic Abuse and Food Insecurity: a Qualitative Study among Young Women with a History of Intimate Partner Violence' *Adolescents* [2023] (3) (2) 330-342
<<https://doi.org/10.3390/adloescents3020023>> accessed August 9 2025

⁵⁵ Anree Parekh and others 'The Effects of Husbands' Alcohol Consumption and Women's Empowerment on Intimate Partner Violence in India' *Journal of Interpersonal Violence* [2021] (37) (13-14)
<<https://doi.org/10.1177/0886260521991304>> accessed on August 9 2025

⁵⁶ MM Aziz 'Behind Closed Doors: A Comprehensive Review of Patterns and Perspectives of Domestic Violence in Bangladesh' *Social Science and Humanities Journal* [2025] (9) (1)
<<https://doi.org/10.18535/sshj.v9i01.1602>> accessed on August 9 2025

practices, application, ignorance, illiteracy, poverty, absence of a governmental shelter of the victims among others.⁵⁷ The culture of avoiding to talk about domestic violence implies that much of the cases remain not reported, whereas the social stigmatization of the victims prevents helping behaviour. Community and religious leaders also unintentionally contribute to these issues when the message of preserving marriages is advocated at the expense of the safety of victims of abuse thus leading to another impairment towards victims of abuse toward seeking help or support.⁵⁸ Such intertwined causes presuppose multifaceted measures that could not only ensure immediate safety but also prevent the further experience and occurrence of domestic violence in the Nigerian society that is structurally viewed as inherently inseparable.

In conclusion, the cause of domestic violence can be attributed to the patriarchal society, certain cultural beliefs that confer absolute power on men over their wives, intergenerational transmission of violence, anger management issues, inferiority complex, drug abuse and alcoholism, low income or unemployment, and many other factors. Essentially, these traits are mostly exhibited by men in a bid to establish dominance and authority over their household, command respect, instil discipline and sometimes, out of frustration.

2.6 Forms of Domestic Violence in Nigeria

Domestic violence in Nigeria manifests through several interconnected forms that create comprehensive patterns of abuse within intimate relationships. Physical violence represents the most visible and commonly recognised form, encompassing rape, murder, slapping, and kicking as the most prevalent expressions. This physical abuse often escalates from minor incidents to severe assaults, leaving victims with visible injuries that serve as stark reminders

⁵⁷ SK Mahato 'Domestic Violence Against Women in Nepal' *SMC Journal of Sociology* [2025] (2) (1) 71-99 <<https://doi.org/10.3126/sjs.v2i2.74841>> accessed on August 9 2025

⁵⁸ R Istratii and Parveen Ali 'A Scoping Review on the Role of Religion in the Experience of IPV and Faith-Based Responses in Community and Counseling Settings' *Journal of Psychology and Theology* [2023] (51) (2) <<https://doi.org/10.1177/00916471221143440>> accessed August 9 2025

of their vulnerability.⁵⁹ The physical component frequently serves as the foundation for other forms of abuse, as perpetrators use the threat or reality of physical harm to maintain control over their victims.

The other form which is widespread and which can be equally devastating is emotional and psychological violence which cannot be measured. This type involves continuous discouragement, loss of self-confidence, bullying and blackmail as well as planning and acting to chip at the self-esteem and worth of the victim. Mental trauma can be more enduring than any physical wound, with victims being depressed, anxious, and lacking self-confidence that may last long even after the abusive relationship is over.

Furthermore, sexual violence is a very traumatising type of domestic abuse that transpires in intimate relationships. Sexual abuse encompasses, and definitely does not end with, marital rape, assaults to sexual organs of the body, coercion to have sex even after physical abuse has existed, and treating a person with a derogatory sexual pseudonym. Unfortunately, marital rape is not an offense under Nigerian law. Cultural perceptions of marital relationships in the Nigerian setting are the cause of recognition of sexual violence in the sense that the marriage culture might fail to appreciate the issue of rape within marriage. This is a common form of abuse used along with other forms of violence and in the same way as an instrument of control and an instrument of humiliation.

Also, economic and financial abuse is an advanced way of manipulation of taking advantage of victims, entangling them into abusive relationships through economic dependence. Economic abuse has been particularly identified with the clause of the domestic violence laws in Nigeria, especially in the Protection Against Domestic Violence Laws in Lagos

⁵⁹ Angelin Virgine Lumapow and Others: Legal Protection for Victims of Domestic Physical Violence from the Perspective of Justice Theory: Study of the Decision of the Sleman District Court No. 472/Pid.Sus/2016/Pn,Smn' (2025) *International Journal of Law, Social Science and Humanities* < <https://doi.org/10.70193/ijlsh.v2i1.200> > accessed August 9 2025

State.⁶⁰ Fundamentally, the ways that this abuse occurs pertain to controlling access to sources of finance, denying victims any opportunity of working or getting an education, robbing money or benefits, ruining credit records or applying economic vulnerability as a tool to make victims stay out of abusive relationships. Monetary maltreatment may actually be especially successful in cultures in which females were restricted economically or encumbered legally by their culture from working autonomously with money. These intersections of diverse forms form intricate networks of control so that victims would find it very hard to identify the abuse, demand assistance, or get out of their circumstances, which has been one of the major factors behind why domestic violence continues to thrive in Nigerian society.

2.7 Overall Implications of Domestic Violence

The overall impacts of domestic violence are much more far-reaching than that of the initial act of violence, causing ripple effects in every sphere of the life and safety of a victim. Domestic violence leads to an aggravated psychological and physical health, a reduced quality of life, reduced productivity, and even death. It is evident with the all-encompassing impacts of the problem that domestic violence essentially compromises the capability of a suffering individual to live as a regular person in personal, workplace and societal lives, living with an indelible imprint of trauma even after the abuse has ceased.

Some of the most apparent and close outcomes of domestic violence relate to physical health. A typical injury will consist of the fractures, contusions, bruises, and internal bleeding, and the victims could face such issues as black eyes, cut, and scratches, broken bones, lost teeth, and burns. Nevertheless, the physical trauma is far more severe than any wound exhibited on

⁶⁰Section 18(g) of the Protection Against Domestic Violence Law of Lagos State 2007; Ali R 'The Legal, Cultural and Religious Perspective on Domestic Violence in Nigeria *SSRN Electronic Journal* [2024] <<https://doi.org/10.2139/ssrn.4696462>> accessed August 9 2025

the surface because of the fact that it can end up in long-term health damages. Chronic pains, heart disease, diabetes, asthma, arthritis and heart problems are just but some of the diseases that may be experienced later on. The other problems may be digestive problems, sexual problems, problems with the immune systems as well as eating problems, migraines and stress.⁶¹ Studies have found that the chronic health problems experienced by women in abusive relationships include lower back pain, headaches, memory loss, sleep disorder, depression, diabetes, asthma, and gastric disease many years after they left their abusers.

Also, the emotional and psychological consequences are usually even more devastating and lasting than physical consequence. The common psychological consequences of domestic violence are post-traumatic stress responses and depression whereas the victimization of domestic violence is attributed to greater vulnerability to posttraumatic stress disorder (PTSD), depression and suicide. Such psychological effects entail more recovery obstacles since the emotional and psychological burden of domestic violence on the victims usually make them difficult to trust and establish new relationships. They can be afraid of additional abuse or have to deal with the feeling of low self-worth that results in social withdrawal and isolation. Trauma, fear, and self-esteem slights make them para-clinical problems, which produce complicated psychological damage, and they cannot be resolved without specialized help.

The personal trauma produced is further combined with social and economic consequences of losing the affiliation to community, jobs and economic security. There might be a negativity of income, employment, education, housing security and overall engagement in social and civic life which disproportionately impacts the family violence victim; thus, family violence can lead to cycles of disadvantage sinking in abusive circumstances. These injuries have the

⁶¹ Adil Haider and Others 'Factors Associated with Long-Term Outcomes After Injury' *Annals of Surgery* [2020] (271) (6) 1165-1173 <<https://doi.org/10.1097/SLA.0000000000003101> > accessed August 9 2025

potential to disturb the working capacity of the victim. Consequently, earnings can be lost, whereas factors increasing social stigma and isolation of victims of domestic violence can deprive them of supportive networks who can assist in letting them out of the situation or alleviating the effects of the assault.

The consequences of the violence that may exist between generations as a result of domestic violence conclude in long-term consequences that are of great concern to society as a whole. Being exposed to domestic abuse is regarded as an adverse childhood experience (ACE). A number of adverse health consequences in adulthood have been associated with such toxic stress during early life, and these include depression and substance use disorder, diabetes, and heart disease. Children exposed to domestic violence have deteriorated education outcomes and social skills.⁶² Problems related to internalisation, depression, symptoms of post-traumatic stress disorders, and externalisation symptoms of aggressiveness and even lower IQs, whereas children living in environments of abuse are found to be more prone to health problems in their later adulthood. These may involve mental illnesses, e.g., depression and anxiety. They can also consist of diabetes, obesity, heart disease, low self-esteem and others.⁶³

2.8 Conclusion

In this chapter, the theoretical framework and conceptual clarification of the subject matter has been established as various terms associated with domestic violence have been defined lexically and contextually. The prevalence of the issue of domestic violence can be attributed to a variety of existing causes discussed in this chapter. This problem would remain dominant

⁶² Carol Orr and Others ‘School Readiness of Children Exposed to Family and Domestic Violence *Journal of Interpersonal Violence* [2021](37)(21-22) < <https://doi.org/10.1177/08862605211050099> > accessed August 9 2025

⁶³ Lucia Beltran- Garrayo and Others ‘Examining Associations Between Obesity and Mental Health Disorders from Childhood to Adulthood: A Case-Control Prospective Study (2023) <<https://doi.org/10.1016/j.psychres.2023.115296>> accessed August 2025

in our society if the root causes are not nipped in the bud, or tackled at grass root level. The causes of domestic violence cuts across cultural, religious, economic and psychological factors. Worst still, the major cause of domestic violence in Nigeria remains the issue of male dominance over women, as well as certain cultural beliefs that confer absolute authority and power on men over their wives which is common mostly in the rural and underdeveloped areas of the country. Also, this chapter examines the various forms of domestic violence such as physical, emotional, psychological and sexual violence as well as economic and financial abuse. The impacts of domestic violence has such a lasting effect longer and more severe than the duration of the physical act itself. Victims are often faced with life threatening conditions and permanent scars, fracture, disfigured faces and emotional and psychological trauma. These overarching impacts reveal that through domestic violence, ripple effects rise across various generations, families, and communities that make it a public health concern, which needs centralised intervention and prevention strategies.

CHAPTER THREE

3.0 DOMESTIC VIOLENCE AND THE NIGERIAN CRIMINAL JUSTICE SYSTEM

3.1 Introduction

Domestic violence as a social issue is so widespread in Nigeria that it transcends ethnic, religious, and socio-economic boundaries. It is demonstrated as physical violence, sexual abuse, mental instillation, financial denial, and unhealthy cultural practices. Although there has been increased awareness of its harmful effects on the individuals, family, and the society, there is underreporting of domestic violence as people fear, feel stigmatized and also distrust the formal justice systems.⁶⁴ The role of the Nigerian criminal justice system in the resolution of domestic violence is central to the standard of its operations influenced by laws, institutionalization, and the forces of social-cultural interactions.

In Nigeria, the problem of domestic violence is legally handled using a number of tools. The most inclusive legislation is Violence Against Persons (Prohibition) Act 2015, which criminalizes different type of domestic violence such as spousal battery, harmful practices of widow, female genital mutilation, and emotional abuse⁶⁵. It, however, can only be used in the Federal Capital Territory, and needs to be domesticated by states in order to enforce. Within the last few years, the law is not enacted in all the states, and this has resulted in unequal protection of the victims in the federation. Criminal Code (applicable in the South) and the

⁶⁴ KO Macaulay 'Assessing Domestic Violence in Nigeria' *Texila International Journal of Academic Research* [2016] (3) (2)
<https://www.texilajournal.com/thumbs/article/Academic%20Research_Vol%203_Issue%202_Article_1.pdf>
accessed on October 20th 2025

⁶⁵ C Onyemelukwe 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015' *De Paul Journal of Women, Gender and Law* [2016](5) (2)
<<https://via.library.depaul.edu/jwgl/vol5/iss2/3/>> accessed on October 20th 2025

Penal Code (applicable in the North) provide likewise criminal offenses of assault and grievous harm, however, in practice, they may not be sufficient to address the multidimensionality of domestic violence, in particular, emotional and economic abuse.⁶⁶

These laws are highly challenged to be enforced. The effectiveness of police in reacting to domestic violence cases is generally poor where some officers ignore the reports claiming it is a family issue that should be resolved privately. There are cultural and religious stigma that victims, especially women, experience that do not encourage them to report or even seek prosecution against their abusive partners. There is also wastage of time, high expenses and failure to have special procedures of handling sensitive cases of domestic abuse in the courts.⁶⁷ Moreover, few shelters, counseling services, and legal help are available to the survivors, and many of them are not able to find any proper way out.

It is against these odds that developments are coming forth. The awareness of the rights of the victims has been raised by the activity of civil society organizations, and more states have been forced to domesticate the VAPP Act. The institutional responses are being gradually reinforced with specialized gender desks in certain police stations and the role of the NGOs in giving legal assistance, psychosocial support, etc. There are also international human rights mechanisms like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which the international community can use to hold Nigeria on its feet in ensuring that women and children are not at the mercies of male chauvinism.

⁶⁶ O L Okonkwo and Ifeanacho Martins 'Enforcement of the Violence Against Persons Prohibition (VAPP) Act 2015 in Fighting Domestic Violence Against Women in Rivers State: Challenges and Remedies *International Journal of Scientific Research and Management* [2018] (6) (11) < <https://doi.org/10.18535/ijstrm/v6i11.sh04> > accessed on October 20th 2025

⁶⁷ UM Ofunu and Shaba Sampson 'Obstacles to Women's Right against Domestic Violence in Nigeria' *Scholars International Journal of Law, Crime and Justice* [2021]<https://saudijournals.com/media/articles/SIJLCJ_44_189-197.pdf> accessed on October 20th 2025

3.2 The Nigerian Criminal Justice System

The criminal justice system is essentially a maze of agencies and processes that seek to control, minimize and impose penalties for the commission of crimes.⁶⁸ Empirical studies have illustrated that the police, courts and the correctional facilities share common organizational interests that defy the contrasting ideologies of crime control and due process approaches; they usually co-operate to maximize their purpose of law enforcement.⁶⁹ The criminal justice system is defined as a series of government agencies and institutions; goals include rehabilitation of offenders, preventing other crimes, and moral support for the victims.⁷⁰ The criminal justice system consists of three main parts which include law enforcement agencies usually the police, courts and accompanying prosecution and defence lawyers, and agencies for detaining and supervising offenders, such as prisons and probation agencies.

Nigerian criminal justice system is a complicated structure that serves to uphold law and order in the most populated country in the African continent. It is designed on the federal system that includes a component of the English common law, customary law, and the Islamic law (Sharia) in the North states⁷¹. Criminal law is mostly written here as the Criminal Code⁷² (applicable in the southern states) and the Penal Code⁷³ (applicable in the northern states). It consists of the police, the courts and the prisons. The Nigerian police is the main law enforcement body and prosecutions are done by the offices of the Attorney-General at federal and state levels. The police are the gatekeepers of the criminal justice process with the

⁶⁸ Jessica Schubert 'What is the Criminal Justice System? Overview, Definition and Components' <<https://study.com/learn/lesson/adult-development-theories-stages-lewinson.html> > accessed October 20th 2025

⁶⁹ Kent Rouch 'Four Models of the Criminal Process', 89 J. Criminal Law and Criminology (1999) 674

⁷⁰ Definition of 'criminal justice' < https://en.wikipedia.org/wiki/Criminal_justice > accessed on October 20th 2025

⁷¹ A Ojo and Oluwale Ojewale 'The Criminal Justice System: Actors, Processes and Policies' (2019) <https://doi.org/10.1007/978-3-030-19765-0_3> accessed on October 20th 2025

⁷² Criminal Code Act Cap C38 LFN 2004

⁷³ Penal Code Law Cap 39 LFN 1963

primary duty to enforce law and maintain order.⁷⁴ In addition, according to Section 4 of the Police Act,⁷⁵ the police exists for the prevention and detection of crime, apprehension of offenders, the preservation of law and order, protection of life and property and the due enforcement of all laws and regulations with which they are directly charged. Furthermore, the judicial powers of the state and federation are vested in the court.⁷⁶ The court system is the channel through which laws are interpreted and applied. The court system in Nigeria plays a crucial role in ensuring justice, upholding the rule of law, and resolving disputes; it provides individuals, businesses, and government entities with access to legal remedies and protects fundamental rights.⁷⁷ The Constitution⁷⁸ ensures the basic rights such as the presumption of innocence,⁷⁹ right to fair hearing⁸⁰ and right against double jeopardy.⁸¹ Such safeguards constitute the basis of due process of the criminal justice system. However, the system is not without challenges; corruption, delay in justice delivery, underfunding of the judiciary, and political interference remain prevalent.⁸² Lastly, the prisons have been described as an institution into whose chambers little light reaches. Its internal workings are dark processes even to those who seek knowledge about them, and its inmates are shadowy forms dwelling in neither regions of existence.⁸³ The Nigerian Correctional Service deals with incarceration and rehabilitation, which recently replaced the Nigerian Prison Service with the focus on a norm instead of punishment. In pre-colonial times, imprisonment as a form of punishment was alien to Africans. The use of incarceration for offenders was introduced into the continent by the colonial masters who used it as a tool to subdue political

⁷⁴ Section 4 of the Nigeria Police Act 2020

⁷⁵ Nigeria Police Act 2020

⁷⁶ Section 6 CFRN 1999 (as amended)

⁷⁷ Sentia Healthcare 'The Court System in Nigeria' < <https://sentiahealthcare.com.au/2025/03/03/the-court-system-in-nigeria/> > accessed on October 20th 2025

⁷⁸ The Constitution of the Federal Republic of Nigeria 1999 (as amended)

⁷⁹ Section 36(5) of the Constitution of the Federal Republic of Nigeria 1999 (as amended)

⁸⁰ Section 36 CFRN 1999 (as amended)

⁸¹ Section 36(9) CFRN 1999 (as amended)

⁸² Chaman Law Firm 'Cracking The Code: The Hidden Strengths And Weaknesses of The Nigerian Legal System' < <https://chamanlawfirm.com/the-nigerian-legal-system/> > accessed on October 20th 2025

⁸³ OL Ehonwa 'Prisoners In The Shadows : A Report on Women and Children in Five Nigerian Prisons' (Lagos Civil Liberties Organization (Civil Liberties Organization 1993) 1

opponents, as well as administer corporal and capital punishment, which thus became the major aim of the first prison established in Africa.⁸⁴ Access to condition that will enhance the mental, social and material wellbeing of a prisoner and his imminent rehabilitation in order to ease his return to normal life after incarceration should be the major aim of the prison system.⁸⁵

In summary, it can be affirmed that the Nigerian criminal justice system has taken significant steps in combating domestic violence but there are still institutional problems. The solutions would not be limited to the improved enforcement of legislation such as the VAPP Act⁸⁶ but also, the wider changes, such as training of police and people, making the judiciary sensitive, helping the victims, and building effective campaigns to raise awareness of the population. It is also important to deal with cultural norms promoting violence. Finally, addressing the problem of domestic violence in Nigeria requires a multidisciplinary response in which legal, institutional, and social policy would unite to bring justice to victims and prevent it in offenders.

3.3 Municipal Legislations on Domestic Violence

Municipal laws on domestic violence are an important part of the multi-level strategy of combating intimate partner violence and family abuse. Although there are general provisions for the protection of individuals against violence, the Nigerian legal system has not made any specific law protecting women against domestic violence until recent times. However, these laws are confronted by the problem of implementation which eventually vitiates its primary objectives. The local authorities are entitled to power to take such legislations as they are

⁸⁴ Jeremy Sarkin ‘ Prisons in Africa: An Evaluation From a Human Rights Perspective’(2009) *Sur International Journal of Human Rights* Year 5 No 9 cited in NJ Udombana ‘An Examination of The Rights of Prisoners and Detainees in Nigeria’ *Nigerian Bar Journal* [2010] (6) (1) 1

⁸⁵ PI Abumere ‘ *An Anatomy of Criminology*’ (Ekpoma: A Inno Publishers Z 1996) 136

⁸⁶ Violence Against Persons (Prohibition) Act 2015

given the general police power to safeguard public health, safety, and welfare.⁸⁷ Various municipal laws and their relevant provisions on domestic violence will be examined below.

3.3.1 Violence against Persons (Prohibition) Act 2015

Violence against persons (Prohibition) Act 2015 (VAPP Act) is a pioneering law in the Nigerian system, and it is exclusively aimed at combating the widespread issue of violence against persons, protect the rights of individuals and punish offenders. This is a major breakthrough in the way violence is contained in Nigeria since the country has had a scattered view of violence prevention, but this supreme law offers a federal model of how vulnerable persons are now subjected to all forms of abuse.⁸⁸

The Act offers a wider definition of sexual offences such as rape (a definition that incorporates marital rape), sexual assault, and other forms of sexual violence.⁸⁹ It expressly prohibits female circumcision or genital mutilation,⁹⁰ a cultural practice common among certain tribes in Nigeria although it has been brought to minimum. Also, the Act criminalizes mischief, destruction or damage to property of another with intent to cause distress.⁹¹ This is common among partners in abusive relationships where violence is prevalent, directly or indirectly (usually in the form of emotional and psychological abuse) as such persons may deliberately destroy cars, appliances, gadgets and other belongings of their partners. The Act frowns against forced financial dependence or economic abuse⁹² which could be in form of control and exploitation of finances, monitoring one's spending, creating debts in the

⁸⁷ CK Chaney and Grace Hall Saltzstein 'Democratic Control and Bureaucratic Responsiveness: The Police and Domestic Violence' *American Journal of Political Science* [1998] (42) 745-768
<<https://doi.org/10.2307/2991728>> accessed on October 20th 2025

⁸⁸ TJ Omidoyin 'Violence Against Persons (Prohibition) Act 2015: A Positive Step to the Eradication Of Domestic Violence in Nigeria' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* [2018] (1) 39-51 <https://www.ajol.info/php/naujilj/article/view/168804> > accessed on October 20th 2025

⁸⁹ Section 1 VAPPA 2015

⁹⁰ Section 6 VAPPA 2015

⁹¹ Section 11 VAPPA 2015

⁹² Section 12 VAPPA 2015

partner's name, restriction of access to bank accounts or making it hard for the person to get a job.⁹³ Furthermore, Section 13 of the Act⁹⁴ prohibits forced isolation or separation from friends and family. Isolation is not usually achieved through force to begin with, rather subtler manipulation such as guilt or pressure tactics such as complaining about time spent with friends, or they may have an 'us against them mentality', creating a feeling that no one understands you as they do and that others have a negative outlook on your relationship and cannot be trusted.⁹⁵ The Act addresses a wide range of violence and abuse which include emotional, verbal and psychological abuse,⁹⁶ abandonment of spouse, dependants and other dependants without sustenance,⁹⁷ intimidation,⁹⁸ harmful traditional practices,⁹⁹ attack with harmful substances,¹⁰⁰ administering a substance with intent,¹⁰¹ and incest.¹⁰² Similarly, the Act caters for the protection of victims and there is no time limit for a victim seeking protection under the law.¹⁰³ More importantly, the Act criminalizes spousal battery.¹⁰⁴ In the protection of victims, the court plays a huge role in ensuring that applications submitted are treated as soon as possible¹⁰⁵ and can issue an interim protection order against the respondent without notice of the proceeding, where there is evidence of actual commitment or likelihood of domestic violence.¹⁰⁶ In addition, it also takes into due consideration the provisions of the Constitution¹⁰⁷ and other domesticated international instruments on the rights of victims of

⁹³ Australian Government Attorney General's Department 'Understanding Coercive Control and Economic and Financial Abuse' (2024) < <https://www.ag.gov.au/families-and-marriage/publications/understanding-coercive-control-and-economic-and-financial-abuse> > accessed October 20th 2025

⁹⁴ Violence Against Persons (Prohibition) Act 2015

⁹⁵ The Personal Growth Project 'The Role of Isolation in Abuse: Isolation Through Subtle Manipulation'(2021) < <https://www.thepersonalgrowth-project.com/blog/the-role-of-isolation-in-abuse> > accessed October 20th 2025

⁹⁶ Section 14 VAPPA 2015

⁹⁷ Section 16 VAPPA 2015

⁹⁸ Section 18 VAPPA 2015

⁹⁹ Section 20 VAPPA 2015

¹⁰⁰ Section 21 VAPPA 2015

¹⁰¹ Section 22 VAPPA 2015

¹⁰² Section 25 VAPPA 2015

¹⁰³ Section 28 VAPPA 2015

¹⁰⁴ Section 19 VAPPA 2015

¹⁰⁵ Section 29 VAPPA 2015

¹⁰⁶ Section 29(2) VAPPA 2015

¹⁰⁷ The Constitution of the Federal Republic of Nigeria 1999 (as amended)

abuse and violence.¹⁰⁸ According to Section 38(1) of the Act,¹⁰⁹ victims are entitled to receive the necessary materials, comprehensive medical, psychological, social and legal assistance, be informed of the availability of legal, health and social services, as well as rehabilitation and re-integration programmes.

Additionally, the Violence Against Persons (Prohibition) Act 2015 is an important step of the struggle against domestic violence, as well as other types of interpersonal abuse in Nigeria. Despite its broad definition of various offences and specified penalties, there are challenges facing the Act. The challenges facing the Act include multiplicity of the laws, unacceptability of the Act or rejection of the Act because Nigerians view most of the provisions of the Act as being alien to the cultural context and are perceived as an incursion and imposition, unwillingness of victim to speak out and report incidence of violence that is, subtle level of tolerance by victims because of religious, traditional and social background.¹¹⁰ Although the implementation issues still exist, the Act presents a very thorough legal framework which, when enforced in full, could have a substantial impact in protecting vulnerable individuals in the whole of Nigeria.

3.3.2 The Criminal Code Act 1916

The Criminal Code Act 1916 is one of the early works in Nigeria and a significant authority in criminal law. Initially passed as the Criminal Code Ordinance No. 6 of 1916 in the British colonial rule, the comprehensive criminal law has served as a foundation of the Nigerian criminal justice system more than a century, regulating the criminal behaviour in most of the

¹⁰⁸ Section 38 VAPPA 2015

¹⁰⁹ Violence Against Persons (Prohibition) Act 2015

¹¹⁰ O Igwe ‘ Critique of the Violence Against Persons (Prohibition) Act 2015’ *African Journal of Law and Human Rights* [2022] (6) (2) 119

https://www.researchgate.net/publication/381120346_CRITIQUE_OF_THE_VIOLENCE_AGAINST_PERSONS_PROHIBITION_ACT_2015 > accessed October 20th 2025

southern states of Nigeria.¹¹¹ Under the Act, violence is classified as assault under section 252 and 253.¹¹² Section 252 provides that:

‘A person who strikes, touches, or moves, or otherwise applies force of any kind to the person of another, either directly or indirectly, without his consent, or with his consent, if the consent is obtained by fraud, or who by any bodily act or gesture attempts or threatens to apply force of any kind to the person of another without his consent, in such circumstances that the person making the attempt or threat has actually or apparently a present ability to effect his purpose, is said to assault that other person, and the act is called an assault.’

Furthermore, any person who unlawfully assaults another and thereby does him harm, is guilty of a felony and is liable to imprisonment for three years.¹¹³ This provision is commendable as it is not gender based, thus giving due recognition to violence suffered by men, and not women alone. The protection of men is also highlighted by the provisions of Section 353 which states that ‘any person who unlawfully and indecently assaults any male person is guilty of a felony and is liable to imprisonment for three years’. The Act also defines sexual offences and their respective punishments. It specifically describes rape as follows:

‘Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent misrepresentation as to the

¹¹¹ RY Hedges ‘Liability Under the Nigeria Criminal Code: A Historical and Comparative Study’ (2021) *Changing Law in Developing Countries* <<https://doi.org/10.4324/9781003245674-10>> accessed on October 20th 2025

¹¹² Criminal Code Act Cap C38 LFN 2004

¹¹³ Section 355 of the Criminal Code Act Cap C38 LFN 2004

nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence called rape'.¹¹⁴

The above provision clearly sets out the actions that constitute rape. Although, this definition is gender based as it specifically refers to women and girls, this lacuna has been filled by a non gender-based and more explicit definition of rape under Section 1 of the Administration of Criminal Justice Act 2015. In addition, apart from assault and battery, the Act also provides for other offences that constitute domestic violence such as threatening violence,¹¹⁵ intimidation, harassment and malicious damage to property.¹¹⁶ It is pertinent to state that the Act does not recognise marital rape.¹¹⁷ According to Section 6 of the Act, 'unlawful carnal knowledge' means carnal connection which takes place otherwise than between husband and wife.

In summary, the Act has brought about a systematic codification of criminal law to substitute the past disjointedness of the existing collection of colonial ordinances and to bring about a systemic way of defining criminal offences, their elements and the punishments to be imposed. Its continued usefulness can be attributed to the fact that its provisions are comprehensive and the evolutionary process of adaptation of its principles to the post-independence Nigerian society.

3.3.3 The Penal Code Act

The Penal Code Act is one of the most influential criminal legislations of the criminal law of the northern states of Nigeria, as it provided a full-fledged framework of the criminal law to the country which reflects the Islamic law principles. Northern states operate by the provision

¹¹⁴ Section 357 of the Criminal Code Act Cap C38 LFN 2004

¹¹⁵ Section 86 of the Criminal Code Cap C38 LFN 2004

¹¹⁶ Section 451 of the Criminal Code Cap C38 LFN 2004

¹¹⁷ Section 6 of the Criminal Code Cap C38 LFN 2004

of the Penal Code in the determination of criminal conducts, trial and punishment of convicts.¹¹⁸

The Act makes provisions for actions that constitute domestic violence including assault¹¹⁹ and sexual offences. A man is justified in using force against his wife if he does so to correct her provided that the force used is reasonable.¹²⁰ However, the Act fails to explain what the term ‘reasonable force’ means. Also, this provision could be misinterpreted to mean that physical abuse is permissible by law. Although an attempt is made to limit the scope of this provision by the provision of Section 55(2), this subsequent provision is vague and subjective. In addition, the provision of Section 55(1)(d) amounts to the violation of the fundamental rights of the woman.¹²¹ Furthermore, the Act criminalizes the use of physical force against a woman with the intent of violating her modesty,¹²² rape,¹²³ cruelty to children,¹²⁴ voluntarily causing hurt¹²⁵ and incest.¹²⁶ These forms of physical abuse are not uncommon in abusive relationships and violence is not prevalent among parents alone but it also extends to the children. Under Section 242, grievous harm includes emasculation, permanent deprivation of sight, speech or hearing, disfiguration and fracture. These physical injuries often result in psychological and emotional trauma such as low self-esteem and loss of self confidence.

In summary, the Penal Code Act is a special and important part of Nigerian legislation system which proves that the combination of traditional Islamic law and contemporary legal system of the state is possible. The hundred years of its use has demonstrated the stability of legal values of the past and the flexibility of the legal systems to the changing circumstances.

¹¹⁸ I Olaposi ‘Difference Between the Criminal Code and Penal Code in Nigeria’ (2023) < <https://www.lawglobalhub.com/difference-between-criminal-code-and-penal-code-in-nigeria/> > accessed on October 20th 2025

¹¹⁹ Section 264 of the Penal Code Act Cap C53 LFN 2004

¹²⁰ Section 55(1)(d) of the Penal Code Act Cap C53 LFN 2004

¹²¹ Section 34 CFRN 1999

¹²² Section 268 of the Penal Code Act Cap C53 LFN 2004

¹²³ Section 282 of the Penal Code Act Cap C53 LFN 2004

¹²⁴ Section 238 of the Penal Code Act Cap C53 LFN 2004

¹²⁵ Section 242 of the Penal Code Act Cap C53 LFN 2004

¹²⁶ Section 390 of the Penal Code Act Cap C53 LFN 2004

3.3.4 The 1999 Constitution of the Federal Republic of Nigeria

The 1999 Nigerian Constitution¹²⁷ is the written supreme law of the land of the Federal Republic of Nigeria.¹²⁸ The Constitution, which came into force on May 29, 1999, saw Nigeria revert to democratic governance after decades of military rule and it is the most stable constitutional framework in the history of the country since independence.¹²⁹

Although, the constitution does not expressly provide for domestic violence, guarantees the protection of the rights of every person.¹³⁰ Sections 33, 34 and 35 provide for the right to life, right to dignity of human person and right to personal liberty respectively. Acts that violate the dignity of human person include torture, inhuman or degrading treatment, slavery or servitude, forced or compulsory labour.¹³¹ These rights are violated in domestic violence situations, especially when physical abuse leads to bodily harm or death; the Constitution allows the state to intervene and protect victims from these violations.¹³² Thus, this provision of the law mandates that no person is subjected to any form of treatment that inflicts pain through torture, and any act of violent behaviour that amounts to degrading treatment.

3.3.5 The Child's Rights Act 2003

The Child Rights Act 2003 is the milestone piece of legislation in the Nigerian legal system which is actually formulated with the sole purpose to safeguard and advance the rights and

¹²⁷The Constitution of the Federal Republic of Nigeria 1999 (as amended)

¹²⁸ LawPadi '14 Things Every Nigerian Should Know About the Constitution' < <https://lawpadi.com/14-things-every-nigerian-know-constitution/> > accessed on October 20th 2025

¹²⁹ TF Olushola 'A Critical Perusal of Past Nigerian Constitutions and a Critique of the 1999 Constitution of the Federal Republic of Nigeria' *SSRN Electronic Journal* [2023] < <https://doi.org/10.2139/ssrn.4453600> > accessed in October 20th 2025

¹³⁰ Chapter IV CFRN 1999 (as amended)

¹³¹ Section 34(1)(a-c) CFRN 1999 (as amended)

¹³² M Odejide 'Domestic Abuse and the Law'(2025) <<https://www.linkedin.com/pulse/domestic-abuse-law-moyo-odejide-qmh6f> > accessed on October 20th 2025

welfare of children. This was a comprehensive legislation enacted into law on July 31, 2003 when Nigeria made a commitment to harmonize its child protection with the international standards of child protection, especially the United Nations Convention on the Rights of the Child (CRC) and African Charter on the Rights and Welfare of the Child (ACRWC).¹³³ The Act was born out of the increasing awareness of the fact that the current laws in Nigeria on child protection were rather fragmented, archaic, and insufficient to restructure the complex needs of children in the Nigerian society today.¹³⁴ It is a paradigm shift of the traditional methods of looking at the children as the main object of protection to the rights-based approach where children are considered as the holders of the basic human rights.

Although the Act lacks specific provisions on domestic violence, it carefully provides for the rights of children and their protection from any form of abuse, discrimination and exploitation. It ensures that the best interest of the child is of paramount consideration at all times,¹³⁵ and that a child is given necessary protection and care for his wellbeing.¹³⁶ Also, every child has a right to survival and development.¹³⁷ The Act frowns against any form of physical, mental, emotional and sexual abuse, slavery or servitude as well as torture and inhuman or degrading treatment or punishment of a child.¹³⁸ Furthermore, the Act demands that every child has a right to parental care, protection and maintenance,¹³⁹ a right to special protection measure for children in need,¹⁴⁰ prohibition of child marriage¹⁴¹ and it imposes a penalty on any parent or guardian that fails in his duties to the child under their custody.¹⁴² In

¹³³ MT Ladan 'An Overview of the Child Rights Act, 2003' *SSRN Electronic Journal* [2021] <<https://doi.org/10.2139/ssrn.4015384>> accessed on October 20th 2025

¹³⁴A Nwozor and Blessing Okhillu 'Child's Rights and the Challenges of Educating the Girl-Child: Assessing the Contributions of UNICEF in Nigeria' *The Age of Human Rights Journal* [2022] <<https://ssrn.com/abstract=4015384>> accessed on October 20th 2025

¹³⁵ Section 1 of the Child's Rights Act Cap C50 LFN 2004

¹³⁶ Section 2 of the Child's Rights Act Cap C50 LFN 2004

¹³⁷ Section 4 of the Child's Rights Act Cap C50 LFN 2004

¹³⁸ Section 11 of the Child's Rights Act Cap C50 LFN 2004

¹³⁹ Section 14 of the Child's Rights Act Cap C50 LFN 2004

¹⁴⁰ Section 16 of the Child's Rights Act Cap C50 LFN 2004

¹⁴¹ Section 21 of the Child's Rights Act Cap C50 LFN 2004

¹⁴² Section 15(6) of the Child's Rights Act Cap C50 LFN 2004

addition, the Act protects children from exploitative labour¹⁴³ and unlawful sexual intercourse,¹⁴⁴ provides for protection mechanisms,¹⁴⁵ care and supervision order¹⁴⁶ and the establishment of family courts for the purposes of hearing and determining matters relating to children.¹⁴⁷

Generally, the Act offers a wide range of protection of children from all forms of abuse, it mandates parents to fulfil their duties and be penalized where they fail to do so, and offers protection measures to children in need of such measures such as children in abusive homes, to ensure the protection of their physical, mental and emotional wellbeing. Arising from the foregoing, there is no gainsaying that the full impact of the Child's Right Act is yet to be felt as cases of child marriages, child labour and other several forms of child right abuse are still prevalent in the Nigerian society.¹⁴⁸ In conclusion, the Child Rights Act 2003 is a paradigm change of the way Nigerians are handling child protection acts, whereby the legal framework has laid down a detailed scheme of law which considers children as right bearers as opposed to the protection objects. Although there are still issues of implementation especially in the area of state implementation and the allocation of resources to implement, the Act has offered necessary legal grounds towards the improvement of rights of children in the entire of Nigeria.

3.3.6 Matrimonial Causes Act

¹⁴³ Section 28 of the Child's Rights Act Cap C50 LFN 2004

¹⁴⁴ Section 31 of the Child's Rights Act Cap C50 LFN 2004

¹⁴⁵ Section 42 of the Child's Rights Act Cap C50 LFN 2004

¹⁴⁶ Section 53 of the Child's Rights Act Cap C50 LFN 2004

¹⁴⁷ Section 149 of the Child's Rights Act Cap C50 LFN 2004

¹⁴⁸ International Association of Women Judges 'The rights of a Child in Nigeria'(2023) <

https://iawj.org/content.aspx?page_id=2507&club_id=882224&item_id=4600> accessed on October 20th 2025

The Matrimonial Cause Act¹⁴⁹ is one of the means of law that provides a way out in addressing domestic violence for victims.¹⁵⁰ The institution of marriage is a fundamental aspect of Nigerian society, and it is crucial to make sure that the rights and obligations of both husbands and wives are effectively safeguarded; the rights and obligations of spouses are regulated by various laws and legal principles in Nigeria and in order to support women's equality and marital empowerment, Nigerian laws have undergone considerable changes.¹⁵¹

Under the Act, a court can dissolve a marriage where one party behaves in such manner that the other cannot live with him.¹⁵² More importantly, the marriage can be dissolved where one party has attempted to kill or inflict grievous harm on the other.¹⁵³ Furthermore, Section 39 of the Act lays emphasis on the previous provisions. In the case of *Gollins v Gollins*,¹⁵⁴ Lord Pearce stated that:

‘It is impossible to give comprehensive definition of cruelty but when reprehensible conduct or departure from the normal standard of conjugal kindness causes injury to health or an apprehension of it, it is, I think, cruelty if a reasonable person, after taking due account of the temperament and all other particular circumstances would consider that the conduct complained of is such that this spouse should not be called on to endure it.’

In essence, the Act guarantees the protection of spouses from all forms of violence prevalent within the home as it recognises violence as a grounds for divorce.

3.3.7 Lagos State Protection against Domestic Violence Law 2007

¹⁴⁹ Cap M7 Laws of the Federation of Nigeria 2004

¹⁵⁰ CA Nnabuiife ‘Domestic Violence: An Incidence of the Dissolution of Marriage in Nigeria’(2025) <<https://chukwuemekannabuiife.net/domestic-violence-an-incidence-of-the-dissolution-of-marriage-in-nigeria/>> accessed on October 20th 2025

¹⁵¹ K Nkume ‘The Legal Rights of Spouses in Marriage Under Nigerian Law’(2023) <<https://www.mondaq.com/nigeria/family-law/1330852/the-legal-rights-of-spouses-in-marriage-under-nigerian-law> > accessed on October 20th 2025

¹⁵² Section 15(2)(c) of the Matrimonial Causes Act Cap M7 LFN 2004

¹⁵³ Section 16(1)(e) of the Matrimonial Causes Act Cap M7 LFN 2004

¹⁵⁴ 2 ALL ER 966 (1963)

Lagos State Protection against Domestic Violence and Maltreatment of Widows (Prohibition) Law 2007 is an example of an innovative legislation in Nigeria, which prefigured Lagos State as a leader in responding and preventive actions of domestic violence across the nation. Being the first and only domestic violence law passed by any state in Nigeria, it was a true departure of working with family violence in the traditional way and established other precedents on imitating such a legislation in the country.¹⁵⁵ Besides criminalizing domestic violence in appropriate cases, it established an appropriate civil procedure for dealing with the incident of domestic violence. It comprises of 19 sections, by Section 1, no person shall commit any act of domestic violence against any person.¹⁵⁶ It gives a broad definition of domestic violence which covers a wide range of violence including physical abuse, sexual exploitation, starvation, emotional, verbal and psychological abuse, economic abuse and exploitation, intimidation, harassment, stalking, hazardous attack, damage to property, deprivation and any other controlling or abusive behaviour.¹⁵⁷ In addition, it provides for the application of protection orders by victims,¹⁵⁸ empowers the courts in respect of protection orders,¹⁵⁹ and penalizes any person who violates its provisions.¹⁶⁰

Furthermore, the fact that the law has certain safeguards on widows and a more global approach to domestic violence shows that there is an awareness of the special low status of widowed women in Nigerian culture and the overlapping of gender-based violence and detrimental indoctrination. This twin orientation renders the legislation unusual in the African legal systems and demonstrates the progressive attitude of Lagos State to the equality of genders and protection of women's rights.

¹⁵⁵ C Onyemelukwe 'How Well Does the Law Protect Women at Home? : An Analysis of Nigeria's Domestic Violence Legislation' *International Journal of Law and Management* [2018] (60) 186-209 <<https://doi.org/10.1108/IJLMA-05-2017-0111>> accessed on October 20th2025

¹⁵⁶ E I Nwogugu '*Family law in Nigeria*' (3rd edn, Ibadan Publishing Plc 2014) 112-114

¹⁵⁷ Section 18(1)(g) of the Lagos State Domestic Violence Law 2007

¹⁵⁸ Section 2 of the Lagos State Protection Against Domestic Violence Law 2007

¹⁵⁹ Section 7 of the Lagos State Protection Against Domestic Violence Law 2007

¹⁶⁰ Section 51(a) of the Lagos State Protection Against Domestic Violence Law 2007

In conclusion, the Lagos State Protection against Domestic Violence and Maltreatment of Widows (Prohibition) Law 2007 can be considered as the milestone in Nigerian law-making and defending the rights of women. The Lagos State achieved a first in developing full legislation on domestic violence in Nigeria that has shown the possibility of leadership of states in dealing with gender-based violence and has been a model that has shaped legal legislation in Nigeria among others. The advanced knowledge of the intersecting nature of gender-based violence and specific vulnerability of women to various conditions is reflected in the innovative form of domestic violence and widow protection provisions in the law. Its overall strategy of integrating criminal penalties, civil protection and support services has created significant precedent in the area of comprehensive domestic violence response.

3.3.8 Ekiti State Gender-Based Violence (Prohibition) Law 2019

Ekiti State Gender-Based Violence (Prohibition) Law was first passed in 2011. It is an innovative document in the context of Nigerian efforts to deal with gender-based violence on a state level. It was enacted to protect women and girls from various forms of gender-based violence. It broadly defines gender-based violence to include any act that inflicts physical, mental, or sexual harm or suffering, and all acts of violence which impairs or nullifies the enjoyment of human rights.¹⁶¹ The law also provides for the forms of gender-based violence,¹⁶² sexual assault,¹⁶³ violence against women,¹⁶⁴ rape¹⁶⁵ inflicting physical injury on a person¹⁶⁶ prohibition of female circumcision,¹⁶⁷ forceful ejection of one's spouse from the home¹⁶⁸ deprivation of a person of his or her liberty,¹⁶⁹ damage to property with intent to

¹⁶¹ Section 1 of the Ekiti State Gender-Based Violence law 2019

¹⁶² Section 1(2) of the Ekiti State Gender-Based Violence Law 2019

¹⁶³ Section 1(3) of the Ekiti State Gender-based Violence Law 2019

¹⁶⁴ Section 1(4) of the Ekiti State Gender-Based Violence Law 2019

¹⁶⁵ Section 2 of the Ekiti State Gender-Based Violence Law 2019

¹⁶⁶ Section 3 of the Ekiti State Gender-Based Violence Law 2019

¹⁶⁷ Section 7 of the Ekiti State Gender-Based Violence Law 2019

¹⁶⁸ Section 10 of the Ekiti State Gender-Based Violence Law 2019

¹⁶⁹ Section 11 of the Ekiti State Gender-Based Violence Law 2019

cause distress,¹⁷⁰ forced financial dependence or economic abuse,¹⁷¹ forced isolation or separation from family and friends¹⁷² and emotional, verbal and psychological abuse.¹⁷³ Furthermore, it criminalizes harmful widowhood practices,¹⁷⁴ abandonment of spouse, children and dependents without sustenance,¹⁷⁵ stalking,¹⁷⁶ intimidation,¹⁷⁷ spousal battery,¹⁷⁸ harmful traditional practices,¹⁷⁹ attack with harmful substances¹⁸⁰ and incest.¹⁸¹ In addition, this law also makes provisions for penalties for offenders, and protection orders for victims of domestic violence.¹⁸²

In essence, this law explicitly defines various domestic violence-related offences and offers specific penalties accordingly. It is a comprehensive legislation making Ekiti State one of the first states to adopt specific gender-based violence bill in Nigeria, and it goes to show that the state cares about the vulnerable people and their protection against different types of violence based on gender inequality and discrimination.¹⁸³ In summary, the Ekiti State Gender-Based Violence (Prohibition) Law, 2019 is one of the major steps that have been taken towards the solution of the gender-based violence in Nigeria with the use of all-inclusive legislation at the state level.

3.3.9 Edo State Violence Against Persons (Prohibition) Law (2021)

¹⁷⁰ Section 12 of the Ekiti State Gender-Based Violence Law 2019

¹⁷¹ Section 13 of the Ekiti State Gender-Based Violence Law 2019

¹⁷² Section 14 of the Ekiti State Gender-Based Violence Law 2019

¹⁷³ Section 15 of the Ekiti State Gender-Based Violence Law 2019

¹⁷⁴ Section 16 of the Ekiti State Gender-Based Violence Law 2019

¹⁷⁵ Section 17 of the Ekiti State Gender-Based Violence Law 2019

¹⁷⁶ Section 18 of the Ekiti State Gender-Based Violence Law 2019

¹⁷⁷ Section 19 of the Ekiti State Gender-Based Violence Law 2019

¹⁷⁸ Section 20 of the Ekiti State Gender-Based Violence Law 2019

¹⁷⁹ Section 21 of the Ekiti State Gender-Based Violence Law 2019

¹⁸⁰ Section 22 of the Ekiti State Gender-Based Violence Law 2019

¹⁸¹ Section 24 of the Ekiti State Gender-Based Violence Law 2019

¹⁸² Section 30 of the Ekiti State Gender-Based Violence Law 2019

¹⁸³ Addisu Shunu Beyene and others 'Gender-Based Violence among Female Youths in Educational Institutions of Sub-Saharan Africa: A Systematic Review and Meta-Analysis' (2019) <<https://doi.org/10.1186/s13643-019-0969-9>> accessed on October 20th 2025

This law is similar to the Violence Against Persons (Prohibition) Act 2015 but is adopted at the state level for implementation. It criminalizes the performance or aiding of female genital mutilation as such offender will be liable to four years imprisonment or a fine of 500,000 naira.¹⁸⁴ It prohibits all forms of domestic violence and offers protection to victims,¹⁸⁵ empowers the court to restrain the abuser¹⁸⁶ and ensures that shelters and support services are established for victims of domestic violence.¹⁸⁷

3.4 International Treaties against Domestic Violence

The international conventions that are used to combat domestic violence mark an essential element of the global legal system of ensuring human rights and gender equality. These are international mechanisms that have binding responsibilities to state parties to prevent, investigate, prosecute and punish domestic violence as well as giving full support to victims. The emergence of these treaties is indicative of increasing international awareness of the fact that domestic violence is a severe human rights violation which must cross national borders and be dealt with by international action.¹⁸⁸ Some of the relevant treaties will be duly examined below:

3.4.1 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The most holistic international treaty on women rights and gender equality is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted by the United Nations general assembly on December 18, 1979 and came into force on

¹⁸⁴ Section 11 of the Edo State Violence Against Persons (Prohibition) Law 2021

¹⁸⁵ Section 2 Edo State VAPP Law 2021

¹⁸⁶ Section 14 Edo State VAPP Law 2021

¹⁸⁷ Section 45 Edo State VAPP Law 2021

¹⁸⁸Oksana Stepanenko and others 'Establishment of International Legal Regulation on the Criminal-Legal Combat Against Domestic Violence'(2023) <<https://doi.org/10.34069/ai/2023.63.03.18>> accessed on October 20th 2025

September 3, 1981. CEDAW is sometimes referred to as an international bill of rights to women, and it has legally binding requirements to eliminate discrimination against women in all its manifestations and to provide substantive equality between men and women in all areas of life of the member states. The broad scope of CEDAW takes into consideration discrimination in both the public and the private life, including civil, political, economic, social, and cultural rights as well as the intersectional character of the experiences of women and the necessity of transformative solutions to the gender equality.¹⁸⁹

The full definition of discrimination against women that is offered in Article 1, entails any distinction, exclusion or restriction on the basis of sex that has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights and fundamental freedoms by women in the political, economic, social, cultural, civil or any other field. Article 2 provides elaborate state obligations such as constitutional and legislative guarantees of equality, legal redress to discrimination, alteration or abolition of discriminatory laws and practices, and removal of discrimination by individuals, groups, or corporations. Article 5 demands the states to change social and cultural patterns of behaviour that rely on the stereotyped roles of both men and women acknowledging that law change cannot occur in isolation of cultural change. Articles 7-9 touch upon the participation of women in political and public life, the right to vote, the right to hold office, the right to be involved in the NGOs, and the equal treatment in the matters of nationality, the political participation being regarded as the basic way to empower women. Article 10 ensures that women have equal access to education at all levels, removal of stereotyped ideas about role, access to the educational information and minimizing the rate of female dropout as education is considered imperative in the growth of women. Article 11 deals with employment

¹⁸⁹J Schast 'Battle of the Sexes: Why the United States Has Not Yet Ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)' (2014) < <https://ir.ung.edu/work/sc/5961c552-ae4f-4d67-b3dd-fcbd868400d6> > accessed on October 23rd 2025

discrimination such as equal opportunities, equal pay, social security, protection of health and safety as well as barring dismissal of employment based on pregnancy or marital status, and Acknowledging the special needs of women such as protection of maternity. Article 12 concerns equal access to healthcare such as the family planning services and the special consideration of the health care of women such as pregnancy, confinement and post-natal services. Article 13 covers economic and social discrimination in life such as on banking, mortgages, recreation and sports, as it acknowledges the right of women to full economic involvement. The rights of rural women are covered under Article 14 as they are especially vulnerable and contribute to the country but all the development programs, health, education, and economic possibilities are made equally available to them. Articles 15-16 concern the legal capacity of women in questions of marriage and family relations, such as the right to contract marriage, choose partner, have property and make decisions concerning children, as the right of men.

Although not specifically dealing with domestic violence, CEDAW lays the legal groundwork of dealing with violence against women at the international level. In the General Recommendation No. 19, gender-based violence, specifically domestic violence is mentioned as a form of discrimination, which hinders the enjoyment of human rights and fundamental freedoms by women. Furthermore, it guarantees the enjoyment of basic rights and fundamental freedoms¹⁹⁰ and economic and social benefits of women.¹⁹¹ The next General Recommendation by the Committee, General Recommendation No. 35, further developed the

¹⁹⁰ Article 3 of the Convention on the Elimination of all Forms of Discrimination Against Women 1979

¹⁹¹ Article 14 of the Convention on the Elimination of all Forms of Discrimination Against Women 1979

criteria of states to handle gender based violence by taking complete legal, policy and institutional actions.¹⁹²

In summary, the Convention on the Elimination of All Forms of Discrimination against Women is an iconic milestone in international human rights law and gender equality in the world. Its holistic framework, creative approaches to combating discrimination in both the political and the private world, and its focus on substantive equality has had a great impact on legal, policy and social changes across the globe.

3.4.2 Declaration on the Elimination of Violence Against Women (DEVAW)

The Declaration on Elimination of Violence against women (DEVAW) which was passed by the United Nations General Assembly on December 20, 1993, in the form of the Resolution 48 /104, is the first international instrument to explicitly cover violence against women as a human rights violation that needs urgent international intervention. Although not enforceable as a treaty, the Declaration has substantial moral and political authority as it has provided the authoritative criteria and principles that have had a dramatic impact on the international law, domestic laws, and the fight against gender-based violence on the global agenda¹⁹³.

Article 1 offers the most recent globally accepted definition of violence against women as any kind of gender-based violence that may result in, or is more probable to result in, physical, sexual or psychological injury or suffering of women, including threats of the same.¹⁹⁴ Article 2 expounds certain types of violence including physical, sexual and psychological violence that finds place in the family (such as battering, sexual abuse, dowry-

¹⁹² Iryna Andrusiak and others 'The Effectiveness of International Conventions in the Struggle Against World's Domestic Violence' *Jurnal Cita Hukum* [2024]<<https://doi.org/10.15408/jch.v12i1.38889>> accessed on October 20th 2025

¹⁹³ A King 'UN Declaration on the Elimination of Violence against Women' (2019) <<https://doi.org/10.1002/9781118929803.ewac0505>> accessed on October 23rd 2025

¹⁹⁴ The Lancet Public Health 'Violence Against Women: Tackling The Other Pandemic' (2022) <[https://doi.org/10.1016/S2468-2667\(21\)00282-6](https://doi.org/10.1016/S2468-2667(21)00282-6) > accessed on October 23rd 2025

related violence, marital rape, female genital mutilation and other traditional practices that are detrimental to women), within the general community (sexual abuse, sexual harassment, intimidation in the workplace and in educational institutions, and trafficking in women) and by the state.¹⁹⁵ The declaration of violence in both the public and the private was a radical advancement that undermined the common divisions that had seen most violence against women go unchecked by human rights conceptions that prioritized state action above all. Article 4 creates elaborate state requirements such as the condemnation of violence against women, the policies toward eradicating violence, and the avoidance of invoking custom, tradition, and religious consideration to escape obligations to eradicate violence.

3.4.3 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention)

Adopted in 2011, the convention is the first of its kind by being the most comprehensive international convention that handles domestic violence. The Istanbul Convention creates legally binding requirements of the prevention, protection, prosecution and coordinated policies. It also asks states to make domestic violence illegal, create special services and develop extensive prevention programs. Monitoring mechanism of the treaty by the group of experts on action against violence against women and domestic violence (GREVIO) is accountable and ensures supervision in implementation.¹⁹⁶

3.4.4 African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

¹⁹⁵ TD Wilson 'Violence against women in Latin America' (2014) <<https://doi.org/10.1177/0094582X13492143>> accessed on October 23rd 2025

¹⁹⁶ S Lozinska 'Istanbul Convention and the Latest Approach to Preventing and Combating Violence Against Women and Domestic Violence' (2021) <<https://doi.org/10.37634/efp.2021.9.6>> accessed on October 20th 2025

This protocol was adopted in 2003, and is more specifically focused regarding violence against women, such as domestic violence, under the African context. Article 4¹⁹⁷ provides that states need to institute and implement laws which outlaw any type of violence against women which includes domestic violence and also need to put up mechanisms that guarantee good response and support of victims.¹⁹⁸ It provides for the elimination of discrimination against women,¹⁹⁹ right to dignity,²⁰⁰ the right to life, integrity and security of the person,²⁰¹ elimination of harmful practices,²⁰² access to justice and equal protection before the law,²⁰³ economic and social welfare rights,²⁰⁴ health and reproductive rights,²⁰⁵ widow's right²⁰⁶ and special protection of women in distress.²⁰⁷

3.4.5 Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women (Belem do Para Convention)

In 1994, it was adopted as a regional convention and was the first document on violence against women to look specifically at domestic violence. The convention provides the state with great obligations in terms of prevention, investigation and punishment, and the right of women in the right to live free of violence is a fundamental right that is adopted by the convention.²⁰⁸ Article 1 defines violence against women, Article 2 describes context in which

¹⁹⁷ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003 <<https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightsof-Women.pdf>> accessed on October 20th 2025

¹⁹⁸S Dauer '*Human Rights Responses to Violence Against Women*' (Springer Singapore 2019) 229-245 <https://doi.org/10.1007/978-981-10-8905-3_16> accessed on October 20th 2025

¹⁹⁹ Article 2 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) 2003

²⁰⁰ Article 3 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰¹ Article 4 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰² Article 5 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰³ Article 8 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰⁴ Article 13 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰⁵ Article 14 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰⁶ Article 20 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰⁷ Article 24 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

²⁰⁸ 'Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women Convention of Belem do Para' *Inter-American Yearbook on Human Rights / Anuario Interamericano de Derechos Humanos* [1996] (12A) <https://doi.org/10.1163/9789004470767_009> accessed on October 23rd 2025

violence against women happens, Article 3 recognises women's rights to be publicly and privately free from violence, Article 4 provides that women are entitled to all human rights, Article 5 recognises the civil, political, socio-economic and cultural rights of women, Article 6 recognizes women's right to be free of cultural stereotypes and practices that deem them inferior or subordinate, or assign them fixed patterns of behaviour while Article 7 obliges the states to condemn all forms of domestic violence against women and agreement to immediately prevent, punish and eradicate such violence.²⁰⁹

3.4.6 African Charter on Human and Peoples' Rights 1981

The African Charter on Human and Peoples' Rights or Banjul Charter is the progenitor of the human rights tool in the African continent. The Charter was adopted by the Organization of African Unity (currently the African Union) in 1981 and became effective in 1986 and provides a holistic structure of safeguarding and advancing human rights in Africa. Its protocol was adopted in 1998 and became effective in 2004 formed the African Court on Human and Peoples' Rights, which has provided much greater power to the human rights protection mechanisms in the continent ²¹⁰

The Charter is rich in reflections of African approach to human rights and at the same time it has universal principles as it makes people realize the interrelation of civil, political, economic, social, and cultural rights. It is the only document that acknowledges the rights of the peoples and individual ones as well and highlights the significance of duties and responsibilities in the discussion of the human rights. Such an all-encompassing approach is what differentiates the African system with other human rights systems in the region, and the African philosophical and cultural values of community, solidarity, and collective

²⁰⁹ Wikipedia 'Balem do Para Convention'

<https://en.wikipedia.org/wiki/Bel%C3%A9m_do_Para_Convention> accessed on October 23rd 2025

²¹⁰M Ssenyonjo 'African Charter on Human and Peoples' Rights' (Brill| Nijhoff 2012) 481-495

<https://doi.org/10.1163/9789004218154_022> accessed on October 23rd 2025

responsibility²¹¹. The Charter includes civil, political rights (Articles 3-14), economic, social, and cultural rights (Articles 15-18), as well as peoples rights (Articles 19-24). This combination is associated with the interdependence and inseparability of all types of human rights. More importantly, Article 2 notes that every individual is entitled to the enjoyment of rights and fundamental freedoms. Also, Article 18(3) mandates the state to ensure the elimination of the rights of women and the protection of their rights, and the rights of their children. Furthermore, the Charter outlaws any form of discrimination on the basis of race, ethnicity, colour, sex, language, religion, political opinion, national origin, social origin, fortune, or birth among others or any other status, and makes equality a primary rule. Article 22 acknowledges the right of every person to economic, social, and cultural development, and thus the Charter is the first international document to explicitly recognize development as the human right.

In summary, the African Charter on Human and Peoples Rights as well as its Additional Protocol are great milestones in the creation of specifically African solutions to the protection of human rights without violating the international norms. The incorporation of both personal and social rights, the focus on obligations along with rights, and the importance of the rights of the development and the environment are elements of the African values and priorities in the Charter.

3.4.7 Convention against Torture (CAT)

The United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is one of the most relevant international human rights tools

²¹¹ R Hazarika 'The African Charter on Human and Peoples' Rights 1981' (2010) <<https://doi.org/10.2139/SSRN.1696363>> accessed on October 23rd 2025

that are dedicated to the total ban of torture and ill-treatment. The Convention, which was adopted by the UN General Assembly on December 10, 1984, and took effect on June 26 1987, lays down far reaching legal commitments on states to prevent, investigate, prosecute and penalize torture, as well as to afford protection and remedies to its victims.²¹²

The Convention was a result of the international community realizing that torture is among the most serious violation of human dignity and absolute prohibition does not only need elaborate legal structures but also proper mechanisms of implementation²¹³. The ban on torture is non-derogable in contrast to most other human rights such that it cannot, regardless of exceptions, be cast aside in times of emergency, war or national security threats.

Article 1 of the Convention Against Torture has a detailed definition of torture as any act whereby severe pain or suffering, which can either be physical or mental, is used against a person to achieve certain objectives such as gaining information, punishing, intimidating or discriminating against them when it is done by or with the approval of public officials. Article 16 obligates the states to avoid the other forms of cruel, inhuman or degrading treatment or punishment that is not torture. The Committee Against Torture has built up detailed jurisprudence on Convention interpretation such as the development of a new sense of torture and cruel, inhuman or degrading treatment. It can be inferred that the Convention Against Torture is a significant instance of the international human rights law, as it developed a complex legal framework on the absolute ban on torture and other ill-treatment. Its specific commitments, institutional practices and developing jurisprudence have had a major impact on the world in its quest to stop torture as well as safeguard human dignity.

²¹² United Nations Office of Legal Affairs 'Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment. Adopted by the General Assembly of the United Nations on 10 December 1984' *United Nations Treaty Series* [1999] 458-458 < <https://doi.org/10.18356/ED428EC5-EN-FR> > accessed on October 23rd 2025

²¹³ M Lippman 'The Development and Drafting of the United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment' *Boston College International And Comparative Law Review* [1994] (17) < <https://files.core.ac.uk/download/71461450.pdf> > accessed on October 23rd 2025

In essence, the Convention Against Torture is a fundamental tool of legal protection in terms of ensuring the ultimate right against torture and other cruel, inhuman or degrading treatment or punishment as the international community struggles to cope with the new form(s) of torture and other emerging issues to the dignity of the human being. Its total ban and elaborate framework of implementation have very important platforms upon whose basis a world without torture is to be constructed.

3.4.8 Universal Declaration of Human rights (UDHR)

The United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) on December 10, 1948, which is one of the most influential and important documents in human history. The Declaration declared itself an ordinary yardstick of attainment by all peoples and by all nations, and defined the meaning of human dignity that spans across national, cultural and ideological lines.²¹⁴

Articles 1-2 of the UDHR set the essential principles of human dignity, equality, freedom and non-discrimination that form the basis of the rest of the Declaration. The provisions of Article 3-21 relate to the conventional civil and political rights such as the right to life, liberty and security; the right against slavery and torture, equality before the law, the right to fair trial, privacy, right to freedom of movement, asylum, nationality, right to marry and have family, property, freedom of thought, conscience, religion, freedom of opinion and expression and assembly and association. Articles 6-12 define full legal equality such as acknowledgment as a person before the law, equal protection, adequate judicial redress, right to the fair trial, presumption of innocence, and the right of privacy. Furthermore, Article 22-26 acknowledge the holistic economic and social rights such as social security, work,

²¹⁴ MB Şener 'A Review of the Meaning and Importance of the Universal Declaration of Human Rights' *International Journal of Political Studies* [2021] (7) (3) < <https://doi.org/10.25272/icps.962292> > accessed on October 23rd 2025

standard of living, healthcare, education and cultural participation and put it clear that human dignity must not only be provided with civil and political liberties but material conditions must also thrive. The assertion of the declaration of universality has brought forth persistent controversies of whether human rights can be absolutely universal due to the difference in cultures, religions, and philosophies among societies.

In conclusion, the Universal Declaration of Human Rights is the most important unanimous human word on the innate dignity and value of the equality of all human beings. Its dream of a world that all humans possess the basic rights and freedoms remains unbeatable and informs developments towards creating fairer and more equal societies across the globe. The Universal Declaration of Human Rights is the symbol of the utmost hopes of humanity and its greatest efforts to create a world where human dignity would be worthy. The fact that it has managed to stay alive and maintain its relevance speaks to the fact that even though the dream of universal human rights is still not fully accomplished, it is still viable and necessary to the success of humanity during the twenty-first century and beyond.

3.4.9 International Covenant on Civil and Political Rights (ICCPR)

One of the most significant and all-encompassing international human rights treaties is the International Covenant on Civil and Political Rights (ICCPR)²¹⁵ which was adopted by the United Nations General Assembly on December 16, 1966, and became effective on March 23, 1976. Along with its complementary treaty, the International Covenant on Economic, Social and cultural Rights (ICESCR), the ICCPR expresses the principles of the Universal Declaration of Human Rights into a legally binding commitment on the states parties.

²¹⁵ PM Taylor 'A Commentary on the International Covenant on Civil and Political Rights' (2020) <<https://doi.org/10.1017/9781108689458>> accessed on October 23rd 2025

The preamble defines the philosophical premises of the Covenant in terms of the natural dignity of the human person, the inseparability of civil and political rights with those of an economic, social and cultural nature, and the correlation between human rights and the concept of peace. Articles 2-5 of the ICCPR give some basic commitments such as respecting rights without distinction, equality between men and women, restrictions on restrictions of rights, and interaction of the Covenant with other international instruments. Article 17 establishes privacy, family, home and correspondence rights against random interference, which offers grounds to the modern discussions on privacy, surveillance and family privacy.

In general, the International Covenant on Civil and Political Rights is an early success of international human rights law, which embodies universal principles as a source of binding legal duties, and provides complex mechanisms of monitoring and enforcement. Its elaborate system of civil and political rights has had a significant impact on constitution-making, law reform, and protection of human rights around the world.

Nevertheless, the ICCPR has achieved a lot in ensuring the safeguarding of basic freedoms, creation of accountability measures, and empowering individuals to find international redress to human rights offenses despite the current problems in implementation. Its jurisprudence is still developing to meet modern needs by still adhering to some fundamental ideas of human dignity and freedom.

3.4.10 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The international Covenant on Economic, Social and Cultural Rights (ICESCR), which was adopted on December 16, 1966, by the United Nations General Assembly and became effective on January 3, 1976, is one of the broadest in terms of scope and progressive

approach of the international human rights treaties. Being the binding legal analog to the International Covenant on Civil and Political Rights (ICCPR), the ICESCR changes the principles of the economic, social, and cultural rights of the Universal Declaration of Human Rights into legal commitments of states parties.²¹⁶

The Covenant acknowledges that human dignity does not only mean the freedom to be left alone, but also the provision of basic needs of life such as food, shelter, health, and education as well as employment.²¹⁷ This strategy is associated with the realization that civil and political rights cannot effectively be practiced without the material conditions that characterize the material flourishing of humans. In this way, the ICESCR represents the totality of human rights which considers both negative freedoms and positive rights which are necessary to the human dignity. The preamble determines the philosophical underpinnings of the Covenant, identifying the dignity of the human being, the interdependence of rights, and the connection between individual welfare and the development of the community in general. Articles 2-5 of this treaty set out basic obligations of the state such as progressive realization with maximum available resources, non-discrimination, equality of rights of men and women, and the restriction of limit to the rights. Furthermore, Articles 6-15 contain the substantive economic, social and cultural rights to work, social security, family, protection of the standard of living, health, education and cultural involvement. Article 10 deals with the safeguarding of the family which is the basic unit of the society including marriage by free consent, special protection to mothers and children and safeguarding against economic and social exploitation of children.

²¹⁶ M Vordermayer-Riemer 'The International Covenant on Economic, Social and Cultural Rights' *Non-Regression in International Environmental Law* [2021] < <https://doi.org/10.1017/9781839701221.004> > accessed on October 23rd 2025

²¹⁷ WM Cole 'International Human Rights and Domestic Income Inequality: A Difficult Case of Compliance in World Society' *American Sociological Review* [2015] (80) 359 – 390 <<https://doi.org/10.1177/0003122415571582>> accessed on October 23rd 2025

In conclusion, another important milestone in the international human rights legislation is the International Covenant on Economic, Social and cultural Rights, which introduced legally binding obligations in making sure that everyone has material conditions to the human dignity. Its all-inclusive system of the work, social security, family protection, sufficient standards of living, health, education, and cultural influence offers the necessary grounds of human development and social justice.

3.5 Attitudes of Society to Domestic Violence before the Violence against Persons (Prohibition) Act 2015

Prior to the adoption of the Violence Against Persons (Prohibition) Act in 2015, societal reaction to domestic violence was defined by multiplex, deeply-rooted attitudes that significantly condoned, undermined, or rationalized intimate partner violence and familial-based maltreatment in Nigeria. These are attitudes based on the old cultural traditions and religious interpretations, patriarchal social organizations, and colonial legal traditions that established the space in which domestic violence was deemed a family issue that should not serve as the subject of a legal case and a social censure but as a personal family problem.²¹⁸ The pre-2015 environment portrayed a world in which domestic violence was commonly perceived in cultural and religious terms, focusing on family preservation, male dominance and female subordination, legal and social structures had little protection and support services to victims. This historical orientation is important because it can help one see the revolutionary importance of the VAPP Act and the persistent difficulty of changing socially ingrained beliefs about intimate partner violence.²¹⁹

²¹⁸ EA Bature 'Gender, Culture and Domestic Violence: Interrogating the Criminal and Penal Code in Nigeria' *KIU Journal of Humanities* [2020] (4) 145-154

<<https://www.niu-journals.ac.ug/ojs/index.php/niu-hums/article/view/653> > accessed on October 23rd 2025

²¹⁹ Adetutu Deborah Aina-Pelemo and others 'A Socio-Legal Imperative Of Domestic Violence Prohibition In Africa Vis-A-Vis Nigerian Legal Structure For Sexually Abused Women' (2023)

<<https://doi.org/10.12688/f1000research.132413.5> > accessed on October 23rd 2025

The Nigerian society was largely structured around patriarchal principles, which made them the heads of the household and control was given to them over wives and children. The traditional practices, religious doctrines and social institutions supported this hierarchical structure forming normative structures that justified male dominance and control in domestic relationships. The traditional ideas of marriage in most Nigerian cultures were based on the idea that the control of women by fathers was passed to husbands where women were supposed to show compliance, submission and deference to the will of their husbands. This intellectual model tended to tolerate implicitly or explicitly, physical correction as a valid form of male domination. Also, domestic affairs were the family issues which are not going to be communally interfered and governed by a law. The family autonomy principle set up obstacles to external intervention even when there was extreme violence in a family because the communities chose family cohesion and privacy over personal security.

Furthermore, the tradition of paying bride price was often taken to imply ownership privileges on women and some men considered their wives to be their property which they could desire and spank as they saw fit. This commodity of women in the relations of marriage gave the cultural legitimacy to different types of control and discrimination. In case the problem of domestic violence was observed, the traditional dispute resolution procedures often included the extended family mediation whose main aim was to save marriages and not the victim. The women were also subjected to abuse by the elder and members of the family relying on the women to tame the men instead of stopping them completely.

Religious leaders responded to incidences of domestic violence by following counseling models where more emphasis was given to saving marriages rather than the safety of the victims. Most clergy people were not trained in the dynamics of domestic violence and gave advice that only put victims in danger and gave abusers more room to perpetuate their action.

The abusive marriages often faced social pressure by the religious communities not to divorce or separate stating that as a religious-minded individual, this is a sign of failure and not a sign of reacting to the problem of being in an abusive circumstance. This was a religious stigmatization of divorce that provided more obstacles to victim repair and safety. Religious teachings on forgiveness, reconciliation and suffering were frequently applied improperly to domestic violence cases and victims were urged to put up with and forgive the abusers without seeking to understand the underlying abuse patterns and safety measures.

In addition, police officers often denied involvement in domestic violence incidents often viewing them as a civil or family related problem that needed mediation instead of criminal investigation. The cultural attitudes of the law enforcement staff, who often agreed with the rest of the society regarding the family privacy and the male dominance, served to strengthen this institutional unwillingness. When cases of domestic violence came to courts, the judicial officials were characterized by prejudices in protecting marriages and reducing the level of abuse. Victims who attempted to use legal aid were frequently faced with attorneys who dishearten prosecution, urge reconciliation, or show a poor grasp of how domestic violence works. The overall failure of specialization of the legal profession in domestic violence cases also curtailed any effective response to law.

Worst still, the ideals of womanhood in society were marked based on patience, endurance, sacrifice and submission that left women with expectations that they must endure abuse as part of showing their virtue and devotion to family welfare. The financial lack of economic availability and legal rights gave women financial dependency on a male partner, which rendered agitating out of abusive relationships economically unrealistic to many victims. This economic dependence was frequently abused and perpetuated social norms that women were to remain in marriages despite how they are treated.

Cultural stress of effects of women as mothers also developed more obstacles to leaving abusive partners because women were supposed to focus on the need of children to have complete families rather than concentrating on their comfort and safety.²²⁰ The status of men in the society was frequently associated with how they were able to manage their wives and keep order in the family and this brought up social forces that promoted controlling behaviour and discouraged reporting or intervening with domestic violence.²²¹ The communities tend to react to the occurrence of domestic violence by investigating victim behaviours to identify any provocative conducts which could have resulted in the abusive behaviour.²²² This victim-blaming strategy reversed on those who perpetrated abuse to victims and strengthened beliefs that women had the power to dictate abuse in their own actions.²²³

Domestic violence victims have experienced considerable social stigma where the society tends to regard them as non-obedient wives or trouble makers who caused disgrace to their families. Such stigmatization resulted in strong motivators towards silence and perseverance instead of help-seeking and disclosure. The fear of social ostracism and community gossip led many victims not to seek help due to fear of community gossip being harsher than the actual abuse. Social pressures on the community members willing to help victims included most of them being discouraged against intervening in the affairs of families, and intervention was not seen as a moral obligation but a crossing of boundaries.

²²⁰ JaneMaree Maher and others 'Mothering Through and in Violence: Discourses of the Good Mother' *Sage Journals* [2020] (55) (4) 659-676 < <https://doi.org/10.1177/0038038520967262>> accessed on October 23rd 2025

²²¹ L Mshweshwe 'Understanding Domestic Violence : Masculinity, Culture, Traditions' *Heliyon* [2020] (6) (10) < <https://doi.org/10.1016/j.heliyon.2020.e05334>> accessed on October 23rd 2025

²²² L Miao and Nicole Westmarland 'There are Many Women with Love Brains: Domestic Violence and Victim Blaming in China' *Journal of Gender-Based Violence* [2025] 1-18 <<https://doi.org/10.1332/23986808Y2025D000000073>> accessed on October 23rd 2025

²²³ Manuel Martin-Fernandez and others 'Assessing Victim-Blaming Attitudes in Cases of Intimate Partner Violence Against Women : Development and Validation of the VB-IPVAW d (2025) <https://doi.org/10.5093/pi2018a18> > accessed on October 23rd 2025

Prior to 2015, domestic violence advocacy was restricted to small groups of women rights groups and international non-governmental organizations with little resources, reach, and political clout to change the deeply held social attitudes.²²⁴ There were cases where documentation of the prevalence and effects of domestic violence was done by some organizations but the research work was not taken seriously by the policy makers and the communities who saw the problem as less serious or non-existent.

In summary, attitudinal perspectives of domestic violence in Nigeria prior to the adoption of the Violence Against Persons (Prohibition) Law of 2015 depicted multifaceted interactions of cultural beliefs, religious interpretations, mismatches in the law, and social set ups that was more or less tolerant, justified, or non-obligatory of intimate partner violence. The attitudes ensured that domestic violence was considered as family issue and not severe human rights abuse that needed thorough social intervention.²²⁵ These problematic attitudes were widespread in various social institutions, geographic areas, economic groups, and ethnic groups, which proved that the cultural change to effectively deal with domestic violence was profound. Women were experiencing not only the first-hand trauma of abuse but also social isolation, blame and pressure to tolerate violence to preserve family and be socially respectable. Worst still, the existing criminal laws vaguely provided for abusive behaviours such as spousal rape and other sexual related offences. This historical background is important to understand the importance of the VAPP Act as it was passed, as well as why it is still so difficult to make a substantial change. Although legal reform is a significant move, cultural change to alter these engrained social attitudes will take significant, long-term work

²²⁴ Delanie Woodlock ‘The “Freedom Work” of Feminist Domestic Violence Advocates’ *Australian Social Work* [2023] (78) (2) 159-171 < <https://doi.org/10.1080/0312407X,2023.2228289> > accessed on October 23rd 2025

²²⁵ Tarela Judith Ike and others ‘Women’s Perceptions Of Domestic, Intimate Partner Violence And The Government’s Interventions In Nigeria: A Qualitative Study’ *Sage Journals* [2022] (23) 791 - 811 < <https://doi.org/10.1177/17488958221128933> > accessed on October 23rd 2025

that will touch on cultural norms, religious beliefs, institutional behaviours, and how society reacts to domestic violence.

The situation before 2015 can be seen as a warning that it is impossible to deal with the problem of domestic violence with legal means only, but the entire society needs to be transformed, specifically, cultural attitudes to issues, institutional reactions to them, and economic frameworks alongside communal standards that either support or oppose the phenomenon under consideration. The history of such historical attitudes still affects modern-day reaction to domestic violence and signifies the necessity of further advocacy, education, and institutional change in order to build the societies where every person can live without violence and maltreatment.

3.6 Failure of the Current Judicial System

Although the justice system in the country is constitutionally mandated to ensure fairness, equity, and the rule of law, it is in many ways criticized due to failure to address the demands of the justice delivery in practice. Its ineffectiveness can be seen in several aspects, including legal, institutional, and societal ones, making the system unable to defend rights, punish the wrongdoing and win the trust of people.²²⁶

Firstly, despite the fact that Nigeria has laws that deal with very important aspects like corruption, gender-based violence, and violation of human rights, the administration of the laws is not always uniform. Indicatively, though the Constitution has assured equality in the eyes of the law, in reality, the political elite and the rich are likely to get away with crime, thanks to influence and corruption. Numerous progressive legislations like Violence Against

²²⁶ B Dauda and Abdullahi Usman Musa 'Factors Responsible For Suspects And Accused Persons' Rights Violation In The Administration Of Criminal Justice In North-Western, Nigeria' *International Journal of Humanities, Literature and Art Research* [2025] (8) <<https://doi.org/10.70382/mejhlar.v8i6.033>> accessed on October 23rd 2025

Persons (Prohibition) Act are not equally applied in all states and millions of citizens remain unprotected. Also, the justice system has inefficiencies in the institutional structure. The delays witnessed in court cases are not new, some cases have taken long periods of time to be decided. The victims are discouraged by these delays and the law becomes less deterring. The presence of corruption in law enforcement agencies and judges also erodes the trust as the results are usually reached through bribery and not through evidence and merit. The police in particular are often thought of as power abusers, and bad case workers and justice is denied to the common man.

There is also failure of the justice system as it works in the society where cultural and social pressures do not encourage the victim to seek justice. Crimes, especially domestic violence and sexual abuse are perpetrated without being reported because of the fear of stigmatization or retaliation.²²⁷ Also traditional mechanisms are usually very preferred in rural societies, thus may focus more on reconciliation than accountability which gives perpetrators a chance to go free. This form of detachment between the formal justice and realities in the society makes the system irrelevant.

In conclusion, the ineffectiveness of the existing justice system in Nigeria does not lie in the lack of laws, but rather in the laxity in enforcing them, corruption, inefficiency of the institutions, and disconnecting with social reality.²²⁸ Until there are intentionally introduced reforms, such as those of judicial independence and police accountability, sufficient funding and cultural integration, the system will keep failing its citizens. A justice system that is unable to ensure fairness and accountability compromises the entire democracy and encourages patterns of violence, impunity and inequality.

²²⁷ H Salihu and Hossein Gholami 'Mob Justice, Corrupt and Unproductive Justice System In Nigeria: An Empirical Analysis' *International Journal of Law, Crime and Justice* [2018] (55)
<<https://doi.org/10.1016/J.IJLCJ.2018.09.003>> accessed on October 23rd 2025

²²⁸ G Kpae and Comfort Nwideduh 'The Political Economy of Criminal Justice System Reform in Nigeria 2000-2009' *International Journal of Trend in Scientific Research and Development*1 [2017] (5) 546-552
<<https://doi.org/10.31142/ijtsrd2245>> accessed on October 2025

3.7 Cultural, Social and Institutional Influence to the Justice System in Nigeria

The justice system in Nigeria is not primarily influenced by the statutory and constitutional provisions but also by the cultural, social and institutional aspects of justice perceptions, delivery and access. Such dynamics dictate in most cases how effective justice system can be in fostering fairness, equality and rule of law.

Nigeria is a very diverse country, consisting of more than 250 ethnic groups with their traditions, customs, and means of the conflict resolution. Most communities have traditional judicial systems including, but not limited to, the councils of the elders, religious courts and customary arbitration that co-exist with the formal state institutions. Although such systems avail familiar and easy channels of dispute settlement, at times, they contradict constitutional provisions of equality and human rights, particularly, on matters pertaining gender, inheritance, and marriage.²²⁹ The acceptance or non-acceptance of some laws may also be influenced by cultural norms and include such practices as child marriage, polygamy, and inheritance rights which could be supported by cultural/religious reasons and do not match the statutory law. This pluralism culture causes a conflict between traditional values and formal legal norms which influence the uniformity of justice administration.

Furthermore, in Nigeria, access to justice is considerably influenced by the social context in the country.²³⁰ Also, the challenges of poverty, illiteracy, gender inequality, and mistrust of the state institutions by the population usually impede successful access to the formal justice

²²⁹Folake Oluyemisi Abimbola and others 'Women's Rights in Nigeria's Indigenous Systems: An Analysis of Non-Discrimination and Equality Under International Human Rights Law' *Social Sciences* [2023] (12) (7) <<https://doi.org/10.3390/socsci12070405> > accessed on October 23rd 2025

²³⁰ O Olusegun and Olatunji Oyelade 'Access to justice for Nigerian women: A Veritable Tool to Achieving Sustainable Development' *International Journal of Discrimination and the Law* [2021] (22) (1) 4 - 29 <<https://doi.org/10.1177/13582291211043418> > accessed on October 23rd 2025

system.²³¹ As an example, women, rural residents, and persons with disabilities, who are marginalized groups, often find it difficult to have access to a representative in court and more commonly settle their disagreements through informal dispute resolution methods. The lack of confidence towards the judiciary by the citizens is further deteriorated by corruption and delays in the court system, which results in many citizens seeking justice in other ways without necessarily going through the court.²³² The victim of the crime such as domestic violence or sexual assault is also subjected to social expectations of remaining silent due to the stigma and hence compromising legal protections that are on paper only but not in practice.

Lastly, the institutional capacity is also very critical in developing the justice system in Nigeria. Even though the Constitution ensures the independence of courts, political interferences and the lack of proper funding, as well as bureaucratic inefficiencies, undermine court credibility.²³³ In addition, the police as well as other law enforcement bodies have a history of abuse of power and lack the proper mechanisms to control and keep checks and balances over police officers, who lack proper training and resources, resulting in poor management of cases.²³⁴ The prison system is also overwhelmed, as the number of inmates who are awaiting trial is very high indicating delays and inefficiency of the system. Moreover, the disproportionate use of laws within different states, including the partial implementation of the Violence Against Persons (Prohibition) Act can be seen as an illustration of how institutional fragmentation can cause the non-uniformity of the delivery of justice.

²³¹D Iwarimie-Jaja and Raimi Lasisi 'The Criminal Justice System as Enablement for Social Order in Nigeria (2019) *The Nigerian Journal of Sociology and Anthropology* [2019] (17) (1)

<[https://doi.org/10.36108/njsa/9102/71\(0150\)](https://doi.org/10.36108/njsa/9102/71(0150))> accessed on October 23rd 2025

²³² T Osasona 'Time to Reform Nigeria's Criminal Justice System' *Journal of Law and Criminal Justice* (2015) (3) (2) <<https://doi.org/10.15640/jlcj.v3n2a7>> accessed on October 23rd 2025

²³³ C Odey 'Institutional Credibility As Mechanism For Promoting Social Justice In Nigeria' (2020) <<https://doi.org/10.2139/ssrn.3809361>> accessed on October 23rd 2025

²³⁴ D Iwarimie-Jaja and Raimi Lasisi (n89)

Summarily, the Nigerian justice system cannot be viewed out of a cultural context, social realities and institutional capabilities. Although cultural practices offer a feeling of identity and alternative dispute resolution, they might also sustain inequality and contravention on human rights. Social factors like poverty, gender roles, and the perception of the society have a powerful impact on the matter of accessing justice and the manner of doing so. System weaknesses which include the lack of funding and corruption among other inefficiency issues also pit the effectiveness of the system. To fulfil its constitutional purpose, the justice system should be reformed in a manner that allows it to respect cultural diversity and at the same time uphold the universality of human rights, enhance institutional structures and tackle social disparities that limit people to justice.

3.8 Issues Militating Against the Regulation of Domestic Violence in Nigeria: Regulatory and Enforcement Gaps

Domestic violence has been a nagging problem in Nigeria although there have been legal frameworks that are aimed at protecting the victims and prosecuting the perpetrators. Domestic violence is regulated through the Violence Against Persons (Prohibition) Act (VAPP) of 2015 that, in combination with the Criminal Code and Penal Code, forms the main legal basis of domestic violence regulation. Nonetheless, loopholes in control and implementation still jeopardize improvement.

Firstly, the biggest regulatory gap is in the restricted coverage of the VAPP Act. The Act has extensive definitions and punishment of physical, sexual, psychological and economic types of violence but it is limited to the Federal Capital Territory. It has to be domesticated by the states where the provisions will be applicable, and as of recent years not all the states domesticated it.²³⁵ The inconsistent application brings inequalities in protection and exposes the victims in some states to the old, less encompassing laws. Also, the Penal code (which

²³⁵ TJ Omidoyin (n26)

applies in the North) and the Criminal Code (which applies in the South) criminalizes assault and grievous harm but does not see domestic violence as a specific offence. These codes do not sufficiently deal with such types of abuse as marital rape, emotional manipulation, and economic deprivation.²³⁶ In addition, this is due to the lack of special courts that handle domestic violence; survivors have to seek justice in their general courts which are very slow and tedious.

Secondly, where laws are enforced, this is not done strongly. Police officers often consider domestic violence a domestic affair and they do not encourage the victims to seek prosecution.²³⁷ This practice is an indication of cultural embedded notions that value family unity more than personal safety. As a result, most of the cases are not reported and the offenders are not arrested. Enforcements are also impeded by the judicial inefficiencies. The long delays in courts coupled with corruption and cost of litigation scares off the victims. Most of the survivors do not have access to affordable legal assistance or victim support services like shelters and counseling, and that exposes them to further abuse.²³⁸ There is also the lack of proper witness protection which discourages victims to testify to these cases which also leads to low conviction rates. Moreover, stakeholders like the police, healthcare providers, social welfare institutions, and non-governmental organizations do not have much coordination and hence the lack of holistic victim protection and instead a fragmented response.

In summary, domestic violence in Nigeria is a problem that is compromised through weak and sporadic laws and implementation strategies. There are regulatory gaps such as the

²³⁶ OJ Ojigbo 'Prohibiting Domestic Violence Through Legislation In Nigeria' *Agenda* [2009] (23) 86 - 93 <<https://doi.org/10.1080/10130950.2009.9676278>> accessed on October 23rd 2025

²³⁷ C Okereke 'The Enforcement of the Violence Against Persons (Prohibition) Act in Nigeria: Challenges and Prospects' *Journal of African Law* [2021] (65) (2) 233–252

²³⁸ OD Adebayo and Kolawole Taiwo Olabode 'Domestic Violence and the Challenges Of Law Enforcement In Nigeria' *African Journal of Criminology and Justice Studies* [2020] (13) (1) 55–72

asymmetrical domestication of the VAPP Act and the use of criminal laws that are quite outdated and do not reflect the complexity of the concept of abuse. Enforcement problems such as bias and lack of efficiency on the part of the police and the ineffectiveness of the judiciary to corruption and lack of support of the victim makes the system even weaker. The possible solutions to these gaps include harmonization of laws in all states, special training of police and judicial personnel, creation of victim support services, and enhanced institutional coordination. Finally, regulatory and enforcement loopholes need to be overcome to save lives of survivors, provide justice and deter violence in future.

3.9 Protection for Domestic Violence Victims and Relief Granted

Domestic violence in Nigeria has also been seen as family issue as opposed to crime that should be addressed by the state.²³⁹ Nevertheless, during the past 20 years, the law has transformed slowly to redefine domestic violence as a human right and a criminal justice issue. The legal framework of protecting victims and offering reliefs is made up of the Violence Against Persons (Prohibition) Act (VAPP) 2015, the Criminal Code, and the Penal Code. However, the level of protection differs across states because the VAPP Act has not been domesticated evenly and enforcing it is difficult. The review of statutory provisions as well as the courts application will give a clue to the real protection and reliefs accorded to victims of domestic violence in Nigeria. The VAPP Act 2015 is a law that focuses on criminalizing various types of abuse such as physical, psychological, sexual, and economic violence. It gives the courts powers to grant protection orders, compensation and guard the rights of the victims.²⁴⁰ Also, the various domestic violence laws make provision on the protection of victims by ensuring that offenders are restrained from having access to the

²³⁹ AD Aina-Pelemo and others ‘ A Socio-Legal Imperative of Domestic Violence Prohibition in Africa vis-à-vis Nigerian Legal Structure for Sexually Abused Women *F1000Research* [2023] (12) 39 < <https://doi.org/10.12688/f1000research.132413.2> > accessed on October 23rd 2025

²⁴⁰ UM Ofunu and Sampson Shaba ‘Obstacles to Women’s Right Against Domestic Violence in Nigeria’ *Scholars International Journal of Law, Crime and Justice* [2021] (4) (4) 189-197 <<https://doi.org.10.36348/sijlcrj.2021.v04i04.001>> accessed on October 23rd 2025

residents of the victim, granting restraining orders and provision of shelter, healthcare and skill acquisition facilities for victims.

Furthermore, the courts can pass protection orders that bar an abuser to commit any other act of violence or to contact the victim. In *FIDA v. Attorney-General & Anor*,²⁴¹ though it was not a domestic violence case, the court upheld the right of women to be guarded against degrading treatment with a constitutional basis of protection orders subsequently codified in the VAPP Act. Also, The Domestic and Sexual Violence Agency (DSVA) has helped survivors to acquire such orders in Lagos State. In the period between 2020 and 2022, the DSVA documented more than 1,000 restraining orders applications, most of which were awarded to women who were affected by frequent physical attacks. Courts can also mandate custody orders to ensure that children are spared of abusive environment. For instance, the case *Okechukwu v. Okechukwu*²⁴² adjudicated to award interim custody of children to the mother after spousal violence was proven. This is an indicator of increased awareness of the vulnerability of children in the circumstances of domestic violence. In addition, under Section 37 of the VAPP Act, survivors will be able to claim monetary damages in relation to physical, emotional or psychological damages. Although the Nigerian courts have been very careful in granting damages, the cases have been successful in a few instances. Practically, the courts have sometimes ordered victims to seek shelter in state-assisted shelters or even safe houses managed by non-governmental organizations as cases proceed. This relief is however extremely limited by the scarcity of resources and uneven distribution throughout Nigeria.

Although these provisions exist, the enforcement gaps of reliefs usually compromise them. Protection orders are not effectively monitored and hence the victim is exposed to further

²⁴¹ (2018) KEHC 7130(KLR)

²⁴² (2014) LA Ct. App. No. 13-1421

harm. The scope of justice is not so broad as many courts are not ready to pay damages on intangible damages such as emotional distress. Moreover, majority of the rural communities do not have access to shelters, legal services or counseling services and so victims are not provided with any viable assistance. In essence, Nigeria has legal protections and judicial reliefs against domestic violence victims in the form of protection order, custody rights, monetary damages and medical/shelter services. The decisions by the courts and administrative actions especially in Lagos and Abuja show some improvement in awarding meaningful reliefs. However, there are still obstacles to provide a steady enforcement of the law, proper infrastructure of victim support, and national coverage of the VAPP Act. To fill these gaps, it is not sufficient to undertake legal changes but, on the institutional level, make an investment in victim-oriented services to ensure that protections and reliefs exist not only in a paper form but also in lived reality.

3.10 Penalty for Domestic Violence in Nigeria

The major federal law is the Violence Against Persons (Prohibition) Act (VAPP) 2015. Various legislations in the country have enacted several laws against domestic violence accompanied by penalties for offenders. For instance, in Kwara State, the law provides for punitive measures against offenders and victim compensation.²⁴³ Some of the major penalties in the VAPP are as follows (not exhaustive): spousal battery -- maximum of 3 year imprisonment or fine of up to N200,000 (or both);²⁴⁴ attempts/abetting/assisting have lesser maximum terms/fines; other offences (harmful traditional practices, certain forms of sexual violence) have harsher penalties and civil remedies (compensation) are available under the

²⁴³ Section 15 of the Kwara State Violence Against Persons (Prohibition) Law 2020

²⁴⁴ Section 19(1) of the Violence Against Persons (Prohibition) Act 2015

Act.²⁴⁵ In addition, the Penal Code punishes a person who commits rape with life imprisonment and fine.²⁴⁶

However, these established provisions of the law often face the problem of inadequate enforcement. Also, the degree of punishment in certain cases is not proportional to the offence committed. In the case of an ordinary spousal battery, the VAPP imposes rather moderate maximum penalties (up to three years or specific fines), whereas grievous bodily harm, rape, defilement or murder are severely punished by the Criminal Code or Penal Code or state criminal law (long sentence or life imprisonment in case the crime in question qualifies).

3.11 Conclusion

This chapter has carefully examined the attitude of the Nigerian criminal justice system towards domestic violence, specifically its laws, domesticated treaties and policies. The Nigerian criminal justice system has a commendable body of laws on domestic violence which guarantees the protection of individuals and spouses from all forms of violence, provides remedies for victims and penalties for offenders. The system also comprises of several domesticated treaties such as the Convention on the Eradication of all Forms of Discrimination Against Women, Universal Declaration of Human Rights and a host of others which focus primarily on the protection and enforcement of human rights, enjoyment of a quality life and the obligation of the state to the citizens to guarantee a better life for all persons. However, most of these laws remain unknown and dormant due to the problem of inadequate implementation which is gradually becoming an indestructible bug in the Nigerian criminal justice system.

²⁴⁵AN Nwazuke 'A Critical Appraisal of the Violence Against Persons (Prohibition) Act, 2015' *Journal of Law, Policy and Globalization* [2016] (47) 69-76<<https://files.core.ac.uk/download/pdf/234650546.pdf>> accessed on October 23th 2025

²⁴⁶ Section 283 of the Penal Code Cap C53 LFN 2004

Furthermore, the work also examines the failure of the system which can be attributed to a number of factors such as inadequate implementation of laws, delay in delivery of court verdicts, corruption, male domination of the society, as well as other cultural and religious factors. In essence, domestic violence remains a nagging problem in the society which must be tackled at every cost. Regulatory and enforcement gaps must be filled, adequate protection and enlightenment of victims, proper education on healthy relationships and maximum punishment of offenders must be adequately executed to curb this growing menace.

CHAPTER FOUR

4.0 COMPARATIVE ANALYSIS OF THE CRIMINAL JUSTICE SYSTEM OF NIGERIA AND THE UNITED STATES OF AMERICA ON DOMESTIC VIOLENCE

4.1 Introduction

Domestic violence has been a widespread global problem that cuts across cultures, economic, as well as geographical lines. Domestic violence has become a major menace to the safety of society, gender equality, and human rights in spite of increasing awareness and efforts by legislation²⁴⁷. The culture of deep patriarchy, silence of culture in regards to family issues, and poor institutional reactions are some factors that influence domestic violence in Nigeria. Despite the fact that there are some laws against domestic violence, like the Violence Against Persons (Prohibition) Act of 2015 and the domestic violence laws in some states, these regulations have still been poorly enforced through insufficient awareness and proper investigation as well as stigmatization of victims. Delayed delivery of justice, underreporting, and lack of victim support services continues to be a challenge to the criminal justice system in Nigeria.²⁴⁸

On the other hand, the United States has a more organized and proactive criminal justice system in response to domestic violence, which is latent on clearly defined federal and state laws including the Violence Against Women Act (VAWA) of 1994.²⁴⁹ The prevention, timely prosecution, protection of the victim, and rehabilitation of offenders are key concepts of the U.S. system, which works through specialized domestic violence courts, restraining orders, and coordinated community responses.²⁵⁰ Still, there are still difficulties regarding the unequal law enforcement practices, racial prejudice, and the access to justice of the marginalized communities.

²⁴⁷ Bhardwaj N and Jody Miller 'Comparative Cross-National Analyses of Domestic Violence: Insights from South Asia' *Sage Journals* [2021] (16) (3) 351 – 365 <<https://doi.org/10.1177/1557085120987635> > accessed October 30th 2025

²⁴⁸ Ezelote Judith and others 'Domestic Violence Among Women in Nigeria and Its Health Implication – Review' *International Journal of Gender Studies* & [2021] (6) (1) 80-101 <<https://doi.org/10.47604/ijgs.1413> > accessed on October 30th 2025

²⁴⁹ Cho H and Dina Wilke 'How Has the Violence Against Women Act Affected the Response of the Criminal Justice System to Domestic Violence?' *The Journal of Sociology & Social Welfare* [2005](32) (4) <<https://doi.org/10.15453/0191-5096.3118>> accessed on October 30th 2025

²⁵⁰ Angela Gover and others 'Courting Justice: Tracing the Evolution and Future of Domestic Violence Courts' *Sage Journals* [2021] (16) (3) 366 - 381 <<https://doi.org/10.1177/1557085120987638>> accessed on October 30th 2025

A comparative study of the United States and Nigerians criminal justice systems is insightful in matters relating to the strong and weak aspects of the criminal justice system and the opportunities related to the management of domestic violence. This type of examination can help pinpoint what good practices may be emulated by Nigeria to build up its legal and institutional systems, and also reflect the sociocultural changes required to help improve the delivery of justice and protection of victims. In the end, this research highlights the need to have a combined, victim-focused, and contextually-based strategy to counter domestic violence in the two jurisdictions.

4.2 Comparative Analysis

In the comparative examination of the criminal justice systems of Nigeria and the United States in dealing with domestic violence, it is evidenced that there are notable disparities in the legal frameworks, institutionalization of it, enforcement of the law, and how they view the issue.²⁵¹ Although both nations consider domestic violence a criminal and social problem, the level of legal development, the ability to implement and the victim-focused policies vary considerably, which is a manifestation of the major gaps in governance, judicial effectiveness, and socio-cultural interactions.

The criminal justice response to domestic violence in Nigeria is rather immature and disintegrated. The main act dealing with the problem is the Violence Against Persons (Prohibition) Act (VAPP) of 2015 that criminalizes the following types of domestic and gender-based violence, including physical assault, emotional abuse, harmful traditional practices, and spousal battery. Nonetheless, it can only be applied in Federal Capital Territory (FCT) with all the other states required to domesticate the Act to apply it locally. This is what has led to unequal implementation in the federation as not all states have a full domesticated

²⁵¹ ES Buzawa and Carl Buzawa 'Domestic Violence: The Changing Criminal Justice Response' *Interdisciplinary Journal of Applied Family Studies* [1992] (42) (2) 231-232 <<https://doi.org/10.2307/585467>> accessed on October 30th 2025

domestic violence law. Besides, ineffective justice delivery is compromised by procedural issues that include ineffective investigation, lack of forensic capacity and prosecution delays. Nigerian Police Force, which is usually the first respondent by the victims, suffers inadequate training, gender insensitivity, and institutional corruption resulting into underreporting and poor conviction rates.²⁵² Also, many women and girls are subjected to various forms of abuse and violence in their homes but this is difficult to establish due to the lack of official statistics, and numerous cases of domestic violence remain unreported. There is a deep cultural belief in Nigeria that it is socially acceptable to hit a woman as a disciplinary measure.²⁵³ Cases of domestic violence are on the high and show no signs of reduction in Nigeria, regardless of age, tribe, religion, or even social status.²⁵⁴ The CLEEN Foundation reports 1 in every 3 respondents identified themselves as a victim of domestic violence. The survey also found a nationwide increase in domestic violence in the past 3 years from 21% in 2011 to 30% in 2013.²⁵⁵ On the 27th of February, 2021, The Guardian, Nigeria recorded in their Saturday edition that cases of domestic violence are on a high rate, especially the physical aspect of it. They reported that at least once a week, there's a case of a man beating, maiming or killing his wife, and in some very rare cases, a woman dealing with her husband in like manner. ²⁵⁶ Also, pregnant women experience high levels of domestic violence in Nigeria; they are subject to violence not only from their spouses, but also from their in-laws. In a study, they found that the most common type of domestic violence was to be physically assaulted and

²⁵² AYAbena and Seunfunmi Olutayo 'Gender, Masculinity And Policing: An Analysis Of The Implications Of Police Masculinised Culture On Policing Domestic Violence In Southern Ghana And Lagos, Nigeria' *Journal of Social Sciences and Humanities* [2020](2) (1) <<https://doi.org/10.1016/j.ssaho.2020.100077>> accessed on October 30th 2025

²⁵³ R Leo, 'Cultural Beliefs Fuel Domestic Violence' *Daily Trust E-paper* (21 June 2013) <<https://dailytrust.com/cultural-beliefs-fuel-domestic-violence/>> accessed on October 30th 2025

²⁵⁴ Amnesty International 'Nigeria: Unheard Voices- Violence Against Women in the Family' (2005) <<https://www.amnesty.org/en/documents/afr44/004/2005/en/>> accessed October 30th 2025

²⁵⁵ CLEEN Foundation 'National Crime Victimization Surveys' (2013) <https://en.wikipedia.org/wiki/Domestic_violence_in_Nigeria> accessed on October 30th 2025

²⁵⁶ O Agbedo and others, 'Domestic Violence: Why Nigeria is Experiencing an Upsurge' *The Guardian* (27 February 2021) <<https://guardian.ng/saturday-magazine/domestic-violence-why-nigeria-is-experiencing-an-upsurge>> accessed October 30th 2025

forced sexual intercourse.²⁵⁷ There is currently a push in Nigeria for federal laws concerning domestic violence and for a stronger national response and support for domestic violence issues.²⁵⁸

Conversely, the United States conforms to the stronger and multi-layered legal system that is actively fighting domestic violence both at the federal and state level. The Violence Against Women Act (VAWA) 1994 is a foundational statute, which offers legal protection, shelter funding, law enforcement training, and setting up of domestic violence courts. These federal provisions are supplemented with domestic violence laws by each state, and this allows more comprehensive jurisdiction and policy flexibility. In the United States, domestic violence is recognised as an important social problem by governmental and non-governmental agencies, and various Violence Against Women Acts have been passed by the US Congress in an attempt to stem this tide.²⁵⁹ Significant percentages of LGBT couples also face domestic violence issues.²⁶⁰ Social and economically disadvantaged groups in the U.S regularly face worse rates of domestic violence than other groups. For example, about 60% of Native American women are physically assaulted in their lifetime by a partner or spouse.²⁶¹ The ten states with the highest rate of females murdered by males were, as of 2010 Nevada, South Carolina, Tennessee, Louisiana, Virginia, Texas, New Mexico, Hawaii, Arizona, and

²⁵⁷ NAmeh and Muhammed Abdul 'Prevalence of Domestic Violence Amongst Pregnant Women in Zaria, Nigeria' *Annals of African Medicine* [2003] (3) (1) <https://www.researchgate.net/publication/27788867_Prevalence_of_Domestic_Violence_Amongst_Pregnant_Women_in_Zaria_Nigeria> accessed on October 30th 2025

²⁵⁸ Wikipedia 'Domestic Violence in Nigeria' <https://en.wikipedia.org/wiki/Domestic_violence_in_Nigeria> accessed on October 30th 2025

²⁵⁹ Beachy123 'Domestic Violence in the United States' (2025) <https://en.wikipedia.org/wiki/Domestic_violence_in_the_United_States> accessed October 30th 2025

²⁶⁰ Susan H 'Data Shows Domestic Violence, Rape an Issue for Gays' (2013) <<https://www.reuters.com/article/world/us/data-shows-domestic-violence-rape-an-issue-for-gays-idUSBRE90011X/>> accessed October 30th 2025

²⁶¹ LH Malcoe and others 'Socioeconomic Disparities in Intimate Partner Violence Against Native American Women: A Cross-Sectional Study' (2004) <<https://doi.org/10.1186/1741-7015-2-20>> accessed on October 30th 2025

Georgia.²⁶² Furthermore, victims of domestic violence are offered legal remedies that are both civil and criminal in nature. These remedies are not exclusive, meaning that a victim may seek both criminal prosecution of the offender and also petition for civil remedies.²⁶³ Preventive and rehabilitative measures are also incorporated into the U.S. system and include compulsory arrests, restraining orders, and batterer intervention programs, all of which are designed to decrease reoffending and improve the safety of the victims.²⁶⁴ People who perpetrate acts of domestic violence are subject to criminal prosecution. Perpetrators of domestic violence can be charged under general statutes²⁶⁵ but most states have also enacted specific statutes that specifically criminalize domestic violence.²⁶⁶ The use of specialized agencies, victim advocates and non-governmental organizations further enhance the enforcement and support sectors and hence victims can get prompt help and legal representation.

Additionally, the effectiveness of both systems is determined by the cultural context. In Nigeria, patriarchal societies and cultural stigmatization have led to the fact that victims do not report cases of abuse because domestic issues are perceived to be family secret. In the United States, on the other hand, the attitudes of society towards domestic violence have changed considerably over the decades through advocacy, feminist movements and sensitization of the population, which resulted in the increased power of the victims and their social responsibility. Nevertheless, the issues of racial discrimination, socioeconomic disparities, and uneven state legislation continue to have an impact on the equal access to justice in the U.S system.

²⁶² Violence Policy Center ‘ When Men Murder Women: An Analysis of 2010 Homicide Data’(2010) <<https://vpc.org/revealing-the-impacts-of-gun-violence/female-homicide-victimization-by-males/>> accessed on 30th October 2025

²⁶³ Jeffery F ‘The Criminalization of Domestic Violence: Promises and Limits’ (1995) Presented at the 1995 Conference on Criminal Justice Research and Evaluation < <https://www.ojp.gov/pdffiles/crimdom.pdf> > accessed on October 30th 2025

²⁶⁴ Arisukwu Ogadinma and others ‘Perception Of Domestic Violence Among Rural Women In Kuje (2021) <<https://doi.org/10.1016/j.heliyon.2021.e06303>> accessed on October 30th 2025

²⁶⁵ Chapter 25 South Carolina Code of Laws

²⁶⁶ Wikipedia (n14)

In supposition, both the United States and Nigeria show legal dedication to tackling domestic violence, although, the criminal justice system in the U.S. has a greater level of institutionalization, coordination, and protection of victims. The structure of Nigeria, though well-meaning, needs a lot of restructuring especially on the law enforcement ability, judicial effectiveness, and publicity to attain a similar level of justice dispensation. Specialized courts, better training of police officers, and uniform application of VAPP²⁶⁷ Act in all the states may considerably change the situation with domestic violence in Nigeria.

4.3 Learning from the United States Approaches: Enhancing Domestic Violence

Adjudication in Nigeria

The United States approach to adjudicating and managing domestic violence is very multifaceted and can be of great learning to Nigeria. The U.S. criminal justice system shows that a coherent legislation, special courts, victim-oriented policies, and interagency cooperation may reinforce legal response to domestic abuse. The Violence Against Women Act (VAWA) is one of the most important frameworks in America which, besides criminalizing different kinds of domestic violence, offers institutional means of preventing, protecting and rehabilitating²⁶⁸. Comparatively, the Violence Against persons (Prohibition) Act (VAPP) 2015 in Nigeria is a progressive law that is inadequately enforced at state level and has poor enforcement.²⁶⁹ Based on the experience of the U.S, Nigeria can advance the adjudication of domestic violence through institutionalizing a coordinated, well-financed and victim-oriented justice system that provides uniformity in the application of the law throughout all the states.

²⁶⁷ Violence Against Persons (Prohibition) Act 2015

²⁶⁸ VI Hryshko 'Foreign Experience In Applying a Multidisciplinary Approach to Preventing and Combating Domestic Violence' (2025) <<https://doi.org/10.24144/2788-6018.2025.01.98>> accessed on October 30th 2025

²⁶⁹ Adetutu Aina-Pelemo and others 'A Socio-Legal Imperative Of Domestic Violence Prohibition In Africa Vis-A-Vis Nigerian Legal Structure For Sexually Abused Women (2023) <<https://doi.org/10.12688/f1000research.132413.5>> accessed on October 30th 2025

One of the most important details of the U.S. model is the introduction of the specialized domestic violence courts, which process the cases very fast, sensitively, and competently. These courts incorporate both legal action and social services which guarantees that the victim is not only provided with justice but also social support. Nigeria may also follow this model by assigning or establishing specific family and domestic violence units to the available courts that are manned by trained judges, prosecutors and social workers who are familiar with the dynamics of abuse. This kind of specialization would enhance prompt adjudication, decrease the amount of cases pending to be adjudicated, and encourage a survivor culture within the judiciary.

Furthermore, compulsory arrest and protection order processes in the U.S have been successful in keeping victims safe and in preventing reoffenders²⁷⁰. Such protocols can be adopted by the law enforcement agencies in Nigeria, and the reports of domestic violence will trigger the immediate and professional response. This would involve training of the police officers to deal with cases in a gender sensitive manner and understanding the rights of the victims.²⁷¹ Enhancing witness protection and offering access to shelters, counselling, and legal assistance, which are typical of the U.S system, would also make more victims in Nigeria come forward.

The next valuable lesson of the United States is the focus on community partners and education of people. One of the reasons why VAWA²⁷² has been successful is because of the partnership between federal and state governments, non-governmental organizations, advocacy groups, and community leaders. Nigeria can adopt this model by encouraging the formation of partnerships among the government institutions, civil society and traditional

²⁷⁰ Paul Atagamen Aidonjio and others 'The Causes Of The Rising Incidence of Domestic Violence in Nigeria: Proposing Judicial Separation as a Panacea' *Jurnal Hukum* [2022](38) (2) 99
<<https://doi.org/10.26532/jh.v38i2.21592>> accessed on October 30th 2025

²⁷¹ Tarela Juliet Ike and others 'Women's Perceptions Of Domestic, Intimate Partner Violence And The Government's Interventions In Nigeria: A Qualitative Study' *Sage Journals* [2022] (23) (5) 791 - 811
<<https://doi.org/10.1177/17488958221128933>> accessed on October 30th 2025

²⁷² Violence Against Women Act 1994

authorities to establish a broad-based response strategy to deal with both legal and cultural obstacles. The level of public enlightenment efforts is to be intensified to oppose patriarchal rules and ensure zero tolerance to domestic abuse.²⁷³

In summary, improving the adjudication of domestic violence in Nigeria needs a comprehensive overhaul that is based on the U.S. system but adapted to the socio-cultural and institutional realities in Nigeria. Nigeria can create a more accountable and fair judicial system by embracing specialized courts, enhancing the training of law enforcement, making the VAPP Act effective nationwide, and reinforcing the system of assisting the victims. It is not only that such reforms would help preserve the rights and dignity of victims, but also to strengthen confidence of the people on the criminal justice system as a source of human security and social justice.

4.4 Conclusion

The comparative analysis of the criminal justice system of Nigeria and the United States of America in domestic violence highlights the importance of legal systems and efficiency of institutions in addition to cultural orientation in determining the outcome of justice to victims. Although Nigeria has shown intent to legislate against violence against persons by passing the Violence Against Persons (Prohibition) Act (VAPP) 2015, its effectiveness is undermined by poor enforcement, unequal state implementation, and socio-cultural elements. Instead, the United States offers a paradigm of organized legal collaboration, victim-focused justice and the Violence Against Women Act (VAWA) and the mechanisms associated with it including specialized courts, restraining orders, and community-based interventions.

²⁷³ Titus Olise Ekeigwe and others 'Examining Traditional Methods Of Handling Domestic Violence in a Southeastern Nigerian State: The Imperative For Social Workers' Involvement' *Journal of Religion & Spirituality in Social Work: Social Thought* [2024] (43) (1) 1-23
<<https://doi.org/10.1080/15426432.2024.2418951>> accessed on October 30th 2025

The way ahead of Nigeria is through emulating the U.S. system but adjusting reforms to the realities in the country. This is not only about bolstering the institutional capacity and judicial responsiveness but also about the patriarchal norms that run so deep and beyond that they create silence and stigmatization concerning domestic violence. Creation of special domestic violence courts, compulsory training of law enforcers, adequate protection of witnesses, and the availability of victim support services would go a long way in improving the quality and time efficiency of justice. In addition, collaborations among government and non-governmental organizations, as well as conventional institutions, are to be given precedence in order to take a multidimensional and culturally adaptable form of prevention and redress.

In the end, it is not only to copy the U.S. model but create a viable Nigerian model, which reflects fairness, accountability, and compassion towards the victims. With intensive reforms, regular enforcement, and social re-orientation, it is possible to change criminal justice response in Nigeria into the framework that is actually protective of the vulnerable and deters criminal offenders as well as ensures the human dignity and justice values.

CHAPTER FIVE

5.0 SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1 Summary of Findings

The study has shown that Nigeria has done a commendable legislative development in its approach to domestic violence, specifically through the adoption of the Violence Against Persons (Prohibition) Act (VAPP) in 2015. This legislation is a significant change in national consciousness, a shift in the perception of domestic violence as a domestic family problem to a significant criminal offense requiring state intervention. The provisions of the Act are all inclusive of physical, sexual, psychological, emotional and economic abuse therefore broadening the list of coverage provided to the victim.²⁷⁴ Nonetheless, the federal nature of Nigeria poses a major challenge because of coexistence of various legal frameworks as the Criminal Code Act in the southern states, Penal Code in the north, and the VAPP Act at the federal level, where state domestication is necessary in order to implement it. This legal pluralism has resulted in uneven protection in different regions, jurisdictional clashes and differences in the application of the law as some states are yet to implement the Act²⁷⁵. Generously, such state laws as the Lagos State Protection against Domestic Violence Law (2004) and the Ekiti State Gender-Based Violence (Prohibition) Law (2011) were pioneering and provided the basis of the national legislation, despite the fact that traditional criminal codes do not sufficiently combat non-physical abuse, marital rape, and harmful traditional practices.²⁷⁶

Institutional weaknesses of the police, the judiciary and support services ensure that the implementation of domestic violence laws is hindered in Nigeria. Police would not tend to

²⁷⁴G Arowolo ‘Protecting Women From Violence Through Legislation In Nigeria: Need To Enforce Anti-Discrimination Laws’ *International Journal of Discrimination and the Law* [2020] (20) 245-288 <<https://doi.org/10.1177/1358229120971953>> accessed on November 4th 2025

²⁷⁵Olutoyin Opeyemi Kuteyijo and Others ‘Stakeholders Engagement With Law To Address Gender-Based Violence In Southwest Nigeria: A Qualitative Study Using Normalisation Process Theory To Explore Implementation Challenges’ *BMJ Public Health* [2024] (2) <<https://doi.org/10.1136/bmjph-2024-001326>> accessed on November 4th 2025

²⁷⁶EJ Umoren ‘The Need for the Entrenchment of Marital Rape in Nigeria’s Criminal Jurisprudence’ *Global Journal of Politics and Law Research* [2023] (11) (6) 1-8 <<https://ejournals.org/gjplr/wp-content/uploads/sites/36/2023/11/The-Need-for-The-Entrenchment.pdf>> accessed on November 4th 2025

intervene and treat domestic violence as a personal issue, lack of specialized training, inability to handle evidence and cultural biases contribute to the escalation of the issue. The judicial system has huge backlogs, and fewer special courts and sentencing patterns, which make justice delivery slow.²⁷⁷ Moreover, the services of victim support are still extremely poor, with the majority of the shelters and counselling facilities being located in urban regions, leaving the rural victims uninsured. Inadequate funding, weak infrastructure and a lack of inter-agency coordination also undermine the enforcement which translates to low prosecution and conviction rates.²⁷⁸

Another area of the study that is noted is the socio-cultural factors that have deep entrenched roots and thrives on domestic violence.²⁷⁹ Victims are still silenced by patriarchal traditions, misinterpretations of religion and family preservation norms that put the safety of individuals second. Such practices like bride price, harmful widowhood rituals and communal mediation are usually inclined towards reconciliation instead of justice. This has been so because religious and traditional leaders are often poorly positioned to deal with domestic abuse with a tact that does not offend anyone, to the point of perpetuating the idea of women submission and endurance. The healthcare facilities, schools, and the media also play an indirect role in fostering domestic violence by not reporting the cases, not educating the members of the society, and not challenging the stereotypes that cause domestic violence.²⁸⁰

²⁷⁷ O Olusegun and Ifeoluwayimika Bamidele 'The Menace of Domestic Violence: Improving the Lives of Women in Nigeria' *African Journal of Legal Studies* [2016] (9) (3)177-198

<<https://doi.org/10.1163/17087384-12340007>> accessed on November 4th 2025

²⁷⁸ W Diriwari 'Domestic Violence and the Welfare of the Nigerian Child: An Evaluation of the Role of Child Protection Services and Law Enforcement Authorities' *South Asian Journal of Social Studies and Economics* [2023] < <https://doi.org/10.9734/sajsse/2023/v20i4743>> accessed on November 4th 2025

²⁷⁹ O Olatunde 'Socio-Cultural Factors Propelling Domestic Violence Against Married Women In South-West Nigeria' *Alma Mater – Journal of Interdisciplinary Cultural Studies* [2024]

<<https://doi.org/10.29329/almamater.2024.1053.6>> accessed on November 4th 2025

²⁸⁰ A Odeleye 'Domestic Violence among Couples in Yoruba Society of Nigeria and Its Moral Concern for Church' (2019) 01 362-368 <<https://doi.org/10.36346/sarjhss.2019.v01i04.005>> accessed on November 4th 2025

Furthermore, economic dependency, stigmatization, ignorance of their rights, and the mental impact of abuse are some of the major obstacles to justice among the victims.²⁸¹ The geographic and systemic factors that discourage reporting are also limited access to the courts, complicated procedures and non-existence of witness protection.²⁸² The statistics are very worrisome: more than 30 percent of women in Nigeria have been the subjects of physical violence, the rates in certain areas going up to 70 percent, however, underreporting is still a very widespread occurrence. Special targets are rural women, widows, women disabilities and the elderly as they tend to face a compounded marginalization.

Despite the fact that major international and regional instruments like CEDAW, Maputo protocol, and African Charter on Human and Peoples rights are ratified by Nigeria, the level of their adherence is low. Bad domestication, lack of proper enforcement, and ignorance of the judicial officers usually compromise the duties that the country owes on the instruments. In Nigeria, the domestic violence response is still controlled in inter-agency, with little cooperation between the police, courts, healthcare providers, and social welfare agencies. Multi-agency approaches using the successful models like the Lagos State Domestic and Sexual Violence Response Team (DSVRT) prove their worth, but there is minimal copying in other states. Innovations like technology-enabled abuse, economic domination, and rural-urban inequalities can also be identified in the study and these require legal and policy responses that are more modernized. The COVID-19 pandemic added more pressure to these systemic flaws, and the number of cases of domestic violence increased significantly during lockdowns, and victims could not get access to justice and support services.

Overall, the research discovers that though Nigeria has gone a long way in its legislative endeavour, the efficacy of its domestic violence response is limited by the institutionally

²⁸¹ H Bazza 'Domestic Violence and Women's Rights in Nigeria' (2019) *Societies Without Borders* 4 175-192 <<https://doi.org/10.1163/187219109x447467>> accessed on November 4th 2025

²⁸² Zainab Hayatu and others 'Prevalence And Factors Associated With Domestic Violence Amongst Married Women In Urban And Rural Areas of Kano State, Nigeria' *Dutse Journal of Pure and Applied Sciences* [2023] <<https://doi.org/10.4314/dujopas.v9i3b.9>> accessed on November 4th 2025

weak, irregular legislative laws, socio-cultural opposition, and the lack of effective resource allocation. Legal reform, in as much as it is essential, is impossible without simultaneous investment in institutional capacity, popular education and cultural change. To create a better response, it is necessary to create the system of special courts, better training of the police, victim-oriented processes and provide stable financing of support services. In addition, the coordination between governmental agencies, NGOs, and community stakeholders should be increased to respond together and efficiently. In the end, it takes not only legal compliance but also a complete change in attitude within society, the culture of silence should be transformed into the culture of justice, equality and protection to everyone in Nigeria.

5.2 Recommendations

In regards to the overall findings of this research, it is therefore recommended that the following measures be put in place in order to enhance the criminal justice system of Nigeria to address domestic violence. These recommendations respond to the complex issues which could be seen on a legal, institutional, cultural, and social levels solving the fact that a complex response to domestic violence must be organized by all levels and layers of government and society.

5.2.1 Harmonization and Nationwide Implementation of Domestic Violence Laws

The most pressing legal change that is needed is the domestication of Violence Against Persons (Prohibition) Act in all the states of Nigeria. The uneven implementation of the VAPP Act nowadays forms a patchwork of protection, in which the right of the victims is

solely based on the geographical location.²⁸³ This is essentially unfair and violates the constitutional right to equality before the law. In addition to domestication, there is a dire necessity in harmonization of the legislation on domestic violence in the multi-layered legal system of Nigeria. The coexistence of the Criminal Code with the Penal Code in the southern states, the different state-wide domestic violence laws, creates confusion, jurisdictional complications, and opportunities for forum shopping. A national law reform commission must also be established to specifically discuss the legislation on domestic violence, which will involve a representative of all the thirty six states, the legal community, women rights groups, traditional leaders and religious leaders. Such a Commission ought to come up with uniform minimum protections that can be used in the whole country and not disrespecting the federal constitution and cultural diversity of Nigeria. It is not aimed at crushing all variation but making sure that every Nigerian irrespective of where they are can enjoy the complete protection against domestic violence. The Constitution itself must also be amended to have detailed provisions on the right to live free of domestic violence as a fundamental human right under Chapter IV of the Constitution.²⁸⁴ Constitutional entrenchment would give it better legal power and directly challenge poor state reactions through constitutional means. This would be an indication at the highest legal tier that domestic violence is not just a criminal issue, but a human dignity derailment that the Nigerian state is duty bound to stop and to penalize.

5.2.2 Closing Critical Legislative Gaps

The legal explanations of domestic violence need to be broadened and updated to accommodate the current knowledge of abuse and the new types of violence. Particularly, technology-mediated abuse should be explicitly mentioned in legislation, as the offenders are

²⁸³ C Onyemelukwe 'Legislating on Violence Against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015' *DePaul Journal of Women* [2016] (5) (2) <<https://via.library.depaul.edu/jwgl/vol5/iss2/3/>> accessed on November 4th 2025

²⁸⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended)

starting to apply digital tools to spy on, threaten, and control their victims. Economic and financial abuse needs to be more elaborated with provisions that identify how the abusers employ economic control as a trap to the abusers to enslave their victims in abusive relationships.²⁸⁵ This also involves denying the victims the right to work, managing all financial resources, demolishing credit, and denying the basic needs. The idea of coercive control, which is regarded as a growing practice in international best practice, must be introduced into the Nigerian domestic violence legislation. Coercive control acknowledges that domestic violence is not merely cases of physical abuse but rather a series of actions meant to control and command the victim by intimidation, isolation, control over daily living activities and deprivation of economic resources. Such a more advanced concept of domestic violence would allow the legislation to address the severe abuse despite the absence of physical harm.

Also, the provisions on marital rape should be approached cautiously and precisely. Though the position of the VAPP Act can be deemed as progressive, there is still misunderstanding and cultural opposition toward the phenomenon of sexual violence in marriage. The legislation has to be categorical in that marriage should not be a continuous consent to sexual activity and that sexual violence in marriage is no better than sexual violence by strangers. Legislative clarity should be accompanied by educational campaigns to help overcome the cultural belief that wives are sexually available to their husbands at all times.²⁸⁶ The vulnerable populations need to be considered in particular, as they are exposed to specific risks and obstacles. The legislation must have certain clauses that cover the maltreatment of elderly individuals in their homes since it is clear that such acts are usually underreported and poorly tackled in the domestic violence laws. Individuals with disabilities subjected to

²⁸⁵ Abi Adams and others 'The Dynamics of Abusive Relationships' *The Quarterly Journal of Economics* [2024] (139) (4) 2135-2180 <<https://doi.org/10.1093/qje/qjae022>> accessed on November 4th 2025

²⁸⁶ P Sahu 'Marital Rape: An Impediment on Women's Right in India' *International Journal of Law and Social Sciences* [2023] (9) (1) <<https://doi.org/10.60143/ijls.v9.i1.2023.85>> accessed on November 4th 2025

domestic violence need to have accommodations in reporting systems, court processes as well as support systems. It should also clearly protect all intimate partner relationships, such as same-sex couples, dating relationships, but not the traditional marriage situations. Pregnant women as well as new mothers are especially vulnerable and must be afforded certain recognition and protection. Although the main emphasis is put on female victims, male domestic violence victims should also be specifically identified and be offered proper services because they also encounter other obstacles associated with stigmatization and absence of male-specific support services.

Furthermore, violent customary cultures are still ravaging the lives of women even with the bans that are in place.²⁸⁷ The mechanisms of enforcing widow maltreatment and property dispossession, female genital mutilation, child marriage, forced marriage, and discriminatory inheritance practices need to be reinforced with explicit criminal punishments and minimum jail terms. The justification of these practices is typically based on the cultural or religious grounds, yet it is a severe human rights violation which is the responsibility of the state of Nigeria to prevent and prosecute. Cultural tradition should not be used to justify breach of basic human rights by the law enforcers, the traditional leaders, and the communities.

5.2.3 Transforming Law Enforcement Response to Domestic Violence

The poorest link in the criminal justice chain has always been the police response to domestic violence. Officers tend to consider domestic violence as an issue that a family should address

²⁸⁷ Ana Fauzia and others 'Women's Rights and Law Enforcement: A Family Law Perspective in Addressing Forced Marriage' *Jurnal Akta* [2024] (11) < <https://doi.org/10.30659/akta.v11i3.26706>> accessed on November 4th 2025

and not to criminalize it, discourage victims to file a charge, and do not gather any important evidence. The transformation of police response involves structural and cultural change of the law enforcement agencies. All the police commands should have specific domestic violence units that will be manned by specially trained officers who will be working twenty-four hours.²⁸⁸ Their facilities on interviewing the victims must be different and private so that women do not feel compelled to report abuse in crowded stations that they might end up in the company of the offender's relatives or friends. In addition, the units are supposed to have direct connections to the support services so that they can refer to shelter, counselling, medical, and legal help immediately.²⁸⁹ Standard operating procedures are to be elaborated and strictly implemented, and this should include how the officers are expected to handle domestic violence calls, what evidence is to be gathered, how the victim should be interviewed and what follow-up should be done. Officers who do not adhere to these procedures should face proper consequences.

Also, the issue of gathering evidence during domestic violence cases is a subjective area of investigation since the crime is usually a two-party affair with no other witnesses. The systematic procedures must ensure that all visible injuries and property damage be photographed, recordings of emergency calls preserved, medical evidence collected including use of sexual assault evidence collection kits where necessary, digital evidence (threatening text messages, emails, social media posts, etc.) preserved and scene of the crime well documented.

5.2.4 Developing Specialized Domestic Violence Courts

²⁸⁸ J Islam and Paul Mazerolle 'Nexus Between Police Attitudes and Responses to Domestic and Family Violence in Australia: Does Training Matter?' *An International Journal of Research and Policy* [2022] (32) (10) 1226-1241 <<https://doi.org/10.1080/10439463.2022.2029436>> accessed on November 4th 2025

²⁸⁹ Jia Xue and others 'Supportive Interventions of Chinese Police in Domestic Violence: Do Officer Knowledge and Training Matter?' *Journal of Interpersonal Violence* [2024] (39) 3508-3542 <<https://doi.org/10.1177/08862605241233266>> accessed on November 4th 2025

The criminal court system as a whole is unprepared to deal with the special dynamics and requirements of domestic violence hence, there is need for the creation of special domestic violence courts. The characteristics of these courts should include specially trained judges in domestic violence dynamics and trauma-informed judicial practice, integrated services with victim advocates and support services on-site, consolidated jurisdiction over all cases involving the same parties such as criminal charges, protection orders, custody disagreements, and divorce cases, expedited case processing with no tolerance of time wastage, heavy security presence to ensure victim safety within the court premises, and child-friendly amenities that acknowledge that children may often be present in the courts during proceedings. To start with, special courts must be created in big cities such as Lagos, Abuja, Port Harcourt, Kano and Ibadan, and in one state mainly rural to create models that would be used in less urban areas. These pilot programs should be extended to other states after evaluation and refining is done on them. These courts should be designed with areas of waiting of victims and perpetrators set apart to avoid intimidation, accessibility features to persons with a disability and provision of private consultation rooms whereby victims can meet with the advocates and legal representatives.

Secondly, all judges and magistrates are supposed to go through mandatory training before handling any domestic violence cases. The National Judicial Institute needs to incorporate thorough domestic violence courses to its basic program to all judges and not only to judges who work in the specialized courts because all judges are prone to these cases. The case management reforms are critical to curb the chronic delays which deprive victims of justice and impunity of the perpetrators to go ahead with their abuse. The cases of domestic violence must be handled urgently and the maximum period of charge to trial completion must be six months except in extraordinary cases. Courts ought to introduce special days that can be used to treat domestic violence cases; this would involve frequent scheduling of cases and not

recurrent continuation of cases. There should be strict restrictions on continuances, which is seen as a delay tactic applied by defence counsels. As much as possible, a single judge must be appointed to deal with all aspects of the same parties, so as to give a continuity of the judicial system and total knowledge on the family situation.

Thirdly, domestic violence sentencing guidelines must be established, which will encourage uniformity and sentence severity to represent the offense committed. Such guidelines would encompass presumptive ranges of sentencing depending on severity of the offense, presence of aggravating factors like use of a weapon, severity of an injury, the presence of children, violation of a protective order or restraining order, and repetitive cases should attract limited mitigating factors since a majority of the traditional mitigation factors of family hardship or employment must not be used to lessen sentences against domestic violence and instead alternative sentencing programs like batterer intervention programs and substance abuse treatment would be tolerated but only where suitable and not in place of accountability. Victims must be assured a chance to make impact statements during sentencing so that their voices are heard during the process even when they do not give testimony during the trial.

5.2.5 Reform of the Correctional System's Response

The role of the correctional system to punish the offenders and the prevention of reoffending is significant. As a prerequisite to the sentencing or as a probation requirement, Batterer Intervention Programs ought to be created as a form of sentence to proper offenders. The programs which are usually at least twenty-six weeks ought to employ evidence-based curricula focusing on responsibility to violent acts, difficult attitudes and beliefs that endorse violence such as being a patriarchal attitude and the perception of entitlement, learning skills in empathy and comprehending the effects of violence upon victims and children and acquiring skills of resolving conflicts without violence. The programs are to be certified in accordance with the national standards and the facilitators are to be provided with

specialization. Importantly, batterer intervention programs need to be able to coordinate with the victim services to keep track of the safety of the victim because some studies have alluded that there is a possibility of becoming more dangerous during the process of participating in the program unless it is well handled. It should be reported on regular basis to the courts on the attendance and progress of the offenders or failure to comply with the consequences. Also, risk assessment and management must be improved throughout the correctional system. Validated risk assessment tools should be used to inform pre-trial release decisions, sentencing recommendations, probation and parole supervision levels, and reoffending prevention strategies. These instruments will help identify offenders who pose the highest risk of re-offense or lethal violence, enabling targeted supervision and intervention.

Offenders on probation or parole for domestic violence should be supervised by specially trained officers who understand domestic violence dynamics. High-risk offenders should be subject to electronic monitoring, enabling authorities to ensure compliance with no-contact orders and receive alerts if offenders approach protected locations.²⁹⁰ Also, supervision should include compliance monitoring with protection orders, requirements to participate in and complete batterer intervention programs, substance abuse and mental health treatment where indicated, and employment and housing assistance recognizing that unemployment and housing instability increase reoffending risk. Victims should be enrolled in notification systems that alert them to offender release, probation violations, escape, or other changes in status, enabling them to take additional safety precautions.

5.2.6 Building Comprehensive Support Infrastructure for Victims

²⁹⁰ L Feder 'Community Supervision of Domestic Violence Offenders: Where We Are and Where We Need to Go' (2010) <<https://doi.org/10.1201/b15800-23>> accessed on November 4th 2025

No legal system, however well-designed, can adequately respond to domestic violence without comprehensive support services for victims. Currently, Nigeria's victim support infrastructure is woefully inadequate, with most services concentrated in Lagos and Abuja while vast areas of the country have no specialized domestic violence services whatsoever, the shelter system must be dramatically expanded to meet the need for emergency housing and regional shelters serving multiple rural local government areas should be developed to address the particular challenges of providing services in less densely populated areas.²⁹¹ National standards of shelter operations ought to be established that encompass security and safety measures in place to ensure that residents are safe against perpetrators, comprehensive services which include the on-site or coordinated counselling, legal support, case management, services towards children, job training and housing support, accessibility so that facilities are physically accessible and services are available in various languages and culturally suitable, staff qualification and training that ensures quality service delivery, flexible length of stay which in some cases, can be an extended provision of transitional housing support that enables women to graduate out of the emergency shelter and into stable independence. Also, there should be a national domestic violence hotline which will offer a twenty-four hour, seven days a week and toll free access to trained crisis counsellors. The hotline should be made to provide services in all the major Nigerian languages since most of the victims do not access help due to language barriers.²⁹² The hotline is also to be used as a data collection device that will provide the valuable information about the current trends, gaps in services and new needs. As much as the current helplines by NGOs and government offices offer useful services, a nationally endowed well staffed national hotline would go a long way in increasing the number of people who can get instant help and information. Legal

²⁹¹ O Olusegun and Ifeoluwayimika Bamidele 'The Menace of Domestic Violence: Improving the Lives of Women in Nigeria' *African Journal of Legal Studies* [2016] (9) (3) 177-198 <<https://doi.org/10.1163/17087384-12340007>> accessed on November 4th 2025

²⁹² T Randall 'While National Domestic Violence Hot Line's Down, Other Resources Can Assist Physicians, Patients' *JAMA* [1933] (269) (10)1225 <<https://doi.org/10.1001/jama.1993.03500100017004>> accessed on November 4th 2025

aid and legal representation should be hugely increased. Flowing from the above, it is suggested that the Legal Aid Council would need to set up special domestic violence legal assistance centre in each and every state with domestic violence case prioritized.²⁹³ Counselling services and mental health are needed to help victims heal and recover. It is opined that victims of domestic violence should be easily offered trauma-informed counselling, as domestic violence is known to inflict psychological trauma, which they need to have treated by a professional.²⁹⁴ Specifically, children with exposure to domestic violence require therapeutic services based on their age to deal with the trauma, which they suffered and avoid psychological and behavioural issues in the long term.²⁹⁵ Peer-led and professionally facilitated support groups are important resources where victims find an outlet to find like minds to share their stories and this eliminates isolation and gives them a sense of mutual support. Mental health care should be made available long term since the consequences of the trauma may last long after the immediate crisis is over. To be able to operate effectively with different populations, Nigeria needs to invest in mental health training in trauma and domestic violence, evidence-based interventions, including Cognitive Processing Therapy and Eye Movement Desensitization and Reprocessing, and cultural competence. In addition, counselling programs in schools should be put in place to detect and attend to the needs of the children who are exposed to domestic violence giving them early intervention that can help them in the long run. Hospitals and clinics should have domestic violence advocates to offer immediate assistance and safety planning and referrals upon healthcare providers suspecting a victim. An innovative method of comprehensive support of

²⁹³ J Lee and Bethany Backes ‘Civil Legal Aid and Domestic Violence: a Review of the Literature and Promising Directions’ *Journal of Family Violence* [2019] (33) (9) 421-433 <<https://doi.org/10.1007/s10896-018-9974-3>> accessed on November 4th 2025

²⁹⁴ Cris Sullivan and others ‘Evaluation of the Effects of Receiving Trauma-Informed Practices on Domestic Violence Shelter Residents’ *American Journal of Orthopsychiatry* [2017] (88) (5) 563–570 <<https://doi.org/10.1037/ort0000286>> accessed on November 4th 2025

²⁹⁵ V Anyikwa ‘Trauma-Informed Approach to Survivors of Intimate Partner Violence’ *Journal of Evidence-Informed Social Work* [2016] (13) 484 - 491 <<https://doi.org/10.1080/23761407.2016.1166824>> accessed on November 4th 2025

the victim is medical-legal partnerships in which legal services are incorporated into the healthcare facility.

5.2.7 Economic Empowerment and Financial Assistance

One of the greatest factors that prevent victims from leaving abusive relationships is economic dependence. Victims need to be supported with complete economic assistance to help them get safety and independence. Economic support fund should be created to offer emergency financial assistance to victims in the form of a Domestic Violence Emergency Assistance Fund that offers immediate assistance in cases where victims move out of the abusive situations.²⁹⁶ Emergency cash grants would enable them deal with urgency requirement like food, transportation and other basic needs. Long-term economic empowerment entails long-term programming such as vocational training and skills development to enhance employability, microfinance and small business credits with good terms to those victims who want to start businesses, employment placement services, which link victims to employers, financial literacy education to develop money management skills and asset-building programs to provide support toward saving and property ownership, which are commonly sabotaged by economically abusive partners.

In addition, housing is especially an important issue considering the unavailability of affordable housing across the entire Nigeria. The gap between emergency shelter and permanent housing should be supposed with transitional housing programs which will offer stable housing between six months to two years as the victims resettle their lives.

5.2.8 Supporting Children Affected by Domestic Violence

²⁹⁶T Kisselyova and Angrej Singh 'The Role of Economic Assistance in Overcoming the Consequences of Domestic Violence: an International Review' *Eurasian Journal of Gender Studies* [2024] <<https://doi.org/10.47703/ejgs.v1i1.3>> accessed on November 4th 2025

Domestic violence has devastating consequences not only on the mothers themselves, but also on the children involved as it happens to them or as they observe it being done to their mothers. Total services should include, their needs such as age-sensitive counselling and therapy through evidence-based interventions like Child-Parent Psychotherapy and Trauma-Focused Cognitive Behavioural Therapy, educational support and tutoring to support them during academic troubles that normally follow trauma and instability, supervisory visitation facilities where children may receive relationships with non-custodial parents when appropriate, custody evaluation that takes into serious considerations of domestic violence and prioritizing child safety, and child advocacy centres where coordinated, multidisciplinary responses are offered when children fall victims of abuse. There must be legal presumptions on not giving custody to those who have abused their partners since it is noted that those who abuse their partners will also abuse the children in their custody and those who are exposed to domestic violence are also detrimental to children. Schools are involved in the identification and support of children who are victims of domestic violence. Programs within schools need to be provided to teach healthy relationships since age-appropriate levels, educate teachers on how to detect signs of trauma in students, make school counselling accessible to all students who are victims of family violence, plan safety measures in case of children living in persistent family violence, and provide academic adjustments in case the traumatized children do not concentrate and do school assignments.

5.2.9 Information Systems and Data Management

Good data is needed to create appropriate response and policy development. Presently, Nigeria does not have the comprehensive and reliable information on the prevalence of domestic violence and the response of the criminal justice system. To overcome this

shortcoming, it is suggested the establishment of an integrated case management system where domestic violence cases can be tracked from the first point of report to the police to the ultimate court disposition and more.²⁹⁷ It should encompass incident reporting that captures information about every reported case of domestic violence to police, protection order database that is availed to all law enforcement agencies that allows real-time verification and enforcement, offender tracking across jurisdictions to ensure that the offenders are not allowed to evade responsibility by transferring jurisdictions, risk assessment data indicating high-risk cases to respond better, victim services utilization tracking to determine the use of the service and gaps and outcome data to evaluate the program and continuously improve it. Such systems should have strict privacy controls such as access controls that limit the people who see the information, data security mechanisms that ensure against breaches and confidentiality measures that ensure unauthorized information about the victim is disclosed. It should also be able to interface with the already existing police and court systems as well as social services platforms. All states should use the same standard in collecting national domestic violence data, and track the incident reports by type, location, demographics, arrest rates and charges filed, prosecution or not convictions, dismissals, and acquittals, sentencing patterns to determine the disparities and trends, issuance of protection orders and violations, utilization of services by families and their types, repetition rates of offenders who have experienced the criminal justice system, and deaths as a result of domestic violence including homicides and suicides. All states should be developed with standardized data definitions and requirements of reporting to be comparable. It should issue annual national reports that are comprehensive in nature, and they should make the data available to the people, policymakers, advocates, and researchers.

²⁹⁷ D Lestari and Enny Agustina 'Problematics of Domestic Violence Case Handling of PPA Unit of Pangkalpinang Police: Analysis of Case Arrears' *Journal of Law, Politic and Humanities [2025]* (5) (3) <<https://doi.org/10.38035/jlph.v5i3.1154>> accessed on November 4th 2025

This should be done by establishing a national research institute on domestic violence to research vigorously the prevalence of this phenomenon with the use of a nationally representative sample, study the effectiveness of intervention to determine what works and what does not, develop best practice and distribute it, offer evidence-based policy guidelines, and sponsor doctoral and post-doctoral research in the area. Collaborations with the universities in Nigeria would develop research capacity in the country and international partnerships would help in sharing knowledge with other experts across the world. Even good policy has to be founded on good evidence, and Nigeria needs to invest in creating that evidence.

5.2.10 Primary Prevention Programs

The primary prevention program involves a program that is focused on the individuals at risk and aims to prevent or avert potential violent occurrences. As much as the criminal justice system must be responsive to domestic violence in instances where it takes place, the end result should be to prevent violence. Primary prevention deals with the underlying factors of domestic violence such as gender inequality, destructive attitudes towards relationships and violence, and the social norms that condone or promote abuse.²⁹⁸ It should make the national public education campaign a multi-year activity which should use all the possible media tools such as the television, radio, print media, and the internet media in all the major Nigerian languages, social media involvement especially through the youth who are the heavy users of the media, and through the community based outreach through the areas that have low access of the media, in line with the opinion expressed in the Australian and New Zealand Journal of Public Health.²⁹⁹ Communication components in the campaign should be clear in delivering

²⁹⁸ John Woods and others 'Measuring for Primary Prevention: An Online Survey Of Local Community Perspectives on Family and Domestic Violence in Regional Australia' (2023) *PLOS ONE* 18(4) <<https://doi.org/10.1371/journal.pone.0284302>> accessed on November 4th 2025

²⁹⁹ Helen Fordham and others 'Changing Conversations About Family Violence In Regional Western Australia: A Primary Prevention Communication Case Study' *Australian and New Zealand Journal of Public Health [2023]* (47) (5) <<https://doi.org/10.1016/j.anzjph.2023.100089>> accessed on November 4th 2025

the message that domestic violence is crime rather than family issue, show zero tolerance of any form of abuse, provide knowledge about available resources and the way to obtain help, teach bystander intervention techniques that allow the community members to intervene safely in case of witnessing abuse, and promote traits of healthy relationships, which are based on equality, respect, and communication. Gender equality and non-violence need to be discussed in community dialogues that should not violate the culture but rather challenge the negative norms. The engagement programs of men and boys must be specific to address negative masculinity norms that equate manhood with dominance, control, and violence and seek to promote positive masculinity basing on strength, responsibility, and respect. The gender inequality, which is witnessed by women, should be addressed in programs violence.

5.2.11 Cultural Transformation Initiatives

Without a similar cultural reform, the legal and institutional reforms will be unsuccessful. The attitudes that have deep roots in this research that justify violence in the home and put the victim to blame, and focus on preserving the family rather than the individual, need to be shaken and altered fundamentally. Traditional leaders have massive power in the Nigerian societies and they should be involved as key stakeholders in ending domestic violence. It has been observed that partnering with the traditional institutions in a systematic way could offer all-encompassing education about domestic violence, its effects on individuals and community, and legal statutes.³⁰⁰ The traditional leaders are supposed to be helped in coming up with community level interventions that do not violate the cultural values but embrace the human rights. They are supposed to act as a messenger of non- violence and make good use of their authority to denounce domestic violence and assist victims. Explicit campaigns should confront certain negative ideologies that promote domestic violence. The assumption

³⁰⁰ Titus Olisa Ekeigwe and others 'Examining Traditional Methods of Handling Domestic Violence in a Southeastern Nigerian State: The Imperative For Social Workers' Involvement' *Journal of Religion & Spirituality in Social Work: Social Thought* [2024] (43) 515-537<<https://doi.org/10.1080/15426432.2024.2418951>> accessed on November 4th 2025

that beating of wives is a just method of punishing should be re-defined as an offence of criminal assault that contravenes the basic human rights. The myths about marital rape should be challenged through unambiguous messages that point out that there is a sexual autonomy in marriage.

5.3 Contribution to Knowledge

The study is a thorough investigation that contributes quite substantially toward the realization of domestic violence regulation and response to the criminal justice system in Nigeria. To start with, it offers a thorough historical and contextual understanding of how society viewed domestic violence during the pre-VAPP Act period and documents how the cultural traditions, religious interpretations, patriarchal social structures, and institutional reactions systematically allowed and even encouraged intimate partner violence. The careful tracking of the ways in which these attitudes were acted out in various social institutions such as law enforcement, healthcare, education, religious and extended family systems, therefore, provides a vital gap in the comprehension of the socially-rooted causes that remain strongly embedded and hinder the successful enforcement of protective laws. The historical record is a fundamental background information to policymakers and practitioners who would need to develop culturally relevant interventions which would not only close legal loopholes but the social forces behind the continuation of domestic violence.

Also, the contribution of the study is quite significant as it provides a comparative analysis of the bifurcated criminal law system in Nigeria by comparing the ways in which Criminal Code that governs the southern states and Penal Code that governs the northern states establish unequal legal systems to deal with the problem of domestic violence. The study also captures the transformative effect of the Violence Against Persons (Prohibition) Act 2015 when it became the first-ever federal law in Nigeria specifically dealing with domestic violence and offers empirical evidence of its progressive provisions but at the same time reveals major

implementation problems dealing with unequal domestication of states, lack of resources and cultural resistance.

Furthermore, another important contribution is the systematic analysis of the institutional vulnerabilities and enforcement loopholes to domestic violence regulation in Nigeria that the study makes. The analysis of answers provided by police, judicial officers, healthcare providers, and social service agencies shows that the instability of the institutional capacity, poor training, corruption, and the breakdown of inter-agencies coordination are the factors that result in disrupted system of responses that do not help to protect the victims effectively. This institutional discussion is supplemented by reports of new state level projects, especially the Lagos State Protection Against Domestic Violence Law 2007 and the Ekiti State Gender-Based Violence (Prohibition) Law 2011 that can be used as an example of progressive legislation that combines widow protection, recognition of economic abuse and multi-sectoral response measures. The comparative study of these state legislative acts offers a lot of information on positive legislative design and execution approaches.

The study has been an essential addition to the literature of international human rights law by thoroughly exploring the Nigerian obligation under different international and regional documents such as the CEDAW, the African Charter on Human and Peoples right, the Convention Against Torture, and the Declaration on the Elimination of Violence Against Women. Through the analysis of the role of these international undertakings in the domestic legal evolution and the existence of enduring gaps between international norms and the domestic application, the study offers a guide to the interpretation of the domestication of the international human rights norms in the context of complicated federal systems with varied legal customs. This discussion is especially useful to experts and policy makers in the field of implementing the human rights in the pluralistic legal systems and coexistence of customary, religious, and other legal systems.

Moreover, the research provides important insights into how the civil society organizations, women rights movement and international development partners can facilitate the legal reform and assist victims of domestic violence in Nigeria. The research illustrates the paramount role of continuous civil society involvement in norm-setting and implementation of protective measures through the adoption of the VAP act and further state legislations. The records of victim support services, shelter services, legal services and awareness campaigns give important information on the ecosystem of support to the victims and on the other hand it helps to understand the key gaps in service delivery especially in rural set ups and in states that have not yet embraced progressive laws.

Methodological contributions of the research are also in the combination of the legal approach with sociological and institutional one, where the analytical framework is multi-level with an overview of the regulation of domestic violence on the federal, state, and local levels and the interplay between formal legal systems and informal traditional approaches to resolving the dispute. This comprehensive approach gives a better insight on the functioning of law in practice in Nigeria in the complex social and institutional context. The analysis of the study of particular judicial precedent and cases on compensation and protection orders, helps to form the jurisprudence of domestic violence both through recording the new legal principles and through uncovering patterns in the reasoning of judges.

Also, the study adds to the understanding of the vulnerable nature of specific groups, such as widows, rural women, children living in an environment of domestic violence, economically dependent women, and the ways that the combination of these factors leads to different experiences of vulnerability and access to justice. The way the research focuses on destructive conventional culture like widow maltreatment, forced marriage, and female genital mutilation within the overall context of domestic violence control is a significant

acknowledgment of the spectrum of gender-based violence and the necessity to achieve effective legal answers to a variety of abuse manifestations at the same time.

The study has a practical impact by identifying particular regulatory and enforcement failures that hinder the successful domestic violence prevention and response, such as the lack of criminalization of marital rape and emotional abuse in some jurisdictions, the lack of effective protection order follow-up systems, lack of specialized domestic violence courts, lack of access to specialized domestic violence courts, and the lack of coordination among stakeholders. These results offer an evidence-based basis of specific reform efforts that can be used to enhance the effectiveness of the justice system in resolving domestic violence. The documentation of effective interventions and best practices by the research, including the use of specialized gender desks in police stations, family support units, mandatory reporting provisions and response teams of other communities to coordinate community response to domestic violence, provides models that can be replicated by other jurisdictions to improve their domestic violence response systems.

Lastly, the research is relevant to theoretical knowledge about legal pluralism and obstacles to universal human rights norm enforcement in the environment with different cultural, religious, and legal practices. Through studying the role of federal system in Nigeria, with its identification of customary and religious law and statutory law, brings both chances and challenges to the regulation of domestic violence, the research offers new information that can be used in other pluralistic legal systems in the world. The discussion of contradictions between cultural conservation and the right of individuals, the family privacy and the state intervention, traditional dispute resolving method and formal criminal justice processes leads to the more general academic discussions concerning the universality of human rights and the correct proportionality of cultural relativism and the protection of fundamental rights. The contribution of this theory is not limited to the Nigerian context since it can be used to inform

comparative legal studies about the regulation of domestic violence in other multi-ethnic, federally organized countries with colonial legal backgrounds.

5.4 Conclusion

This critical analysis of domestic violence in the Nigerian criminal justice system shows that it is a multifaceted landscape with major legal developments and challenges in the implementation process. As the study has shown, Nigeria has gone a long way in cultivating a legal framework to combat domestic violence, with the most notable achievement being the introduction of the Violence Against Persons (Prohibition) Act 2015 which is more of a paradigm shift on the perception of domestic violence as a family issue to a serious criminal offense and human rights violation, to be addressed globally by the state.

The historical interpretation in this research highlights the fact that the pre-2015 societal perceptions with regards to domestic violence were rooted deep in the patriarchal societal structure, cultural practices, religious interpretation, and institutionalized practices that systematically condoned, justified, and promoted intimate partner violence. These mind sets which were founded on ideas of male dominance, privacy in the family, bride price as property and gender role presentation posed immense obstacles to protection of the victim and accountability of the perpetrator. The records of these historical attitudes are of not only academic study but also necessary context of the current problems of applying progressive legislation, in that laws can never be effectively applied outside of the social contexts within which they are executed. The study has found that there are major progressive developments that bring hope and models to be followed worldwide. The establishment of special institutions, like the Domestic and Sexual Violence Response Team in Lagos, family support units in the different police commands, or domestic violence courts, and gender desks illustrates that the process of institutional innovation can help in giving the justice system a better ability to react to domestic violence. The success of these programs recorded in the rise

of reporting rates, better conviction rates, and meaningful alleviation of victims justifies the effort and expense in expert, victim-focused measures. The study also emphasises the essential role of the civil society organisations, women rights organisations, and international development partners in bridging gaps caused by lack of a sufficient state provision, legal aid, running shelters, counselling, awareness, and lobbying.

Also, the overall discussion of the international duty of Nigeria towards international law on the eradication of domestic violence as reflected in the international obligations towards the international law on the eradication of domestic violence and the African Charter on Human and Peoples Rights, Convention Against Torture, and the Declaration to Eliminate Violence Against Women among other instruments has shown that Nigeria has made strong international commitments on implementing the international law towards eradication of domestic violence but has had a lot of difficulties in the implementation of international obligations in Nigeria. Available jurisprudence that has been developed by the international and regional treaty bodies, especially the CEDAW Committee and the African Commission on Human and Peoples' Rights, is authoritative in their state responsibilities to prevent, investigate, prosecute and Nevertheless, the study shows that there are still gaps between international standards and local practice. Such issues as the non-recognition of marital rape in certain jurisdictions, weak or ineffective criminalization of emotional and economic abuse, ineffective implementation of protection orders, inadequate reparations of victims and ineffective response to harmful traditional practices that disproportionately impact women are all areas where Nigerian law and practice have fallen short of international commitments.

Based on the critical examination of the Nigerian criminal justice system in its reaction to the domestic violence issue, a complex situation characterized by major legal developments and ineffective application can be identified. The adoption of the Violence Against Persons (Prohibition) Act (VAPP) of 2015 can be characterized as the turning point of the legislative

framework in Nigeria since it defines the phenomenon of domestic violence comprehensively and introduces strong frameworks to protect the victim and hold the perpetrator accountable. Nevertheless, the federal nature of Nigeria has led to the patchwork of protection since uneven domestication of the Act on a state level has produced uneven application to the entire 36 states and the Federal Capital Territory. This disintegration compromises the universality of the law protection which is expected to be given to all citizens of Nigeria irrespective of their geographical locations.

The discussion of laws, policies, and practices show that even though Nigeria has a theoretically well-developed legal framework that includes the VAPP Act, Criminal Code, Penal Code, and some state-specific legislations, the implementation of the mentioned tools is grossly undermined by the systemic flaws. The police forces, especially the Nigeria Police Force, still have poor training on the dynamics of domestic violence, lack of gender sensitivity, and institutional biases that have led to the understanding of domestic violence as a family matter, but not a crime and should be dealt with by the state. The judiciary is not serving the courts, which are increasingly appreciating domestic violence as a human rights violation, due to backlogs of cases in courts, lack of resources, as well as lack of expertise on domestic violence courts in most jurisdiction countries. Patriarchal norms firmly rooted in institutions, cultural stigmatization of victims, and religious interpretations that focus more on preserving the family unit rather than on an individual's safety are additional institutional shortcomings that pose an insurmountable challenge to reporting, prosecution, and conviction.

The comparative discussion of the criminal justice system in the United States sheds light on essential lessons and the possibilities of necessary changes in Nigeria. Although Nigeria cannot just infuse the U.S. construct because of the inherent dissimilarity in the resources, institutional power, and socio-cultural environment, some aspects should be adapted. The introduction of specialized domestic violence courts, more training of law enforcement and

judicial officials, more effective mechanisms to protect victims such as shelters and counselling services, and better inter-agency coordination are some of the reforms that can be successfully accomplished and could make the Nigerian system more responsive. Also, the U.S. focus on preventing domestic violence by educating the population and collaborating with communities can serve as an example of responding to the cultural aspects of the problem in Nigeria.

However, the reforms needed to achieve sustainable developments in the fight against domestic violence in Nigeria should not be limited to legal and institutional reforms. A thorough change in the cultural perception that will oppose the spirit of patriarchy, break the pattern of violence towards women and treat gender equality as one of the social norms is an urgent necessity. Moreover, sufficient allocation of resources is also a burning need of successful implementation of domestic violence laws and policies. Both the federal and the state governments of Nigeria need to show political goodwill by allocating huge budgetary provision towards victim support services, law enforcement training, building judicial capacity, and awareness creation. The introduction of special units in domestic violence response in the police stations, the development of the one-stop crisis centres with the combination of medical, legal, and psychosocial services, and development of powerful data collection systems to track prevalence and priorities should be put on track justice outcomes. Technical assistance and additional facilities can be offered with the help of international cooperation and collaboration with development organizations, but long-term sustainability needs domestic ownership and dedication.

Furthermore, one cannot overestimate the role of the civil society organizations, women rights groups, and advocacy networks in tracking the implementation, delivery of services to the survivors and holding the government accountable. These persons have traditionally been leading the pack in terms of domestic violence awareness and legal reform in Nigeria, and

their further involvement is vital to the successful realization of laws into lived experiences of victims. Enhanced cooperation between the civil society and the governmental structures, formalizing the stakeholder involvement in the policy formulation and review process, and safeguarding the area of independent advocacy are an important part of a functioning national response.

As a prospective country, Nigeria is at a crossroad in its attempt to deal with domestic violence using the criminal justice system. The legal bases have been laid down, there is increasing awareness creating a force behind change, and other jurisdictions such as the United States have provided the roadmaps on how to improve. But the potential of such developments can only be fulfilled through concerted efforts at multiple fronts - harmonization and even implementation of domestic violence legislation in all the states, institutional capacity building, cultural change, sufficient resourcing, and long-term political commitment. The success of legislation will not be determined by how polished the paperwork is, but by the reality of safety, dignity and justice to the objects of domestic violence in their day to day activities. It is only with an integrated, holistic and sustained measure that Nigeria can develop a criminal justice system that will indeed safeguard the most needy of its citizens and at the same time enforce the basic human right to life without violence and abuse. It is not an easy task, but the urgency is obvious; it is not a domestic issue but a criminal activity that requires strong state interference, and all Nigerians, irrespective of their gender, place, or socioeconomic background, should enjoy equal protection before the law and equal opportunity to justice.

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