

**AN EXAMINATION OF THE LEGAL AND INSTITUTIONAL FRAMEWORK FOR  
ADDRESSING INTIMATE PARTNER ABUSE IN NIGERIA.**

**BY**

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**UNIVERSITY OF BENIN**

**NOVEMBER, 2025.**

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**A LONG ESSAY WRITTEN AND SUBMITTED TO THE FACULTY OF LAW,  
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FOR THE AWARD OF THE DEGREE OF BACHELOR OF LAWS (LL.B) OF THE  
UNIVERSITY OF BENIN, BENIN CITY.**

**NOVEMBER, 2025.**

## **CERTIFICATION**

I, **Priye Mary FESTUS-IYAYE**, with Matriculation Number **LAW2002867**, 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 nor in part, been presented for another degree elsewhere.

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## APPROVAL

We certify that this project was written and completed by **Priye Mary FESTUS-IYAYE** with Matriculation Number **LAW2002867** in partial fulfilment of the requirements for the award of a Bachelor of Laws (LL. B) degree.

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## **DEDICATION**

This work is dedicated to God Almighty, whose grace, strength, and unending faithfulness carried me through this academic journey. It is also lovingly dedicated to my family and everyone who stood by me with encouragement, prayers, and support. Finally, it is dedicated to all victims of Intimate Partner Abuse; those suffering in silence and those courageous enough to speak out.

## **ACKNOWLEDGEMENT**

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## TABLE OF CONTENTS

Title Page .....	ii
Certification .....	iii
Approval .....	iv
Dedication .....	v
Acknowledgement .....	vi
Table of Contents .....	vi
Table of Statutes .....	xiii
Table of Cases .....	xv
Abbreviations .....	xvi
Abstract .....	xix

### CHAPTER ONE: GENERAL INTRODUCTION

1.1 Background of the Study .....	1
1.2 Statement of the Problem .....	4
1.3 Aims and Objectives of the Study .....	8
1.4 Research Questions .....	9
1.5 Significance of the Study .....	9

1.6 Scope of the Study -----	10
1.7 Research Methodology -----	11
<b>CHAPTER TWO: CONCEPTUAL AND THEORETICAL FRAMEWORK</b>	
2.1 Conceptual Clarification -----	12
2.1.1 Intimate Partner Abuse (IPA) -----	12
2.1.2 Domestic Violence -----	14
2.1.3 Spousal Abuse -----	15
2.1.4 Gender-Based Violence (GBV) -----	16
2.1.5 Relationship Between IPA, Domestic Violence, Spousal Abuse and GBV -----	17
2.2 Forms and Dynamics of Intimate Partner Abuse in Nigeria -----	18
2.2.1 Physical Abuse -----	18
2.2.2 Sexual Abuse -----	20
2.2.3 Psychological and Emotional Abuse -----	20
2.2.4 Economic and Financial Abuse -----	21
2.3 Theoretical Framework -----	23
2.3.1 Human Rights Theory -----	23

2.3.2 Social Learning Theory -----	25
2.3.3 Feminist Legal Theory -----	26
2.3.4 Theoretical Synthesis -----	27
2.4 Literature Review -----	28
2.4.1 Overview of Global Literature on IPA -----	28
2.4.2 Nigerian Literature on IPA -----	29
2.4.3 Institutional and Legal Frameworks in Existing Studies -----	30
2.4.4 Identified Gaps in Existing Literature -----	31
2.5 Causes and Risk Factors of IPA -----	
32	
2.5.1 Socio-Cultural Causes -----	33
2.5.2 Economic and Educational Causes -----	
34	
2.5.3 Psychological and Behavioural Causes -----	
35	
2.5.4 Institutional and Legal Causes -----	35
2.5.5 Interaction of Multiple Causes -----	36
2.5.6 Risk Factors Associated with IPA -----	37
2.6 Consequences of IPA in Nigeria -----	38

2.6.1 Physical and Health Consequences -----	38
2.6.2 Psychological and Emotional Consequences -----	39
2.6.3 Socio-Economic Consequences -----	40
2.6.4 Legal and Institutional Consequences -----	41
2.6.5 Societal and Intergenerational Consequences -----	41

**CHAPTER THREE: LEGAL AND INSTITUTIONAL FRAMEWORKS IN NIGERIA**

3.1 Constitutional and Statutory Provisions -----	43
3.1.1 Constitution of the FRN 1999 (as Amended) -----	43
3.1.2 Violence Against Persons (Prohibition) Act 2015 -----	45
3.1.3 Penal and Criminal Codes -----	46
3.1.4 Child’s Rights Act 2003 -----	48
3.2 Institutional Mechanisms -----	49
3.2.1 Nigeria Police Force and Gender Desks -----	49
3.2.2 National Human Rights Commission -----	50
3.2.3 Ministry of Women Affairs and Social Development -----	51
3.2.4 NAPITIP -----	52

3.2.5 Shelters and NGOs .....	53
3.2.6 Emerging and Supportive Mechanisms .....	54
3.3 Judicial Attitudes and Case Law .....	
55	
3.3.1 Judicial Recognition of Cruelty and Abuse .....	56
3.3.2 Judicial Approach to Criminal Liability .....	58
3.3.3 Judicial Conservatism and Gender Bias .....	61
3.3.4 Evolving Jurisprudence .....	64
3.4 Limitations and Challenges in Enforcement .....	67
3.4.1 Underfunded and Overburdened Institutions .....	68
3.4.2 Cultural and Religious Barriers .....	70
3.4.3 Victim-Blaming and Institutional Insensitivity .....	
72	
3.4.4 Lack of Witness Protection and Legal Aid .....	
75	
3.5 Conclusion .....	78

**CHAPTER FOUR: COMPARATIVE AND INTERNATIONAL PERSPECTIVES**

4.1 Introduction .....	79
4.2 International Human Rights Instruments and Nigeria’s Obligations .....	79

4.2.1 Global Human Rights Instruments -----	80
4.2.2 Regional Human Rights Instruments -----	80
4.2.3 Barriers to Implementing International Obligations -----	80
4.3 Comparative Jurisdictions on IPA Response -----	85
4.3.1 Introduction -----	85
4.3.2 South Africa’s Legal and Institutional Framework -----	85
4.3.3 India’s Legal and Institutional Framework -----	86
4.3.4 United Kingdom’s Legal and Institutional Framework -----	88
4.3.5 Comparative Analysis -----	89
4.4 Lessons and Best Practices for Nigeria -----	90
4.4.1 Legislative and Policy Lessons -----	90
4.4.2 Institutional and Enforcement Lessons -----	90
4.4.3 Social and Cultural Lessons -----	91
4.4.4 Best Practices and Way Forward -----	92
4.5 Conclusion -----	93
 <b>CHAPTER FIVE: FINDINGS, RECOMMENDATIONS, AND CONCLUSION</b>	
5.1 Summary of Findings -----	95
5.2 Recommendations -----	96

5.3 Suggestions for Further Research -----	98
5.4 Conclusion -----	96
Bibliography-----	101

## **TABLE OF STATUTES**

### **DOMESTIC STATUTES**

Administration of Criminal Justice Act 2015

Child's Rights Act 2003

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

Criminal Code Act (Cap C38 LFN 2004)

National Human Rights Commission Act Cap N46 LFN 2010

Penal Code (Northern States) Federal Provisions Act

Penal Code Act (Cap P3 LFN 2004)

Police Act 2020

Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015

Violence Against Persons (Prohibition) Act 2015

Witness Protection Act 2022

## **FOREIGN STATUTES**

Domestic Abuse Act 2021 (United Kingdom)

Domestic Violence Act 116 of 1998 (South Africa)

Protection of Women from Domestic Violence Act 2005 (India)

## **INTERNATIONAL INSTRUMENTS**

African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986)

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13

International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171

Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) 2003

## **TABLE OF CASES**

### **DOMECTIC CASES**

Abacha v Fawehinmi (2000) 6 NWLR (Pt 660) 228 (SC)

Akinbuwa v Akinbuwa (1998) 7 NWLR (Pt 559) 661 (CA)

Chidinma Uwaoma Nwogu v John Louis Ofoegbu (FCT High Court, Suit No: FCT/HC/PET/121/2018, unreported, 22 June 2021)

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Olatunji v Olatunji (1984) 7 NWLR (Pt 10) 330

State v Maryam Sanda (FCT High Court, Suit No FCT/HC/CR/15/2018, judgment delivered 27 January 2020)

The State v Amina Lawal (2003) 5 NWLR (Pt 836) 150

Uzoukwu v Ezeonu II (1991) 6 NWLR (Pt 200) 708 (CA)

## **FOREIGN CASES**

Indra Sarma v V K V Sarma (2013) 15 SCC 755 (India)

## **LIST Of ABBREVIATIONS**

ACHPR – African Charter on Human and Peoples' Rights

BMC – BioMed Central

CA – Court of Appeal

Cap – Chapter

CEDAW – Convention on the Elimination of All Forms of Discrimination Against Women

CLEEN – Centre for Law Enforcement Education

edn – Edition

FCT – Federal Capital Territory

FIDA – International Federation of Women Lawyers

FMWASD – Federal Ministry of Women Affairs and Social Development

FRN – Federal Republic of Nigeria

GBV – Gender-Based Violence

ICCPR – International Covenant on Civil and Political Rights

ICF – Inner City Fund International

ILO – International Labour Organization

LACON – Legal Aid Council of Nigeria

LFN – Laws of the Federation of Nigeria

MoJ – Ministry of Justice

NAPVAP – National Action Plan on Violence Against Persons

NAPTIP – National Agency for the Prohibition of Trafficking in Persons

NBS – National Bureau of Statistics

NCoS – Nigerian Correctional Service

NHRC – National Human Rights Commission

NIALS – Nigerian Institute of Advanced Legal Studies

NILDS – National Institute for Legislative and Democratic Studies

NJI – National Judicial Institute

NPC – National Population Commission

NPF – Nigeria Police Force

NWLR – Nigerian Weekly Law Reports

Pt – Parts

S – Section

SC – Supreme Court

CC – Supreme Court Cases (India)

ss – Sections

UK – United Kingdom

UN – United Nations

UNGA – United Nations General Assembly

UNHCR – United Nations High Commissioner for Refugees

UNICEF – United Nations Children's Fund

UNODC – United Nations Office on Drugs and Crime

UNTS – United Nations Treaty Series

VAPP – Violence Against Persons (Prohibition)

vol – Volume

WARDC – Women Advocates Research and Documentation Centre

WHO – World Health Organization

## **ABSTRACT**

Intimate partner abuse (IPA) is a serious and persistent problem in Nigeria, deeply rooted in social, cultural, and legal contexts. Despite existing laws and institutions designed to protect victims, IPA continues to affect countless individuals, particularly women, revealing significant gaps between legal provisions and their implementation. This study examines Nigeria's legal and institutional framework for addressing IPA, considering both domestic laws, such as the Violence Against Persons (Prohibition) Act 2015 and international and regional instruments, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the African Charter on Human and Peoples' Rights. Comparative insights from other countries' approaches to IPA are also explored to identify best practices and lessons for Nigeria. The research highlights persistent challenges, such as weak enforcement, inadequate coordination among institutions, limited victim support services, and societal stigma, all of which undermine the effectiveness of legal protections. Through case studies, including the widely publicized Osinachi Nwachukwu case, the study illustrates the real-life consequences of these systemic weaknesses and the urgent need for reform. The findings suggest that addressing IPA in Nigeria requires more than legislation; it demands public education, capacity building for law enforcement and the judiciary, community engagement to challenge harmful gender norms, and enhanced support services for survivors. By situating Nigeria's experience within the broader international context, the study demonstrates that meaningful progress against IPA

depends on a combination of legal, institutional, and cultural interventions. The research concludes with practical recommendations aimed at strengthening both protection and prevention measures, ensuring that victims receive justice, and fostering a society where intimate partner abuse is no longer tolerated.

## CHAPTER ONE

### GENERAL INTRODUCTION

#### 1.1 BACKGROUND OF THE STUDY:

Contemporary research and case studies have revealed a troubling disparity between the existence of legal instruments designed to combat intimate partner abuse and their practical effectiveness in safeguarding victims from violence. This observation raises a fundamental question: “What value do legal frameworks possess when they constantly fail to protect the very individuals they were designed to serve?”

Intimate Partner Abuse sometimes referred to as Intimate Partner violence has been increasingly recognized as a major public health and human rights problem that cuts across all population regardless of the social, religious or economic group. The concept is prominent in Nigeria as well as other parts of Africa.<sup>1</sup> It transcends natural frontiers and although largely condemned, it remains highly prevalent. Intimate Partner Abuse is a pattern of abusive and coercive behavior that may include physical injury, psychological abuse, sexual assault, progressive isolation, stalking, deprivation, intimidation and a host of others. Oftentimes, this behavior is perpetrated by a person who is or was involved in an intimate dating relationship or marriage with an adult or adolescent and is aimed at establishing control of one Intimate partner over the other. Individuals subjected to IPA suffer long term consequences ranging from emotional trauma to physical impairment and even death.<sup>2</sup>

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<sup>1</sup> Tanko S Tanimu and others, “The Patterns and Correlates of Intimate Partner Violence among women in Kano, Nigeria”, *African Journal of Primary Healthcare and Family Medicine*,2016 <<https://pmc.ncbi.nlm.nih.gov/articles/28155317/>> accessed 20<sup>th</sup> June,2025.

<sup>2</sup> American College of Obstetricians and Gynecologists, “Committee Opinion No.518: Intimate Partner Violence”(2012) 119 *Obstetrics & Gynecology* 412-417, <<https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2012/02/intimate-partner-violence>> accessed 21<sup>st</sup> June,2025.

While Intimate Partner Abuse affects both men and women, research consistently shows that women experience significantly higher rates of severe violence, injury and fatal outcomes. Although males should not be overlooked, this explains the predominant focus on female victimization in policy and research.

By and large, violence has been endemic in Nigeria as a result of complex issues, including poverty, inequality, ethnoreligious conflicts, violent norms, terrorism, etc. This increase in violence has also had dire implications for intimate partner relationships among Nigerians. For instance, emotional, physical and sexual IPV has been on the rise since 2018 and unsurprisingly, during the COVID lockdown in 2020, Nigeria experienced an increase in the number of IPV incidents with women and girls as the main victims. In May 2020, the Women at Risk International Foundation reported a 50% increase in cases of gender-based violence in Lagos since the onset of the lockdown. In June 2020, over 3000 cases, the majority of which involved IPV, were reported to the Nigerian Ministry of Women Affairs and Social Development. These numerous cases suggest that the COVID-19 lockdown aggravated IPV in Nigeria.<sup>3</sup>

Nigeria has several legal instruments aimed at addressing intimate partner abuse (IPA). While there is no single comprehensive IPA Act, a combination of federal and state laws provide a framework for criminalizing and addressing such abuse. Despite constitutional guarantees of human dignity and international commitments to protect women's rights, IPA continues to thrive in many Nigerian communities, often underreported due to cultural, religious and institutional barriers.

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<sup>3</sup> Ukoji VU, Ukoji VN, "Lethal Intimate Partner Violence and gendered dimensions of the COVID-19 lockdown in Nigeria: evidence from a descriptive analysis of secondary data". *British Medical Journal Public Health* 2024; 2:e000633. Doi:101136/bmjph-2023-000633.

The tragic death of Osinachi Nwachukwu, a popular Nigerian gospel singer in April 2022 reignited national outrage over the dangers of unchecked Intimate partner abuse. Initially reported as a result of throat cancer, public revelations soon emerged alleging that she had suffered prolonged physical and emotional abuse at the hands of her husband Peter Nwachukwu. Witness testimonies, including those of family members, friends and colleagues, suggested that years of violence were hidden under a façade of religious piety and silence.<sup>4</sup> Mr Nwachukwu was found guilty of culpable homicide and was sentenced to death by a high court of the Federal Capital Territory.<sup>5</sup> The incident highlighted the need for robust legal and institutional action to prevent IPA and protect victims. Osinachi’s case is not an isolated incident. It is a mirror of many untold deaths. On October 15th 2022, Bimbo Ogbonna, the wife of socialiste Ikechukwu Ogbonna (Known as IVD) died as a result of burns sustained from a fire incident and was reportedly a victim of years of abuse which culminated in her death.<sup>6</sup>

Furthermore, despite the enactment of the Violence Against Persons Prohibition Act (VAPP) 2015, which criminalizes various forms of domestic abuse, implementation has remained inconsistent especially in states that are yet to domesticate the law. Many victims face obstacles such as stigma, lack of access to shelters, weak policy response, and inadequate prosecution mechanisms.

The motivation for this research stems from the alarming prevalence of Intimate Partner Abuse (IPA) in Nigeria, which continues to claim lives despite existing legal and institutional

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<sup>4</sup> Emmanuel Akinwotu “Nigerian gospel singer’s death puts divorce beliefs in spotlight” *The Guardian*, (Abuja, 5 May 2022) <[https://www.theguardian.com/world/2022/may/05/nigerian-gospel-singers-death-puts-divorce-beliefs-in-spotlight-osinachi-nwachukwu?CMP=share\\_btn\\_url](https://www.theguardian.com/world/2022/may/05/nigerian-gospel-singers-death-puts-divorce-beliefs-in-spotlight-osinachi-nwachukwu?CMP=share_btn_url)> accessed 23 June 2025.

<sup>5</sup> Alex Enumah “Court sentences late gospel singer Osinachi’s husband to death by hanging” *ThisDay*, (Abuja, 28 April 2025) <<https://www.thisdaylive.com/2025/04/28/court-sentences-late-gospel-singer-osinachis-husband-to-death-by-hanging/>> accessed 23 June 2025.

<sup>6</sup> Ada Osadebe “Celebrity Lagos businessman arrested over wife’s death” *Vanguard* (Lagos, 18 October 2022) <<https://www.vanguardngr.com/2022/10/celebrity-lagos-businessman-arrested-over-wifes-death/>> accessed 23 June 2025.

frameworks. High-profile cases such as the death of Osinachi Nwachukwu and that of Bimbo Ogbonna have brought national attention to the silent suffering of many women behind closed doors. These incidents highlight a disturbing pattern: a culture of silence, ineffective enforcement of protective laws and weak institutional responses. This study therefore seeks to examine the effectiveness of Nigeria's legal and institutional mechanisms for addressing intimate partner abuse, to identify existing gaps and to propose practical reforms that can safeguard victims and ensure justice.

## **1.2 STATEMENT OF THE PROBLEM:**

Intimate Partner Abuse remains one of the most pervasive forms of gender-based violence in Nigeria. Despite the enactment of various laws and the presence of institutional bodies mandated to protect victims and prosecute offenders, the prevalence of IPA continues to rise.

This persistent trend raises critical questions about the effectiveness of Nigeria's legal and institutional frameworks. Why do many victims not report? Why do law enforcement agents often trivialize abuse complaints? Why are shelters and support systems often limited or inaccessible? These concerns point to a systemic failure- not only in lawmaking but also in implementation, enforcement and social awareness.

In Nigeria, the Nigerian Demographic and Health Survey 2018 put the lifetime prevalence of IPV among ever-married women aged at 36% and 30% experienced such violence in the 12 months preceding the survey.<sup>7</sup> Previous studies from Nigeria have shown the prevalence of IPV

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<sup>7</sup> National Population Commission- NPC/Nigeria and ICF.2019. Nigeria Demographic and Health Survey 2018.Abuja, Nigeria and Rockville, Maryland, USA: NPC and ICF.

to range from 31 to 61% for psychological and emotional violence, 20 to 30% for sexual violence and 7 to 31% for physical violence.<sup>8</sup>

A study was conducted in Lagos state among 400 women aged 18-73 years who have been in an intimate relationship for at least one year. The study was conducted from April to September 2019. The result of this study showed the lifetime prevalence of IPV to be 73.3%.<sup>9</sup> A 2022 study sought to determine the prevalence and patterns of IPV among the respondents and to compare the pattern of IPV among the male and female respondents was conducted in six towns across the three senatorial districts in Edo state southern Nigeria. The results of the study showed that the victims were mostly female, married and unemployed with a tertiary education. A total of 1227 respondents participated with their ages ranged from 18-65 years. 462 reported being victims of IPV giving an IPV prevalence of 37.7%. Out of these, 368(30.0%) women and 94 (7.7%) men were victims of IPV.<sup>10</sup>

Past records depict that the implementation of legal and institutional frameworks have been hampered by corruption. For instance, in April 2016, an international organization reported that more than half of the areas surveyed to assess the treatment of internally displaced persons in Maiduguri including IDP Camps, settlements and host communities reported instances in which camp authorities, including government officials and security forces, forced or coerced women to

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<sup>8</sup> Benebo FO, Schumann B and others, Intimate Partner Violence against women in Nigeria: a multilevel study investigating the effect of women's status and community norms. *BMC Women's Health* 2018 Dec: 18(1):136

<sup>9</sup> Esther Oluwakemi Oluwole and others, Prevalence and determinants of intimate partner violence among women in an urban community in Lagos, Southwest Nigeria, *Pan African Medical Journal*, 2020 Aug 25:36:345. doi: 10.11604/pamj.2020.36.345.24402

<sup>10</sup> Oseni TIA, and others, Prevalence and Patterns of intimate partner violence among men and women in Edo State, Southern Nigeria, *African Journal of Primary Healthcare and Family Medicine*, 2022;14(1):e1-e7. doi: 10.4102/phcfm.v14i1.3147. PMID: 36073121; PMCID: PMC9453150.

exchange sex acts for food or freedom to move in and out of IDP camps. A second NGO also reported sexual exploitation of internally displaced persons by camp officials.<sup>11</sup>

The war against Intimate Partner Abuse is faced with multifarious hindrances. Problems such as scarcity of shelters, under-resourced enforcement agencies and low conviction rates are major bottlenecks when it comes to tackling intimate partner abuse. The National Agency for the Prohibition of Trafficking in Persons said it received 1,324 complaints of human rights abuses and violence against persons, resolving only 187 of those in 2022. According to its report on the implementation of the VAPP Act 2015, 717 offences fell under the Act's coverage. 187 cases were successfully resolved through mediation. Spousal battery was the highest reported offence with 269 cases, followed by 100 cases of rape including emotional and psychological abuse, with 63 cases investigated under this category.<sup>12</sup> This report revealed systemic challenges in securing timely justice for victims, as some complaints were withdrawn, and some survivors were unable to follow through due to a lack of resources and infrastructure. Victims had limited access to support. One of the most pressing issues was the lack of comprehensive understanding of the Act among law enforcement officers, healthcare professionals and judicial personnel. This knowledge gap hindered the effective enforcement and application of the VAPP Act.<sup>13</sup> Furthermore, the economic situation of the country was said to have exacerbated vulnerabilities, especially among survivors who were financially dependent on their abusers and the report

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<sup>11</sup> United States Department of State, 2017 Trafficking in Persons Report- Nigeria, 27 June 2017, <<https://www.refworld.org/reference/annualreport/usdos/2017/en/117280>> accessed 24 June 2025

<sup>12</sup> Stephen Angbulu 'NAPTIP resolves 187 violence, rape complaints', *Punch Newspapers*, (Lagos, 22 September 2024) <<https://punchng.com/naptip-resolves-187-violence-rape-complaints/>> accessed 25 June 2025

<sup>13</sup> Ibid

emphasized the need for more shelters and economic support programs to reduce the rate of complaint withdrawals and the establishment of additional Sexual Assault Referral Centers.<sup>14</sup>

The Violence Against Persons Prohibition Act was enacted in 2015 to address and eliminate violence in private and public life. The Act has been passed and assented to in 33 states with Ekiti, Taraba, Lagos and Kano being the exception. The Act has been passed in Taraba but has not been assented to as a law. Although the Act was not domesticated in Lagos and Ekiti, the states have passed different laws addressing a similar issue, “The Protection Against Domestic Violence Law of Lagos 2007” and “Ekiti State Gender-Based Violence (Prohibition) Amendment Law 2019” respectively. Kano state has neither passed nor assented to the domestication of the Act as a law.<sup>15</sup>

A recent study by Invictus Africa showed that public knowledge of the VAPP law remains limited as just about half (49.3%) of Nigerians have ever heard of it and among those who have, understanding is often shallow. Implementation also remains uneven across states and support services appear to be insufficient.<sup>16</sup>

These reports portray the deep disconnect between the laws against IPA and the lived realities. The problem is not merely the absence of laws but the system failure to translate legal protections into practical, accessible remedies for victims of Intimate Partner Abuse across Nigeria. Hence, there is a pressing need to assess the adequacy of the legal and institutional frameworks for addressing intimate partner abuse, identify gaps, and align legal protections with lived realities.

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<sup>14</sup> Ibid

<sup>15</sup> Partners West Africa Nigeria, VAPP Tracker, 2025, <<https://www.partnersnigeria.org/vapp-tracker/>> accessed 25 June 2025.

<sup>16</sup> Invictus Africa, "Beyond Enactment: A Data-Driven Survey Report on the Implementation of the VAPP Act (2015) and related state laws, 2025, <[www.invictusafrica.org/publications/beyond-enactment](http://www.invictusafrica.org/publications/beyond-enactment)> accessed 29 June 2025.

### **1.3 AIMS AND OBJECTIVES OF THE STUDY:**

The primary aim of this study is to critically examine the effectiveness and adequacy of the legal and institutional framework in Nigeria for addressing intimate partner abuse.

The specific objectives are:

1. To critically examine the legal framework governing intimate partner abuse in Nigeria, with particular focus on the Violence Against Persons (Prohibition) Act (VAPP Act) and its domestication across the states.
2. To evaluate the institutional mechanisms and enforcement bodies responsible for the implementation of laws addressing intimate partner abuse, including their capacities, challenges, and coordination.
3. To analyse the extent to which the legal and institutional responses reflect or conflict with the socio-cultural, religious, and customary norms prevalent in Nigerian society.
4. To assess the practical effectiveness of the legal remedies and protective measures available to survivors of intimate partner abuse, including access to justice, shelter, psychosocial support, and legal aid.
5. To identify the key gaps and inconsistencies in the implementation of the VAPP Act and related legal instruments across jurisdictions in Nigeria.
6. To make actionable recommendations for legal reform, institutional strengthening, and survivor-centred interventions aimed at enhancing the protection against intimate partner abuse in Nigeria.

#### **1.4 RESEARCH QUESTIONS:**

Flowing from the statement of problem, this research raises the following interrogative research questions which are linked with the specific objectives of the research. The research questions include:

1. What instruments currently govern intimate partner abuse in Nigeria, and how comprehensive are their provisions in protecting victims and prosecuting offenders?
2. To what extent have Nigerian states domesticated and implemented the Violence Against Persons (Prohibition) Act (VAPP Act), and what disparities exist across jurisdictions?
3. How effective are the institutional mechanisms such as law enforcement, judiciary, shelters, and regulatory agencies in enforcing the legal protections against intimate partner abuse?
4. What socio-cultural, religious, or systemic barriers undermine the enforcement of legal protections and access to justice for victims of intimate partner abuse?
5. What are the practical challenges faced by survivors in accessing remedies under the current legal and institutional framework?
6. What reforms are necessary to strengthen legal and institutional responses to intimate partner abuse in Nigeria and make them more responsive to victims' needs?

#### **1.5 SIGNIFICANCE OF THE STUDY:**

The significance of this study cannot be over emphasised as it addresses something we all know but don't talk about enough: that far too many people in Nigeria suffer abuse in their intimate relationships, often without protection, support, or justice. Although laws have been passed and agencies set up, intimate partner Abuse remains prevalent and victims do not always have access to remedies already provided by the law. It raises the question; are our systems really functioning the way they should?

Focusing specifically on intimate partner abuse, this research draws attention to a form of violence that is still under-recognised in legal, social and cultural, spaces. Its relevance transcends the academic sphere and touches the sociocultural and religious sectors. The study highlights how existing laws and institutions often fall short of what is promised. This research goes beyond the analysis of statutes; it involves understanding what actually happens when these laws are to be applied in in real life.

This research serves as an aid to legislators, legal professionals and establishments in identifying existing loopholes in lawmaking, advocacy and interpretation as well as implementation of the established frameworks. For victims, it highlights and seeks to fill the existing gaps. And for future researchers and advocates, it can serve as a starting point for further work on how to build a justice system that truly protects the vulnerable.

#### **1.6 SCOPE OF THE STUDY:**

The study focuses on Intimate Partner Abuse in Nigeria, highlighting the response of the legal and institutional Frameworks in the country. It examines Federal and State laws with a view to scrutinizing how these laws work on paper and how they play out in real life situations. The study examines the gaps between legislation and implementation, while shedding light on the

roles of the legislators, law enforcement officers and various institutions designed to battle intimate partner abuse.

This research does not cover all forms of gender based violence. Rather, it hones in on intimate partner abuse, a form of Gender Based Violence (GBV) that is often overlooked. It brings to the limelight, a form of abuse that is often hidden, an abuse between intimate partners, whether married, dating, cohabiting or separated.

With regards to institutions and establishments, the study focuses on the judiciary, law enforcement agencies such as the police, welfare organisations and shelters built for addressing such abuse. It also draws on various reports, real life cases and legal texts for a proper analysis.

However, owing to the limitation of time and space, the study does not give an exhaustive analysis of all state laws in detail. Rather, it draws illustrations from carefully selected states where significant progress or challenges have been observed and uses these illustrations as a yardstick to determine the efficiency of justice and support.

### **1.7 RESEARCH METHODOLOGY:**

The research methodology adopted for the purpose of this research is the doctrinal or Library based research. The project will apply an analytical, descriptive and comparative research method. For the purpose of legal research, primary sources of information such as; the 1999 Constitution of the Federal Republic of Nigeria (as amended), statutes, judicial authorities and international treaties/agreements will be relied upon, and well as secondary sources which include; textbooks, journals, articles, NGO reports and other scholarly commentaries that offer a detailed interpretation, critique or analysis of the legal and institutional Frameworks addressing Intimate Partner Abuse.

## CHAPTER TWO

### CONCEPTUAL AND THEORETICAL FRAMEWORK

#### 2.1 Conceptual Clarification

The conversation around violence in intimate and domestic spaces in Nigeria often suffers from a lack of clarity. Words like intimate partner abuse, domestic violence, spousal abuse, and gender-based violence are often used interchangeably in discussions, media, and even legal documents. Such confusion may misrepresent legal issues and hinder effective solutions. For example, while the “Violence Against Persons (Prohibition) Act 2015” uses the broad term "violence" to encompass various abusive behaviors, public discussions frequently simplify the issue to just "wife beating".<sup>17</sup> This narrow focus overlooks other damaging forms of abuse, such as emotional manipulation or economic coercion. Therefore, it is vital to straighten out these related terms, clarifying their similarities and differences while placing them within Nigeria's unique legal and cultural context.

##### 2.1.1 Intimate Partner Abuse (IPA).

Intimate Partner Abuse (IPA) captures the forms of abuse that occur between individuals who are, or have been, in an intimate relationship, whether marital, cohabiting, or otherwise emotionally

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<sup>17</sup> B E Akinwande, ‘Domestic Violence in Nigeria: The Need for a Broader Conceptual Understanding’ (2019) 3 *Ekiti State University Law Journal* 112, 118.

connected. Scholars have defined it as “a pattern of coercive behaviour that may include physical, sexual, psychological, or economic violence perpetrated by a current or former partner with the intent of gaining or maintaining power and control.”<sup>18</sup> This conceptualisation emphasizes not only the physical manifestations of abuse, but also the subtler dimensions such as emotional manipulation and financial deprivation which are often less visible but no less devastating.

The World Health Organization (WHO) similarly defines intimate partner violence as “any behaviour within an intimate relationship that causes physical, psychological or sexual harm to those in the relationship.”<sup>19</sup> IPA is not a mere collection of isolated acts, but rather a pattern of domination. Nigerian scholars have noted that the term “intimate partner abuse” provides a broader and more inclusive conceptual lens than the older phrase “wife battery,” which has historically limited the problem to physical assaults against women within marriage.<sup>20</sup> By adopting IPA, Nigerian legal discourse is better able to capture the multiplicity of harms experienced by both women and men, though the overwhelming majority of victims remain women.

In Nigeria, the relevance of this definition has been tragically highlighted by cases that drew national attention. The death of popular gospel singer Osinachi Nwachukwu in 2022, allegedly after years of sustained abuse from her husband, stands as a reminder that intimate partner abuse can thrive even in the most public of lives when silence and stigma overshadow accountability.<sup>21</sup>

Data underscores the magnitude of this problem. The 2018 Nigeria Demographic and Health Survey (NDHS) reported that 36 per cent of ever-married women between the ages of 15 and 49

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<sup>18</sup> CL Maxwell, ‘Intimate Partner Abuse: An Evolving Legal Concept’ (2016) 34(2) *Journal of Family Law* 145.

<sup>19</sup>World Health Organization, ‘Understanding and Addressing Violence against Women: Intimate Partner Violence’ (WHO 2012) 2 <<https://apps.who.int/iris/handle/10665/77432>> accessed 25 September 2025.

<sup>20</sup>AO Enabulele, *Constitutional Law in Nigeria* (2nd edn, University Press 2020) 278.

<sup>21</sup> ‘Nigeria Singer Osinachi Nwachukwu’s Husband Charged with Homicide’ (2022) *BBC News* <<https://www.bbc.com/news/world-africa-61660998>> accessed 25 September 2025.

had experienced some form of physical, sexual, or emotional abuse from their intimate partners.<sup>22</sup>

### **2.1.2 Domestic Violence**

Domestic violence encompasses acts of abuse or neglect that occur among persons living within the same household or who share a domestic connection. The Violence Against Persons (Prohibition) Act 2015, which represents the principal federal legislation addressing violence within the domestic sphere, defines domestic violence to include “any act perpetrated in the home which harms or endangers the safety, health, or wellbeing of a person”.<sup>23</sup>

Domestic violence manifests in multiple forms, each bearing unique implications for victims and the law. Physical violence includes acts such as beating, choking, and assault with dangerous objects, often leaving visible injuries. Sexual violence includes marital rape, sexual coercion, and unwanted advances, which, though historically denied legal recognition in Nigeria, are now proscribed under Section 1 of the VAPP Act 2015.<sup>24</sup> Psychological abuse encompasses verbal insults, intimidation, and isolation, which may leave no visible scars yet cause profound emotional trauma. Economic abuse, the least discussed form, includes controlling a person’s

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<sup>22</sup> O E Omolayo and S T Eze, ‘Spectrum of Intimate Partner Violence Against Women in Nigeria: Examining Regional Disparities Using a Nationally Representative Survey’ (2024) 28 *BMC Public Health* 1, 2.

<sup>23</sup> Violence Against Persons (Prohibition) Act 2015, s 46.

<sup>24</sup> *Ibid*, s 1.

access to financial resources or employment opportunities, thereby reinforcing dependency and limiting escape options.<sup>25</sup>

Despite the enactment of the VAPP Act 2015, implementation remains inconsistent across states. As of 2025, fewer than thirty states have domesticated the Act, creating a fragmented protection landscape.<sup>26</sup> Police officers frequently treat reports of domestic violence as “family matters,” while courts may delay proceedings due to societal reluctance to criminalize household conduct.<sup>27</sup>

Nigeria has a patriarchal structure, which places men in dominant positions within families, and legitimizes control and discipline as expressions of authority.<sup>28</sup> Furthermore, economic dependency and fear of ostracism often compel victims to remain in abusive environments.

### **2.1.3 Spousal Abuse**

Spousal abuse refers specifically to abusive conduct occurring within legally or socially recognized spousal relationships, where one partner uses force, coercion, or psychological manipulation to dominate or harm the other. This form of abuse directly involves the abuse of matrimonial power and trust.

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<sup>25</sup> UN Women, Progress of the World’s Women 2019–2020: Families in a Changing World (UN Women 2019) <<https://www.unwomen.org/en/digital-library/publications/2019/06/progress-of-the-worlds-women-2019-2020>> accessed 2 October 2025.

<sup>26</sup> CLE Okeke, ‘Law Enforcement and Domestic Violence in Nigeria: Challenges and Prospects’ (2021) 14(3) *Nigerian Journal of Family Law* 122.

<sup>27</sup> O Atilola, ‘Patriarchy and the Perpetuation of Domestic Violence in Nigeria’ (2019) 5(1) *African Journal of Criminology and Justice Studies* 56.

<sup>28</sup> O Oduwole, ‘Culture and the Endurance of Domestic Violence in Nigeria’ (2018) 9(2) *Journal of African Studies and Development* 67.

The VAPP Act 2015 is Nigeria's most progressive legislative instrument addressing spousal abuse. Section 46 expressly includes "spousal battery" within its definitional scope.<sup>29</sup> However, despite these provisions, implementation remains uneven due to cultural resistance, inadequate policing, and gaps in awareness.<sup>30</sup> Moreover, many states in Northern Nigeria still operate under the Penal Code which, under Section 55(1)(d), permits a husband to "correct his wife" as long as it does not cause grievous harm, a provision starkly at odds with Nigeria's constitutional and international human rights obligations.<sup>31</sup>

Religion and culture play powerful roles in encouraging or tackling spousal abuse. Many victims remain in violent marriages due to religious interpretations.<sup>32</sup> A wife's obedience is often equated with submission.

#### **2.1.4 Gender-Based Violence (GBV)**

Gender-Based Violence (GBV) is a broader umbrella under which domestic violence and intimate partner abuse fall. Understanding GBV as a distinct but interrelated concept is vital to framing Nigeria's legal and institutional responses to violence. The World Health Organization (WHO) similarly regards GBV as a "public health and human rights issue rooted in gender inequality, the abuse of power, and harmful norms."<sup>33</sup>

In Nigeria, GBV manifests across multiple social and institutional layers. It includes intimate partner abuse, sexual harassment in educational institutions and workplaces, trafficking for

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<sup>29</sup> Ibid, note 23, ss 1, 23, 46.

<sup>30</sup> Ibid, note 26

<sup>31</sup> Penal Code (Northern States) Federal Provisions Act, s 55(1)(d).

<sup>32</sup> AO Adebayo, 'Religious Misinterpretations and the Legitimation of Domestic Abuse in Nigeria' (2020) 4(1) *Nigerian Journal of Religion and Society* 102.

<sup>33</sup> World Health Organization, 'Violence Against Women: Intimate Partner and Sexual Violence Against Women' (WHO, 2021) <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>> accessed 3 October 2025.

sexual exploitation, and culturally sanctioned practices such as widowhood rites and child marriage.<sup>34</sup>

Social expectations of masculinity and female subservience foster an environment where acts of dominance are normalized.<sup>35</sup> This normalization is reinforced through the family unit, religious teachings, media portrayals, and even legal institutions that fail to protect victims effectively.

Nigeria's legal landscape addressing GBV has evolved significantly in the past two decades. The Violence Against Persons (Prohibition) Act 2015 represents a landmark statute that criminalizes all forms of gender-based violence<sup>36</sup> However, many states have yet to domesticate the VAPP Act, creating a legal disparity that leaves victims in certain regions unprotected.<sup>37</sup>

GBV in Nigeria has its roots in Patriarchy which legitimizes male dominance as both cultural heritage and divine order.<sup>38</sup> In Nigeria, addressing GBV requires not only legislative reform but a fundamental cultural shift that redefines gender relations on the basis of dignity and equality.

### **2.1.5 The Relationship Between Intimate Partner Abuse, Domestic Violence, Spousal Abuse and Gender-Based Violence**

The four concepts IPA, Domestic Violence, Spousal Abuse and GBV are closely connected yet distinct. At the broadest level, gender-based violence serves as the overarching category

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<sup>34</sup> National Bureau of Statistics (NBS), 'Statistical Report on Women and Men in Nigeria' (NBS, 2022) <<https://nigerianstat.gov.ng/elibrary/read/1241058>> accessed 3 October 2025.

<sup>35</sup> E Ibekwe, 'Institutional Responses to Gender-Based Violence in Nigeria: Problems and Prospects' (2020) 8(1) *African Human Rights Law Journal* 34.

<sup>36</sup> Ibid, note 23, s 1.

<sup>37</sup> Ibid, note 26

<sup>38</sup> Ibid, note 28

encompassing all forms of violence that stem from socially constructed gender inequalities.<sup>39</sup> Within this broad framework, domestic violence appears as a subset that focuses on violence occurring within the domestic or household setting.<sup>40</sup> Intimate partner abuse is itself a further subset of domestic violence, limited specifically to violence between partners in a romantic or sexual relationship, whether married or not.<sup>41</sup> Spousal abuse represents the narrowest focus restricted to legally or traditionally recognized marital unions.<sup>42</sup> The relationship may thus be visually represented as concentric circles, with GBV encompassing DV, DV encompassing IPA, and IPA encompassing SA.

Despite their hierarchical relationship, these terms still overlap. The VAPP Act 2015, Nigeria's principal legislation addressing interpersonal violence, does not explicitly distinguish among them but instead employs the broad term "violence against persons."<sup>43</sup> This legal framing acknowledges the interconnected nature of these harms, where emotional, sexual, and economic abuses may transcend narrow categories.

Ultimately, these terms are not competing categories but complementary tools of analysis. A proper understanding of them is vital for constructing a legal framework that addresses all layers of this social problem. LP

## **2.2 Forms and Dynamics of Intimate Partner Abuse in Nigeria**

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<sup>39</sup> United Nations High Commissioner for Refugees (UNHCR), 'Gender-Based Violence: Prevention and Response' (UNHCR, 2011) <<https://www.unhcr.org/protection/women/4e1d5aba9/gender-based-violence-prevention-response.html>> accessed 4 October 2025.

<sup>40</sup> UN Women, 'Handbook for Legislation on Violence against Women' (UN Women, 2012) <<https://www.unwomen.org/en/digital-library/publications/2012/12/handbook-for-legislation-on-violence-against-women>> accessed 4 October 2025

<sup>41</sup> FO Benebo, B Schumann and M Vaezghasemi, 'Prevalence, Risk Factors and Health Consequences of Intimate Partner Violence in Nigeria' (2018) 18 *BMC Public Health* 1 <<https://bmcpublikealth.biomedcentral.com/articles/10.1186/s12889-018-6276-9>> accessed 4 October 2025.

<sup>42</sup> CL Maxwell, 'Understanding Spousal Abuse: Legal and Social Dimensions' (2017) 22(3) *Journal of Family Studies* 198.

<sup>43</sup> *Ibid*, note 23, s 1.

An understanding of the forms and dynamics of IPA is essential for evaluating Nigeria’s legal and institutional framework. Laws that address only physical harm fail to capture the full spectrum of abuse that victims endure which also includes emotional torment, sexual coercion, financial deprivation, and social isolation.<sup>44</sup>

### **2.2.1 Physical Abuse**

Physical abuse remains the most visible and widely recognized form of intimate partner violence. It includes acts such as hitting, slapping, choking, burning, or using weapons against a partner.<sup>45</sup> The Violence Against Persons (Prohibition) Act 2015 (VAPP Act) criminalizes these behaviours, describing physical abuse as “willful infliction of injury on another person.”<sup>46</sup>

In Nigeria, physical abuse is both a personal and a social tragedy. The 2018 Nigeria Demographic and Health Survey (NDHS) reports that 31 per cent of women aged 15–49 have experienced physical violence, mostly at the hands of their husbands or intimate partners.<sup>47</sup> Yet, these numbers likely underrepresent the true scale of abuse due to fear of reprisal, stigma, and police inaction.<sup>48</sup>

Cultural norms also play a critical role in perpetuating physical abuse. In many communities, moderate “discipline” of wives is tolerated under the guise of correcting disobedience or preserving marital harmony.<sup>49</sup> Section 55(1)(d) of the Penal Code (Northern States) Federal

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<sup>44</sup> Ibid, note 40

<sup>45</sup> Ibid, note 39

<sup>46</sup> Ibid, note 23, s 1.

<sup>47</sup> National Population Commission (NPC) [Nigeria] and ICF, ‘Nigeria Demographic and Health Survey’ 2018 (NPC and ICF, 2019) <<https://www.dhsprogram.com/publications/publication-fr359-dhs-final-reports.cfm>> accessed 5 October 2025.

<sup>48</sup> Ibid, note 26

<sup>49</sup> Ibid, note 28

Provisions Act still provides a legal loophole by permitting husbands to “correct” their wives, thereby normalising violence within marriage.<sup>50</sup>

The tragic death of gospel singer Osinachi Nwachukwu in 2022 became a national symbol of this violence. Reports revealed years of physical assault allegedly perpetrated by her husband, culminating in fatal injuries.<sup>51</sup> Her case forced a public reckoning with Nigeria’s culture of silence and the inadequacies of its protective systems.

### **2.2.2 Sexual Abuse**

Sexual abuse refers to any non-consensual sexual act or coercion within an intimate relationship.<sup>52</sup> It encompasses marital rape, forced sexual acts, sexual humiliation, and reproductive control. Historically, Nigerian law excluded marital rape from criminal prosecution, based on the outdated belief that consent is irrevocably granted through marriage.<sup>53</sup> This legal position reflects patriarchal assumptions that a woman’s body is her husband’s property.

However, the VAPP Act 2015 has redefined rape as an act that can occur “within or outside marriage,” effectively criminalizing marital rape.<sup>54</sup> Despite this, enforcement remains weak, and

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<sup>50</sup> Ibid, note 31, s 55(1)(d).

<sup>51</sup> Ibid, note 21

<sup>52</sup> UN Women, ‘Progress of the World’s Women 2019–2020: Families in a Changing World’ (UN Women, 2019) <<https://www.unwomen.org/en/digital-library/publications/2019/06/progress-of-the-worlds-women-2019-2020>> accessed 5 October 2025.

<sup>53</sup> Ibid, note 41

<sup>54</sup> Ibid, note 23, s 43.

cultural stigma often prevents victims from reporting. Studies show that between 20 and 31 per cent of Nigerian women have experienced sexual violence from an intimate partner.<sup>55</sup>

Sexual abuse also includes reproductive coercion where a partner sabotages contraception, enforces pregnancy, or denies reproductive choices.<sup>56</sup> These acts are rarely discussed in public but carry long-term physical and psychological harm, reinforcing the power imbalance within intimate relationships.

### **2.2.3 Psychological and Emotional Abuse**

Psychological abuse is an insidious form of violence that targets the mind rather than the body. It includes verbal insults, threats, intimidation, humiliation, manipulation, isolation, and controlling behaviour.<sup>57</sup> According to the World Health Organization, psychological violence is “a pattern of behaviour that seeks to control, isolate, or degrade the victim.”<sup>58</sup> Nigerian studies suggest that psychological and emotional abuse affect between 31 and 61 per cent of women in intimate relationships, making it the most prevalent yet least addressed form of abuse.<sup>59</sup>

The challenge in addressing psychological abuse lies in its invisibility. Unlike physical injuries, its scars are emotional and internal. The victims of such abuse may doubt their experiences or fear not being believed. Nigerian courts have also been reluctant to recognize emotional trauma

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<sup>55</sup> Ibid, note 41

<sup>56</sup> World Health Organization (WHO), ‘Violence Against Women: Intimate Partner and Sexual Violence Against Women’ (WHO, 2021) <<https://www.who.int/news-room/fact-sheets/detail/violence-against-women>> accessed 5 October 2025.

<sup>57</sup> Ibid, note 25, 21

<sup>58</sup> WHO (n 1).

<sup>59</sup> FO Benebo, B Schumann and M Vaezghasemi (n 12) 4.

as actionable harm, although Section 2 of the VAPP Act now acknowledges “emotional, verbal, and psychological abuse” as punishable offences.<sup>60</sup>

#### **2.2.4 Economic and Financial Abuse**

Economic abuse involves controlling a partner’s access to financial resources, employment, or economic independence.<sup>61</sup> It may include withholding money, restricting employment, or exploiting a partner’s labour without compensation.

The VAPP Act 2015 recognizes this form of abuse under Section 2, which prohibits “economic abuse” including denial of financial resources and property rights.<sup>62</sup> Economic abuse also intersects with other forms of violence and reinforces vulnerability. The term often operates as a tool of coercive control.

Coercive control represents the underlying dynamic that binds all other forms of abuse. This form of abuse rarely involves overt violence but exerts deep psychological domination such as monitoring phone calls, restricting movement, dictating clothing, or sever ties with friends and family.

Although Nigerian law does not explicitly use the term “coercive control,” its elements are reflected in the VAPP Act’s recognition of emotional, psychological, and economic harm.<sup>63</sup> Recognizing coercive control is vital because it captures how violence operates as a system of domination rather than a series of isolated acts.

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<sup>60</sup> Violence Against Persons (Prohibition) Act 2015, s 2.

<sup>61</sup> E Ibekwe, ‘Institutional Responses to Gender-Based Violence in Nigeria: Problems and Prospects’ (2020) 8(1) *African Human Rights Law Journal* 34.

<sup>62</sup> VAPP Act 2015, s 2

<sup>63</sup> VAPP Act 2015, s 2.

Intimate partner abuse in Nigeria rarely exists in singular forms; it operates as a continuum.<sup>64</sup> Victims often endure overlapping abuses—physical, emotional, sexual, and economic—that reinforce one another. The progression from verbal insults to physical violence is gradual, forming what Lenore Walker famously termed the Cycle of Abuse, consisting of tension-building, incident, reconciliation, and calm phases.<sup>65</sup>

This cyclical nature explains why many victims struggle to leave abusive relationships. Periods of calm or affection give false hope to the victim and things like dependence and stigma often force victims to stay silent.<sup>66</sup>

## **2.3 THEORETICAL FRAMEWORK**

The theoretical framework provides the conceptual foundation for investigating how and why, despite institutional and legal safeguards, intimate partner abuse (IPA) persists in Nigeria. Rather than the law functioning in a vacuum, a web of social, cultural, and psychological elements influence how justice is lived and experienced. This study is based on three major theories: the Feminist Legal Theory, the Social Learning Theory, and the Human Rights Theory. Every theory offers a different but complementary viewpoint on the causes, effects, and persistent nature of abuse by intimate partners. When put together, they provide a comprehensive framework for assessing the benefits and drawbacks of Nigeria's institutional and legal response.

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<sup>64</sup> L Walker, *The Battered Woman* (Harper and Row, 1979) 56.

<sup>65</sup> L Walker (n 27) 57.

<sup>66</sup> J Akintola, 'Faith-Based Responses to Gender-Based Violence in Nigeria: A Paradigm Shift' (2021) 5(1) *African Journal of Law and Religion* 44.

### 2.3.1 Human Rights Theory

The Human Rights Theory places abuse by intimate partners in the context of justice, equality, and inherent human dignity. It claims that everyone has the right to be shielded from abuse and cruel treatment simply because they are human<sup>67</sup> Thus, intimate partner abuse is not a private matter but a serious violation of fundamental human rights.

The Constitution of the Federal Republic of Nigeria (as amended) guarantees in Section 34 the right to dignity of the human person and freedom from inhuman or degrading treatment, while Section 42 prohibits discrimination based on sex.<sup>68</sup> However, the persistence of gender-based violence and domestic abuse reveals the distance between these constitutional ideals and lived realities.

Nigeria has ratified several international instruments which include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Maputo Protocol under which the state is obliged to prevent, prosecute, and eliminate violence against women.<sup>69</sup> Despite these commitments, implementation remains uneven due to weak institutional mechanisms, cultural resistance, and lack of so on<sup>70</sup>

From the viewpoint of human rights, intimate partner abuse is a matter of state responsibility rather than private morality.<sup>71</sup>It places a duty on the government to protect victims, uphold

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<sup>67</sup> AO Enabulele, *Constitutional Law in Nigeria* (2nd edn, University Press, 2020) 317.

<sup>68</sup> Constitution of the Federal Republic of Nigeria (as amended) 1999, ss 34, 42.

<sup>69</sup> United Nations, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (1979) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>> accessed 6 October 2025.

<sup>70</sup> African Union, 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa' (Maputo Protocol) (2003) <<https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>> accessed 6 October 2025.

<sup>71</sup> O Udom, 'The Human Rights Dimensions of Domestic Violence in Nigeria' (2022) 7(2) *Nigerian Journal of Human Rights Law* 55.

protective legislation, and guarantee access to rehabilitation, shelter, and justice. Instead of viewing victims as dependents deserving of pity, this theoretical position views them as rights-holders entitled to protection and redress.<sup>72</sup>

In essence, Nigeria's response to intimate partner abuse must go beyond criminalisation and include prevention, empowerment, and the realisation of basic human dignity, according to the Human Rights Theory.<sup>73</sup>

### **2.3.2 Social Learning Theory**

Albert Bandura's Social Learning Theory offers a sociological and psychological explanation for how violence is learnt, internalised, and sustained.<sup>74</sup> It makes the case that imitation, reinforcement, and observation are how people pick up new behaviours. People imitate the actions they witness being rewarded or going unpunished in their social surroundings.

In relation to intimate partner abuse, the theory contends that early exposure to violence, whether as a victim or witness, raises the risk of engaging in the same behaviour as an adult.<sup>75</sup> A woman raised in such an environment might associate endurance and submission with virtue, while a

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<sup>72</sup> E Ibekwe, 'Institutional Responses to Gender-Based Violence in Nigeria: Problems and Prospects' (2020) 8(1) *African Human Rights Law Journal* 34.

<sup>73</sup> UN Women, 'Progress of the World's Women 2019–2020: Families in a Changing World' (UN Women, 2019) <<https://www.unwomen.org/en/digital-library/publications/2019/06/progress-of-the-worlds-women-2019-2020>> accessed 6 October 2025.

<sup>74</sup> A Bandura, *Social Learning Theory* (Prentice Hall, 1977) 25.

<sup>75</sup> World Health Organization, 'Understanding and Addressing Violence against Women: Intimate Partner Violence' (WHO, 2012) <<https://apps.who.int/iris/handle/10665/77432>> accessed 6 October 2025.

man who witnesses his father abusing his mother may learn to associate masculinity with aggression and control.<sup>76</sup>

According to the 2018 Nigeria Demographic and Health Survey (NDHS), nearly 30% of Nigerian women said that a husband might beat his wife in specific situations.<sup>77</sup> This shows how deeply ingrained violence is in the country's culture as either acceptable or corrective.<sup>78</sup> In reality, the spiritual message of love found in Nigerian religion and culture promotes healing, mutual respect, and compassion, not suffering or acquiescence to abuse. However, it is commonly misinterpreted as encouraging endurance or silence in abusive relationships.<sup>79</sup>

This theory emphasises how urgently education and resocialisation are needed. Curriculum that promotes equality, respect, and emotional intelligence must be implemented in early childhood in order to prevent intimate partner abuse. It is also necessary for religious organisations, traditional leaders, and media outlets to change public discourses that justify violence or elevate the suffering of women.<sup>80</sup>

Therefore, the Social Learning Theory promotes legislative reform by emphasising that long-term change necessitates altering the psychological and cultural conditioning that normalises abuse. Society needs to unlearn laws that prohibit violence.

### **2.3.3 Feminist Legal Theory**

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<sup>76</sup> O Oduwale, 'Culture and the Endurance of Domestic Violence in Nigeria' (2018) 9(2) *Journal of African Studies and Development*

<sup>77</sup> T A Alabi and M J Ramsden, 'Gender Differences in the Acceptance of Wife-Beating in Nigeria: Evidence from the 2018 Demographic and Health Survey' (2021) 7 *Heliyon* e08191, 4.

<sup>78</sup> National Population Commission (NPC) [Nigeria] and ICF, 'Nigeria Demographic and Health Survey 2018' (NPC and ICF, 2019) <<https://www.dhsprogram.com/publications/publication-fr359-dhs-final-reports.cfm>> accessed 6 October 2025.

<sup>79</sup> SO Akinwale, 'Faith, Culture and Gender-Based Violence: Rethinking Religious Narratives in Nigeria' (2023) 15(2) *Journal of Religion and Society in Africa* 88 <<https://journals.unilorin.edu.ng/jrsa/articles/faith-culture-and-gender-based-violence>> accessed 6 October 2025.

<sup>80</sup> UN Women (n 7) 40

The Feminist Legal Theory (FLT) exposes how law, as traditionally constructed, perpetuates patriarchal values under the guise of neutrality.<sup>81</sup> It argues that legal systems across the world, including that of Nigeria have been historically shaped by male perspectives, and thus often fail to account for women's lived realities.<sup>82</sup>

The patriarchal assumptions present in Nigerian laws, court decisions, and law enforcement organisations are contested by the FLT. Domestic violence is symbolically and legally legitimised by Section 55(1)(d) of the Penal Code (Northern States) Federal Provisions Act's, which allows a husband to "correct" his wife.<sup>83</sup> Police officers routinely advise victims to "go home and reconcile," while religious leaders emphasise endurance over safety.<sup>84</sup>

Feminist legal scholars such as Catharine MacKinnon and Carol Smart argue that such legal complacency is not accidental but rooted in systemic gender imbalance, a structure that values the male experience as the norm.<sup>85</sup> Nigerian feminist thinkers including Nzegwu and Akintola extend this critique, demonstrating that law and culture work hand in hand to sustain female subordination.<sup>86</sup>

FLT, therefore, demands a transformative approach to law: one that not only criminalises violence but also dismantles the patriarchal ideologies underlying it.<sup>87</sup> This includes the reinterpretation of statutes through a gender-sensitive lens, judicial accountability, and legal education that centres women's experiences as a source of legal knowledge.

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<sup>81</sup> C Smart, *Feminism and the Power of Law* (Routledge, 1989) 3.

<sup>82</sup> C MacKinnon, *Toward a Feminist Theory of the State* (Harvard University Press, 1989) 238.

<sup>83</sup> Penal Code (Northern States) Federal Provisions Act, s 55(1)(d).

<sup>84</sup> CLE Okeke, 'Law Enforcement and Domestic Violence in Nigeria: Challenges and Prospects' (2021) 14(3) *Nigerian Journal of Family Law* 122.

<sup>85</sup> N Nzegwu, 'Gender, Culture and the Law: Theoretical Reflections on Nigerian Society' (2019) 12(3) *Nigerian Journal of Legal Studies* 201.

<sup>86</sup> J Akintola, 'Faith-Based Responses to Gender-Based Violence in Nigeria: A Paradigm Shift' (2021) 5(1) *African Journal of Law and Religion* 44.

<sup>87</sup> AO Enabulele (n 1) 319.

In essence, Feminist Legal Theory reframes intimate partner abuse as both a personal violation and a political injustice. It challenges the assumption that law alone can deliver equality, insisting that genuine justice must begin with the recognition of how power operates within law itself.<sup>88</sup>

### **2.3.4 Theoretical Synthesis**

When put together these three theories offer a logical framework for comprehending why intimate partner abuse in Nigeria continues to occur. The normative basis is provided by the Human Rights Theory, which defines violence as a violation of equality and dignity. The Social Learning Theory describes how abuse tolerance and violent behaviour are socially passed down through the generations and the patriarchal systems that underpin inequality in governance and the law are revealed by feminist legal theory.

## **2.4 LITERATURE REVIEW**

This review draws from global and Nigerian sources to critically evaluate what scholars and institutions have written about IPA, with a focus on legal and institutional responses. It explores doctrinal writings, policy documents, and empirical studies that highlight both the progress and challenges in addressing IPA.

### **2.4.1 Overview of Global Literature on Intimate Partner Abuse**

Globally, intimate partner abuse has evolved from being treated as a private matter to being recognised as a public health and human rights issue. The World Health Organization (WHO)

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<sup>88</sup> UN Women (n 7) 46.

defines it as “behaviour within an intimate relationship that causes physical, sexual or psychological harm.”<sup>89</sup>

The landmark UN Declaration on the Elimination of Violence Against Women (1993) catalysed global advocacy by framing such violence as a breach of women’s human rights.<sup>90</sup> Similarly, CEDAW General Recommendation No. 19 (1992) and No. 35 (2017) directed member states to take legislative and preventive measures to eliminate gender-based violence.<sup>91</sup> These instruments have guided reforms in many countries, leading to the adoption of comprehensive laws, victim protection mechanisms, and public education campaigns.

Empirical studies also demonstrate the magnitude of this problem. A 2013 multi-country study by WHO showed that about one in three women worldwide have experienced physical or sexual violence from an intimate partner.<sup>92</sup>

#### **2.4.2 Nigerian Literature on Intimate Partner Abuse**

In Nigeria, academic and policy discussions on intimate partner abuse have expanded significantly in the last two decades. Scholars have examined how cultural norms, economic inequality, and weak institutions perpetuate abuse despite constitutional and statutory protections.

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<sup>89</sup> World Health Organization, Understanding and Addressing Violence against Women: Intimate Partner Violence (WHO, 2012) <<https://apps.who.int/iris/handle/10665/77432>> accessed 6 October 2025.

<sup>90</sup> United Nations, ‘Declaration on the Elimination of Violence Against Women’ (A/RES/48/104, 1993) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-elimination-violence-against-women>> accessed 6 October 2025.

<sup>91</sup> Committee on the Elimination of Discrimination Against Women, ‘General Recommendation No. 35 on Gender-Based Violence Against Women’ (2017) <[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGC%2f35](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGC%2f35)> accessed 6 October 2025.

<sup>92</sup> World Health Organization, Global and Regional Estimates of Violence Against Women (WHO, 2013) <<https://apps.who.int/iris/handle/10665/85239>> accessed 6 October 2025.

Oduwole (2018) argues that patriarchal culture continues to legitimize violence within marriage by interpreting it as discipline or conflict resolution.<sup>93</sup>

Benebo, Schumann and Vaezghasemi (2018) provide a more empirical angle, revealing a 31–61% prevalence rate for psychological abuse and 7–31% for physical violence among Nigerian women, based on a meta-analysis of multiple studies.<sup>94</sup> These figures underscore that legal recognition alone does not equate to protection.

Nigerian legal literature also interrogates institutional frameworks. Enabulele (2020) and Udom (2022) note that Nigeria’s plural legal system, comprising statutory, customary, and religious laws creates inconsistencies that hinder effective prosecution and protection.<sup>95</sup>

The theme that unites this body of Nigerian literature is the discrepancy between the rule of law and its application. It calls for stronger institutions, coordinated enforcement, and socio-legal reform that moves beyond mere legislation to active protection.

### **2.4.3 Institutional and Legal Frameworks in Existing Studies**

Globally and within Nigeria, scholars have paid considerable attention to the institutional mechanisms that support victims and prosecute offenders. However, most studies find that even when laws exist, institutional inefficiency and patriarchal bias limit their effectiveness.

In Nigeria, the VAPP Act 2015 stands as the most comprehensive statute addressing gender-based and domestic violence. It criminalises physical, sexual, psychological, and economic abuse,

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<sup>93</sup> O Oduwole, ‘Culture and the Endurance of Domestic Violence in Nigeria’ (2018) 9(2) *Journal of African Studies and Development* 67.

<sup>94</sup> FO Benebo, B Schumann and M Vaezghasemi, ‘Prevalence, Risk Factors and Health Consequences of Intimate Partner Violence in Nigeria’ (2018) 18 *BMC Public Health* 1 <<https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-018-6276-9>> accessed 6 October 2025.

<sup>95</sup> AO Enabulele, *Constitutional Law in Nigeria* (2nd edn, University Press, 2020) 312; O Udom, ‘The Human Rights Dimensions of Domestic Violence in Nigeria’ (2022) 7(2) *Nigerian Journal of Human Rights Law* 55.

and introduces protective orders and victim compensation.<sup>96</sup> However, as Ibekwe (2020) notes, implementation remains urban-centred, leaving rural women largely unprotected.<sup>97</sup>

The National Agency for the Prohibition of Trafficking in Persons (NAPTIP), women's shelters, and NGOs like Project Alert on Violence Against Women have been instrumental in advocacy and victim support.<sup>98</sup> Yet, their efforts are limited by inadequate funding, bureaucratic delays, and cultural interference.

Comparatively, studies from jurisdictions such as South Africa, India, and the UK demonstrate that strong institutional collaboration between police, social welfare, and health sectors increases reporting rates and protection outcomes.<sup>99</sup> Nigeria's fragmented institutional response remains a recurring weakness identified across the literature.

This review thus supports the conclusion that while the legal framework is gradually aligning with global standards, institutional implementation continues to lag behind.

#### **2.4.4 Identified Gaps in Existing Literature**

Although scholarship on intimate partner abuse in Nigeria has expanded, several critical gaps remain.

First, many studies focus on prevalence and causes but neglect the legal and institutional dimensions, particularly how courts, police, and social welfare institutions interpret and

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<sup>96</sup> Violence Against Persons (Prohibition) Act 2015, s 2.

<sup>97</sup> E Ibekwe, 'Institutional Responses to Gender-Based Violence in Nigeria: Problems and Prospects' (2020) 8(1) *African Human Rights Law Journal* 34.

<sup>98</sup> Project Alert, Annual Report on Violence Against Women in Nigeria (2021) <<https://www.projectalertnig.org/reports>> accessed 6 October 2025

<sup>99</sup> L Vetten, 'Addressing Domestic Violence in South Africa: Lessons from Comparative Jurisdictions' (2019) 25 *South African Journal on Human Rights* 187.

implement protective laws.<sup>100</sup> Second, comparative analyses are limited few studies examine how Nigeria's hybrid legal system can harmonise statutory and customary mechanisms for better protection.

Third, there is limited exploration of male victimization and same-sex abuse, which remain under-reported and under-researched due to social stigma.<sup>101</sup> Fourth, while the VAPP Act is frequently referenced, there is inadequate analysis of its practical enforcement in states yet to domesticate it.

Finally, few studies adopt an interdisciplinary lens that merges legal doctrine, human rights principles, and sociological realities. This research therefore fills that gap by examining the legal and institutional framework comprehensively, assessing both text and practice, and grounding analysis in Nigeria's socio-cultural context.

## **2.5 CAUSES AND RISK FACTORS OF INTIMATE PARTNER ABUSE.**

Understanding the causes and risk factors of intimate partner abuse is central to developing effective prevention and legal responses. While the two concepts are closely linked, they are not identical. While causes refer to the fundamental conditions that sustain abuse such as patriarchy, inequality, or institutional failure, risk factors, on the other hand, are conditions that heighten its likelihood.<sup>102</sup> This section therefore analyses these principal causes and Risk factors within a multidimensional framework.

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<sup>100</sup> CLE Okeke (n 9) 126

<sup>101</sup> 23. L Adekoya, 'Hidden Victims: Male Survivors of Domestic Violence in Nigeria' (2023) 11(2) Nigerian Journal of Family Studies 93

<sup>102</sup> World Health Organization, 'Understanding and Addressing Violence against Women: Intimate Partner Violence' (WHO, 2012) <<https://apps.who.int/iris/handle/10665/77432>> accessed 6 October 2025.

### 2.5.1 Socio-Cultural Causes

Culture remains one of the most enduring explanations for the persistence of intimate partner abuse in Nigeria.<sup>103</sup> Deeply ingrained patriarchal values have constructed male dominance and female submission as social norms, giving legitimacy to control and even violence within relationships.<sup>104</sup>

In certain customary systems, a woman is seen as part of her husband's property, this'd belief places the woman at a disadvantage or gives her a lesser which bargaining power in marital disputes.<sup>105</sup> This cultural belief is mirrored in remnants of colonial legislation such as section 55(1)(d) of the Penal Code (Northern States) Federal Provisions Act, which permits a husband to "correct" his wife, provided no grievous harm is caused.<sup>106</sup>

Religious doctrines have also been misinterpreted to promote silence in the face of abuse. But according to contemporary theologians, such teachings distort the true message of mutual love and compassion found in sacred texts.<sup>107</sup>

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<sup>103</sup> J Akintola, 'Faith-Based Responses to Gender-Based Violence in Nigeria: A Paradigm Shift' (2021) 5(1) *African Journal of Law and Religion*

<sup>104</sup> O Oduwale (n 3) 70.

<sup>105</sup> J Akintola (n 4) 46

<sup>106</sup> SO Akinwale, 'Faith, Culture and Gender-Based Violence: Rethinking Religious Narratives in Nigeria' (2023) 15(2) *Journal of Religion and Society in Africa* 88.

<sup>107</sup> National Population Commission (NPC) [Nigeria] and ICF, Nigeria Demographic and Health Survey 2018 (NPC and ICF, 2019) <<https://www.dhsprogram.com/publications/publication-fr359-dhs-final-reports.cfm>> accessed 6 October 2025.

Socio-cultural causes form the ideological foundation of IPA in Nigeria, where violence is normalised and resistance stigmatised. Until our culture itself evolves to recognise human dignity, legal reforms alone will never be enough.

### **2.5.2 Economic and Educational Causes**

Economic dependence is one of the most visible drivers of intimate partner abuse.<sup>108</sup> When women lack financial autonomy, leaving abusive relationships becomes nearly impossible. Poverty, unemployment, and unequal access to education intersect to sustain dependence. According to the Nigeria Demographic and Health Survey (NDHS 2018), women with secondary or higher education are significantly less likely to justify wife-beating than those with no education.<sup>109</sup>

Benebo, Schumann and Vaezghasemi found that financial hardship correlates strongly with physical and psychological violence, as economic stress may worsen conflict within a household.<sup>110</sup> The existence of gender inequality in property ownership and employment restricts women's access to resources that could offer them independence.

Education can function as a protective factor.<sup>111</sup> It helps to equip women with knowledge of their rights and it also improves negotiation power within relationships.

### **2.5.3 Psychological and Behavioural Causes**

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<sup>108</sup> A Bandura, *Social Learning Theory* (Prentice Hall, 1977) 25.

<sup>109</sup> World Health Organization, *Global and Regional Estimates of Violence Against Women* (WHO, 2013) <<https://apps.who.int/iris/handle/10665/85239>> accessed 6 October 2025.

<sup>110</sup> CLE Okeke, 'Law Enforcement and Domestic Violence in Nigeria: Challenges and Prospects' (2021) 14(3) *Nigerian Journal of Family Law* 122

<sup>111</sup> E Ibekwe, 'Institutional Responses to Gender-Based Violence in Nigeria: Problems and Prospects' (2020) 8(1) *African Human Rights Law Journal* 34.

The psychological and behavioural dimensions of intimate partner abuse majorly stem from learned aggression, trauma, and maladaptive coping mechanisms. Albert Bandura's Social Learning Theory suggests that individuals who witness violence in childhood internalise it as a normal relational pattern.<sup>112</sup>

A notable catalyst for violent behaviour is Substance abuse, especially alcohol,<sup>113</sup> and studies have shown higher rates of physical abuse among partners where the perpetrator consumes alcohol excessively.<sup>114</sup>

Low self-esteem, depression, and post-traumatic stress further reinforce the cycle of abuse for victims.<sup>115</sup> These behavioural causes prove that IPA is not only a legal or social issue, but a deeply emotional and mental one which requires counselling and rehabilitation alongside punishment.

#### **2.5.4 Institutional and Legal Causes**

Institutions are meant to protect, but when they fail, they become silent accomplices. Nigeria's legal and institutional systems police, courts, welfare agencies often reproduce the very biases

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<sup>112</sup> O Udom, 'The Human Rights Dimensions of Domestic Violence in Nigeria' (2022) 7(2) *Nigerian Journal of Human Rights Law* 55.

<sup>113</sup> World Health Organization, 'Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner and Non-Partner Sexual Violence' (WHO, 2013) <<https://apps.who.int/iris/handle/10665/85239>> accessed 6 October 2025.

<sup>114</sup> FO Benebo, B Schumann and M Vaezghasemi, 'Prevalence, Risk Factors and Health Consequences of Intimate Partner Violence in Nigeria' (2018) 18 *BMC Public Health* 1

<sup>115</sup> National Population Commission (NPC) [Nigeria] and ICF, 'Nigeria Demographic and Health Survey' 2018 (NPC and ICF, 2019) <<https://www.dhsprogram.com/publications/publication-fr359-dhs-final-reports.cfm>> accessed 6 October 2025.

they are designed to counteract. There are instances where police officers dismiss domestic violence reports as “family matters,” this discourages victims from seeking justice.<sup>116</sup>

The absence of specialised family courts and insufficient shelters weakens the institutional frameworks of Nigeria.<sup>117</sup> Even though the Violence Against Persons (Prohibition) Act 2015 criminalises various forms of abuse, implementation is uneven across states.<sup>118</sup> Writers have attributed this to poor funding, insufficient training, and lack of coordination among relevant agencies.<sup>119</sup>

Customary and religious laws which contradict statutory frameworks tend to create confusion. In Northern Nigeria, for instance, Islamic personal law coexists with the Penal Code, which produces contradictions when treating domestic violence cases.<sup>120</sup>

### **2.5.5 Interaction of Multiple Causes**

None of these causes exist in isolation. They interact dynamically, culture shapes economic dependency, which in turn reinforces institutional failure.<sup>121</sup> This intersectionality mirrors the WHO Ecological Model, which posits that violence arises from the interaction between personal history, relationship dynamics, community norms, and societal structures.<sup>122</sup>

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<sup>116</sup> World Health Organization, *Understanding and Addressing Violence against Women: Intimate Partner Violence* (WHO, 2012) <<https://apps.who.int/iris/handle/10665/77432>> accessed 6 October 2025.

<sup>117</sup> O Oduwole, ‘Culture and the Endurance of Domestic Violence in Nigeria’ (2018) 9(2) *Journal of African Studies and Development* 67.

<sup>118</sup> . AO Alabi, ‘Patriarchy and the Culture of Silence: Socio-Legal Perspectives on Domestic Violence in Nigeria’ (2021) 10(1) *Nigerian Journal of Gender and Law* 55.

<sup>119</sup> CLE Okeke, ‘Law Enforcement and Domestic Violence in Nigeria: Challenges and Prospects’ (2021) 14(3) *Nigerian Journal of Family Law* 122.

<sup>120</sup> O Udom, ‘The Human Rights Dimensions of Domestic Violence in Nigeria’ (2022) 7(2) *Nigerian Journal of Human Rights Law* 55.

<sup>121</sup> LJ Heise, ‘Violence Against Women: An Integrated, Ecological Framework’ (1998) 4(3) *Violence Against Women* 262.

<sup>122</sup> World Health Organization, ‘WHO Multi-Country Study on Women’s Health and Domestic Violence Against Women’ (WHO, 2005) <<https://apps.who.int/iris/handle/10665/43310>> accessed 6 October 2025.

Understanding this interconnectedness is critical for reform. Addressing only one dimension (for instance, punishment of offenders) without transforming the cultural or economic roots will merely treat the symptoms. The persistence of IPA is therefore the cumulative effect of multiple, intersecting causes.

### **2.5.6 Risk Factors Associated with Intimate Partner Abuse**

While causes explain why IPA occurs, risk factors identify the conditions that increase its likelihood.<sup>123</sup> These may not directly produce abuse but heighten vulnerability within specific social settings.

Numerous common risk variables that greatly raise the susceptibility to intimate partner abuse are highlighted by empirical study done in Nigeria. Low educational attainment is a major contributing factor, which limits women's awareness of their legal rights and the options available for support and escape. Economic circumstances frequently exacerbate this, as financial struggle and unemployment increase home stress and create a risky dependency dynamic that makes it difficult for victims to leave. Additionally, substance abuse—especially alcohol and drug abuse acts as a powerful trigger by lowering inhibitions and increasing hostility. Another important factor is the intergenerational cycle of violence; for many people, witnessing violence as a youngster normalises animosity as a legitimate way to settle disputes in relationships. Finally, and perhaps most systemically, the persistence of inadequate institutional protection from distrust in the police to an unresponsive judiciary actively discourages victims from reporting abuse, leaving them without recourse and perpetuating a culture of impunity.

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<sup>123</sup> United Nations Office on Drugs and Crime (UNODC), 'Global Study on Homicide: Gender-related Killing of Women and Girls' (UNODC, 2019) <[https://www.unodc.org/documents/data-and-analysis/gsh/Booklet\\_5.pdf](https://www.unodc.org/documents/data-and-analysis/gsh/Booklet_5.pdf)> accessed 6 October 2025.

The NDHS 2018 confirms that women in the lowest wealth quintile experience the highest rates of physical and sexual violence.<sup>124</sup> Similarly, WHO (2013) identifies social tolerance for violence and gender inequality as universal risk enhancers.<sup>125</sup>

A recognition of these risk factors helps policymakers in designing targeted interventions such as financial empowerment, community education for survivors.

## **2.6 CONSEQUENCES OF INTIMATE PARTNER ABUSE IN NIGERIA**

Understanding the consequences of intimate partner abuse (IPA) is crucial to appreciating its seriousness. The impact of IPA extends far beyond physical harm; it erodes victims' dignity, weakens family structures, and exposes the inefficiency of legal and institutional systems meant to protect citizens.<sup>126</sup>

In Nigeria, these consequences are intensified by poverty, social stigma, and inadequate institutional responses. The death of gospel artist Osinachi Nwachukwu in 2022 remains a tragic symbol of how domestic abuse can escalate to fatal outcomes when victims are not protected.<sup>127</sup>

### **2.6.1 Physical and Health Consequences**

The most immediate consequence of intimate partner abuse is physical harm. Victims often sustain injuries ranging from bruises and burns to permanent disabilities. Medical studies reveal that repeated exposure to such violence leads to chronic pain, fractures, reproductive

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<sup>124</sup> National Population Commission (NPC) [Nigeria] and ICF (n 18) 85.

<sup>125</sup> World Health Organization (n 16) 19.

<sup>126</sup> J Ibekwe, 'Intimate Partner Violence and Women's Rights in Nigeria' (2020) 8(1) *African Human Rights Law Journal* 23.

<sup>127</sup> Chris Ewokor, 'Osinachi Nwachukwu: Nigerian Gospel Singer's Death Sparks Domestic Abuse Debate' (BBC, 2022) *BBC News* <<https://www.bbc.com/news/world-africa-61069214>> accessed 10 October 2025.

complications, and even death.<sup>128</sup> Women who suffer continuous abuse have been found to have higher rates of miscarriage and premature birth.<sup>129</sup>

In *Akinbuwa v Akinbuwa*, the Nigerian Court of Appeal acknowledged physical violence as cruelty sufficient to dissolve a marriage, recognising the link between bodily harm and the denial of marital comfort and safety.<sup>130</sup> Similarly, in *Olatunji v Olatunji*, the court found that persistent physical assaults amounted to a failure of conjugal duty and justified judicial intervention.<sup>131</sup> These judicial acknowledgments reinforce that IPA's physical consequences are not merely personal misfortunes but legal wrongs.

## 2.6.2 Psychological and Emotional Consequences

In addition to physical scars, IPA causes severe psychological and emotional wounds. Victims often experience emotional and mental trauma, including feelings of worthlessness<sup>132</sup> which may persist even after the relationship ends.

According to Aluko, psychological abuse can be as damaging as physical violence.<sup>133</sup> This is seen in the case of Osinachi Nwachukwu, where reports suggested that years of psychological manipulation and intimidation preceded her physical decline.<sup>134</sup>

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<sup>128</sup> World Health Organization, *Violence Against Women Prevalence Estimates, 2018* (WHO, 2021) <<https://www.who.int/publications/i/item/9789240022256>> accessed 10 October 2025.

<sup>129</sup> 6. L Watts and C Zimmerman, 'Violence Against Women: Global Scope and Magnitude' (2002) 359(9313) *The Lancet* 1232.

<sup>130</sup> *Akinbuwa v Akinbuwa* (1998) 7 NWLR (Pt 559) 661 (CA).

<sup>131</sup> *Olatunji v Olatunji* (1984) 7 NWLR (Pt 10) 330.

<sup>132</sup> C Ogbonna, 'Psychological Trauma and Domestic Violence: A Nigerian Perspective' (2020) 14(2) *Nigerian Journal of Clinical Psychology* 75.

<sup>133</sup> T Aluko, 'The Invisible Wounds: Psychological Consequences of Intimate Partner Violence in Nigeria' (2022) 5(1) *African Journal of Mental Health* 45.

<sup>134</sup> *BBC News* (n 2).

This mental burden also extends to children in such households, who often develop anxiety, aggression, and social withdrawal, replicating the cycle of abuse.<sup>135</sup>

### **2.6.3 Socio-Economic Consequences**

The socio-economic costs of IPA are enormous but often underreported. Victims may lose jobs due to absenteeism, reduced productivity, or the need to relocate for safety,<sup>136</sup> and according to reports by UN Women, gender-based violence costs economies up to 2% of their GDP due to lost productivity and health expenses.<sup>137</sup>

In Nigeria, victims are often compelled to stay in abusive households due to stigma and economic dependence.<sup>138</sup> The result is a vicious cycle of poverty and disempowerment. According to a 2021 report by FIDA Nigeria women who experienced partner abuse were three times more likely to fall below the poverty line.<sup>139</sup>

At the national level, such impacts could result in economic losses. The International Labour Organization (ILO, 2019) emphasises that protecting women from violence is not only a human rights duty but also an economic necessity.<sup>140</sup>

### **2.6.4 Legal and Institutional Consequences**

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<sup>135</sup> UNICEF, 'Silent Suffering: The Impact of Domestic Violence on Children in Nigeria' (UNICEF, 2020) <<https://www.unicef.org/nigeria/media/2456/file>> accessed 10 October 2025.

<sup>136</sup> UN Women, Measuring the Cost of Violence Against Women and Its Economic Impact (UN Women, 2020) <<https://www.unwomen.org/en/digital-library/publications/2020/03/measuring-the-cost-of-violence-against-women>> accessed 10 October 2025.

<sup>137</sup> International Labour Organization, 'Ending Violence and Harassment in the World of Work' (ILO, 2019) <[https://www.ilo.org/global/publications/books/WCMS\\_721160/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_721160/lang--en/index.htm)> accessed 10 October 2025.

<sup>138</sup> FIDA Nigeria, 'Women and Access to Justice in Domestic Violence Cases' (FIDA Nigeria, 2021) <<https://fida.org.ng/publications>> accessed 10 October 2025.

<sup>139</sup> Ibid.

<sup>140</sup> ILO (n 17).

The persistence of IPA exposes the fragility of Nigeria's legal and institutional systems. The Public's mistrust of justice is strengthened by every case that remains unpunished. Although physical, emotional, and sexual abuse are prohibited by the Violence Against Persons (Prohibition) Act 2015 (VAPP Act), state-by-state enforcement of this law varies..<sup>141</sup>

Police reluctance and victim blaming attitudes often hinder reporting by victims of abuse.<sup>142</sup> Also the lack of rehabilitation centres, shelters, and other necessary institutional mechanisms complicate the recovery of victims.<sup>143</sup> An observation by NIALS showed that many survivors of domestic abuse get re-victimised by the justice system itself, this deepens the trauma and weakens faith of the public in law enforcement.<sup>144</sup>

### **2.6.5 Societal and Intergenerational Consequences**

Intimate partner abuse normalises violence as a tool of control and this teaches children that domination is an expression of love. UNICEF (2020) reports show that children who witness parental violence are more likely to exhibit similar behaviour as adults.<sup>145</sup>

Social Learning Theory holds that family-based behaviours are passed down through the generations unless they are stopped by intervention and reeducation.<sup>146</sup>

On a larger scale, IPA harms Nigeria's reputation abroad by depicting gender inequality as institutionalised. Additionally, it causes preventable social crises that burden public systems, hospitals, police, and courts. As the Human Rights Watch (2022) report notes, societal

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<sup>141</sup> Violence Against Persons (Prohibition) Act 2015, Laws of the Federation of Nigeria.

<sup>142</sup> CLE Okeke, 'Law Enforcement and Domestic Violence in Nigeria: Challenges and Prospects' (2021) 14(3) *Nigerian Journal of Family Law* 122.

<sup>143</sup> NIALS, 'Assessment of Institutional Responses to Gender-Based Violence in Nigeria' (NIALS, 2021) <<https://nials-nigeria.org/reports/gender-violence-assessment.pdf>> accessed 10 October 2025.

<sup>144</sup> Ibid.

<sup>145</sup> UNICEF (n 14).

<sup>146</sup> A Bandura, *Social Learning Theory* (Prentice Hall, 1977) 25.

acceptance of domestic violence sustains inequality and hinders progress toward the Sustainable Development Goals (SDG 5: Gender Equality).<sup>147</sup>On a larger scale, IPA harms Nigeria's reputation abroad by depicting gender inequality as institutionalised. Additionally, it causes preventable social crises that burden public systems, hospitals, police, and courts.

## **CHAPTER THREE**

### **LEGAL AND INSTITUTIONAL FRAMEWORKS IN NIGERIA**

#### **3.1 Constitutional and Statutory Provisions.**

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<sup>147</sup> Human Rights Watch, 'Nigeria: Domestic Violence and the Pursuit of Gender Equality' (Human Rights Watch, 2022) <<https://www.hrw.org/report/2022/05/11/nigeria-domestic-violence-and-gender-equality>> accessed 10 October 2025.

The preceding chapter examined the nature, causes, and consequences of intimate partner abuse (IPA) in Nigeria, revealing it as a multidimensional problem with devastating effects. Therefore, it is necessary to examine the legal and institutional framework seeking to combat this phenomenon. This chapter begins by exploring the constitutional and statutory provisions that form the legal foundation for addressing intimate partner abuse in Nigeria. These instruments articulate the State's duty to protect citizens from violence, uphold human dignity, and promote gender equality.

### **3.1.1 The Constitution of the Federal Republic of Nigeria, 1999 (as Amended)**

The 1999 Constitution serves as the grundnorm of Nigeria's legal system, and its provisions establish the fundamental rights relevant to the protection of victims of intimate partner abuse. Section 34(1) guarantees the right to dignity of the human person, prohibiting torture, inhuman or degrading treatment.<sup>148</sup> Acts of physical, sexual, or emotional abuse by an intimate partner therefore constitutes a direct violation of this constitutional right.

Section 42(1) further prohibits discrimination on the grounds of sex, which sheds light on the constitutional foundation for gender equality and the protection of women from violence.<sup>149</sup> Although the Constitution does not expressly mention domestic or intimate partner violence, the courts have given a broad interpretation to these rights. In *Uzoukwu v Ezeonu II*, the Court of Appeal explained that inhuman or degrading treatment includes any conduct that humiliates or subjects another to mental or physical suffering.<sup>150</sup>

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<sup>148</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 34(1).

<sup>149</sup> *Ibid*, s 42(1).

<sup>150</sup> *Uzoukwu v Ezeonu II* (1991) 6 NWLR (Pt 200) 708 (CA).

Chapter II of the Constitution contains Fundamental Objectives and Directive Principles of State policy which supports the intervention of the state in domestic violence. While Section 17(2)(a) enjoins the government to ensure equality of rights and opportunities, section 17(3)(f) mandates protection for the dignity of the human person in employment and social relationships.<sup>151</sup> These provisions, though non-justiciable, provide moral and policy guidance to the legislature and judiciary in strengthening laws against abuse.

The Constitution also interacts with international human rights instruments to which Nigeria is a party. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, reinforce Nigeria's commitment to eliminating gender-based violence.<sup>152</sup> In *Abacha v Fawehinmi*, the Supreme Court affirmed that ratified international human rights treaties domesticated by the National Assembly are enforceable in Nigeria.<sup>153</sup>

Consequently, the Constitution, read together with these human rights instruments, establishes a normative foundation for addressing intimate partner abuse as a violation of human dignity and equality before the law.

### **3.1.2 The Violence Against Persons (Prohibition) Act, 2015 (VAPP Act)**

The Violence Against Persons (Prohibition) Act 2015, often referred to as the VAPP Act, represents a significant milestone in Nigeria's fight against domestic and intimate partner abuse.

The Act which was enacted to eliminate violence in both public and private life, provides

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<sup>151</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 17(2)(a), s 17(3)(f).

<sup>152</sup> Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13.

<sup>153</sup> *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228 (SC).

comprehensive definitions of different forms of abuse, including physical, emotional, psychological, and economic violence.<sup>154</sup>

Section 1 of the Act prohibits all forms of violence against persons in both private and public life, while section 19 specifically addresses spousal battery, making it a punishable offence.<sup>155</sup> The Act also provides for protection orders, compensation for victims, and the establishment of shelters and counselling services.<sup>156</sup> These mechanisms mark a shift from the former legal regime which treated domestic abuse as a private matter.

A notable feature of the VAPP Act is its gender-neutral language. The Act recognised that men can also be victims of partner violence. However, implementation challenges persist, as the Act applies directly only within the Federal Capital Territory (FCT), though many states have since adopted similar laws.<sup>157</sup> As of 2025, over 30 states have passed either the VAPP Act or equivalent legislation.<sup>158</sup>

In *FRN v Peter Nwachukwu*, arising from the death of gospel artist Osinachi Nwachukwu, the prosecution relied partly on provisions of the VAPP Act, showing its applicability to intimate partner abuse.<sup>159</sup> The case, which drew national attention, highlights the law's potential and the difficulties in ensuring timely justice for victims.

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<sup>154</sup> Violence Against Persons (Prohibition) Act 2015, s 1.

<sup>155</sup> *Ibid*, s 19.

<sup>156</sup> *Ibid*, s 38.

<sup>157</sup> CLE Okeke, 'Law Enforcement and Domestic Violence in Nigeria: Challenges and Prospects' (2021) 14(3) Nigerian Journal of Family Law 122.

<sup>158</sup> FIDA Nigeria, State Adoption of the VAPP Act <<https://fida.org.ng/state-vapp-implementation-report-2024>> accessed 12 October 2025.

<sup>159</sup> *FRN v Peter Nwachukwu* (FCT High Court, 2023, unreported).

Scholars have stated that although the VAPP Act provides robust protection on paper, its impact has been limited by inadequate funding, lack of awareness, and weak enforcement.<sup>160</sup> The Act remains, however, the most progressive legal instrument addressing intimate partner abuse in Nigeria.

### 3.1.3 The Penal and Criminal Codes

Before the enactment of the VAPP Act, the principal criminal statutes addressing assault and bodily harm were the Criminal Code Act (applicable in southern Nigeria) and the Penal Code (applicable in northern Nigeria). These Codes contain provisions that can be invoked in cases of intimate partner abuse, though they were not originally designed with domestic violence in mind.

Under sections 351–355 of the Criminal Code, assault and battery are criminal offences punishable by imprisonment.<sup>161</sup> Similarly, sections 232–234 of the Penal Code criminalise acts causing hurt or grievous hurt.<sup>162</sup> However, section 55(1)(d) of the Penal Code controversially permits a husband to “correct his wife,” provided no grievous harm is inflicted.<sup>163</sup> This archaic provision is a relic of patriarchal ideology, and has been widely criticised for legitimising domestic violence.

In *Akinbuwa v Akinbuwa*, the Court of Appeal condemned repeated physical violence as cruelty, demonstrating the judiciary’s readiness to override discriminatory statutory provisions in pursuit

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<sup>160</sup> . E Ibekwe, ‘Institutional Responses to Gender-Based Violence in Nigeria: Problems and Prospects’ (2020) 8(1) *African Human Rights Law Journal* 34.

<sup>161</sup> Criminal Code Act, ss 351–355.

<sup>162</sup> Penal Code (Northern States) Federal Provisions Act, ss 232–234.

<sup>163</sup> *Ibid*, s 55(1)(d).

of justice.<sup>164</sup> Similarly, in *Chidinma Uwaoma Nwogu v John Louis Ofoegbu*, the court held that persistent physical and emotional abuse amounted to cruelty under section 15(2)(c) of the Matrimonial Causes Act, granting dissolution and custody to the petitioner.<sup>165</sup>

Despite these judicial advances, enforcement has remained inconsistent. Oftentimes, Police Officers treat domestic violence complaints as “family matters,” and discourage formal prosecution.<sup>166</sup> Section 55(1)(d) is an illustration of how outdated statutory language can undermine the rights of women. It reveals the need for uniformity in legislation against domestic violence across all states.<sup>167</sup>

### **3.1.4 The Child’s Rights Act, 2003**

The Child’s Rights Act (CRA) 2003 is another statute relevant to intimate partner abuse, especially in households where children are exposed to violence. Section 11(b) of the Act guarantees every child the right to dignity and freedom from mental, physical, or emotional injury, while section 30 criminalises any form of torture or inhuman treatment of a child.<sup>168</sup>

Children who witness or experience parental abuse suffer severe emotional and psychological consequences.<sup>169</sup> As a result, the Act extends protection not only to direct victims but also to secondary victims; the children within abusive homes. In *The State v Amina Lawal*, the judiciary

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<sup>164</sup> *Akinbuwa v Akinbuwa* (1998) 7 NWLR (Pt 559) 661 (CA).

<sup>165</sup> *Chidinma Uwaoma Nwogu v John Louis Ofoegbu* (FCT High Court, Suit No: FCT/HC/PET/121/2018, unreported, 22 June 2021) accessed 22 October 2025.

<sup>166</sup> CLE Okeke (n 10) 125.

<sup>167</sup> NIALS, *Assessment of Institutional Responses to Gender-Based Violence in Nigeria* (NIALS, 2021) <[https://nials-nigeria.org/\\_reports/gender-violence-assessment.pdf](https://nials-nigeria.org/_reports/gender-violence-assessment.pdf)> accessed 12 October 2025.

<sup>168</sup> Child’s Rights Act 2003, s 11(b), s 30.

<sup>169</sup> UNICEF, *Silent Suffering: The Impact of Domestic Violence on Children in Nigeria* (UNICEF, 2020) <<https://www.unicef.org/nigeria/media/2456/file>> accessed 12 October 2025.

emphasized the importance of protecting vulnerable persons, particularly women and children, from discriminatory and harmful practices.<sup>170</sup>

Furthermore, section 14(1) of the CRA obliges parents and guardians to provide care and protection consistent with the child's best interests, while section 210 provides for the legal status and rights of a child which is to be given recognition in the administration of justice .<sup>171</sup>

The CRA is an integral part of the legal framework combating intimate partner abuse which aids in protecting children from exposure to violence as a contribution to the breakdown of the intergenerational cycle of abuse.<sup>172</sup>

### **3.2 INSTITUTIONAL MECHANISMS.**

Although statutory provisions form the backbone of the legal response of Nigeria to intimate partner abuse (IPA), the litmus test if its efficacy lies in the institutions established to enforce these laws. Legal protection without proper enforcement mechanisms may amount to symbolic acts of justice. Thus, the institutional framework serves as the operational arm of the law which provides victims with access to protection, justice, and rehabilitation.

Nigeria's institutional framework comprises governmental agencies, law enforcement bodies, human rights institutions, and civil society organisations. These mechanisms embody the state's

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<sup>170</sup> *The State v Amina Lawal (2003) 5 NWLR (Pt 836) 150.*

<sup>171</sup> Child's Rights Act 2003, ss 14(1), 210.

<sup>172</sup> UNICEF (n 22).

concrete efforts to meet its obligations under both national and international law to eliminate violence against persons, particularly women and vulnerable groups.<sup>173</sup>

### 3.2.1 The Nigeria Police Force and Gender Desks

The Nigeria Police Force (NPF) remains the frontline institution for responding to cases of intimate partner abuse. In response to the persistent efforts of gender rights organisations, the Gender Unit of the NPF was formally established in 2015 to handle gender-based violence (GBV) and domestic abuse cases.<sup>174</sup> Today, these Gender Desks, now operational across most state commands, provide victim-friendly environments to report and document IPA cases.<sup>175</sup>

The establishment of these desks aligns with section 4 of the Police Act 2020, which mandates the police to safeguard lives and property and to prevent and detect crime.<sup>176</sup> The Force Gender Policy of 2019 further regularised gender-sensitive protocols, by directing officers to respect survivors' confidentiality and facilitate rapid access to shelters and medical care.<sup>177</sup>

In spite of this progress, stigmatization, police reluctance, as well as demands for informal settlement are often encountered by victims.<sup>178</sup> Sometimes, complaints are dismissed as “family matters,” and this reflects poor cultural attitudes which discourage intervention in domestic

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<sup>173</sup> UN Women, *Gender-Based Violence in Nigeria: Institutional Response Assessment* (UN Women, 2023) <<https://nigeria.un.org/media/gbv-assessment-2023.pdf>> accessed 22 October 2025.

<sup>174</sup> Nigeria Police Force, *Gender Policy for the Nigeria Police Force* (NPF, 2019).

<sup>175</sup> CLEEN Foundation, *Police and Gender-Based Violence in Nigeria* (CLEEN, 2020) 7.

<sup>176</sup> Police Act 2020, s 4

<sup>177</sup> Nigeria Police Force (n 2) para 3.4.

<sup>178</sup> UNFPA, *Gender-Based Violence and Law Enforcement in Nigeria* (UNFPA, 2021) 12.

disputes.<sup>179</sup> According to studies by CLEEN Foundation and UN Women, fewer than 35% of GBV cases reported to the police result in formal prosecution.<sup>180</sup>

Even so, successful interventions exist. For instance, in *FRN v Peter Nwachukwu*, the police played a major investigative role in prosecuting Osinachi Nwachukwu's husband for culpable homicide under the VAPP Act.<sup>181</sup>

### **3.2.2 The National Human Rights Commission (NHRC)**

The NHRC was established by the NHRC Act 1995 (as amended) and functions as Nigeria's principal human rights institution. It derives its mandate from sections 5 and 6 of the Act, which empowers it to investigate complaints of human rights violations and to monitor State compliance with international human rights instruments.<sup>182</sup>

The NHRC has played an active role in addressing intimate partner abuse through its Gender and Women's Rights Unit, which coordinates GBV complaints, engages in advocacy, in collaboration with the police and judiciary.<sup>183</sup> In 2022, over 4,000 GBV-related complaints were received by the commission nationwide, and many of them involved intimate partners.<sup>184</sup>

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<sup>179</sup> CLEEN Foundation (n 3) 9.

<sup>180</sup> UN Women (n 1) 22.

<sup>181</sup> *FRN v Peter Nwachukwu* (FCT High Court, 2023, unreported).

<sup>182</sup> National Human Rights Commission Act Cap N46 LFN 2010, ss 5–6.

<sup>183</sup> NHRC, *2022 Annual Report on Human Rights Violations in Nigeria* (NHRC, 2023) 14.

<sup>184</sup> *Ibid* 18.

The NHRC's Human Rights Situation Reports have successfully highlighted systemic issues like underreporting, institutional bias, and inadequate shelter provisions.<sup>185</sup>

In addition to this, the Commission has worked on building strategic alliances with UNFPA, FIDA, and Project Alert to provide training and handle case referrals.<sup>186</sup> For instance, these partnerships often help streamline the referral process for those affected.

Yet, even with its robust mandate, the NHRC lacks enforcement authority. Its recommendations are merely advisory unless they are backed by court orders.<sup>187</sup>

### **3.2.3 Ministry of Women Affairs and Social Development**

The Federal Ministry of Women Affairs and Social Development (FMWASD) acts as a policy and coordinating agency on issues of gender equality, family welfare and the empowerment of women in Nigeria. The Ministry's Gender Policy Framework (2021–2026) highlights the elimination of gender-based violence and enhanced representation of women in decision-making.<sup>188</sup>

The Ministry runs a National GBV Response Coordination Centre, established in 2020 with support from the UN Population Fund (UNFPA) and EU-UN Spotlight Initiative.<sup>189</sup> This centre responds to distress calls and connects victims with shelters and legal aid in real time.

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<sup>185</sup> NHRC, Human Rights Situation Report (NHRC, 2022) 8.

<sup>186</sup> UNFPA Nigeria, *GBV Case Management and Referral Report* (UNFPA, 2023).

<sup>187</sup> NHRC Act (n 10) s 6(1).

<sup>188</sup> Federal Ministry of Women Affairs, *National Gender Policy* (2021–2026) (FMWASD, 2021).

<sup>189</sup> UNFPA, *Spotlight Initiative Nigeria: Annual Report* (UNFPA, 2022) 13.

The FMWASD also collaborates with Ministries of Women Affairs in all the states to ensure enforcement of the VAPP Act, throughout the federation. For example, it has initiated the “Orange the World” campaign that in 2022 traced 6,850 GBV cases and a significant number of them were intimate partner abuses.<sup>190</sup>

Despite these efforts, the Ministry operates on tight budget and logistical constraints, with sparse penetration into rural areas.<sup>19</sup> However, leadership by the CSO in gender policy reform and guiding institutional collaboration is still instrumental in Nigeria’s response plan.

### **3.2.4 National Agency for the Prohibition of Trafficking in Persons (NAPTIP)**

Established primarily by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 to fight human trafficking, NAPTIP’s mandate has widened to include GBV and domestic servitude, which frequently crosses over with intimate partner abuse.<sup>191</sup>

In 2022, NAPTIP was appointed as the National Coordination Body for the Enforcement of the VAPP Act within the FCT by the Federal Government.<sup>192</sup> It now runs hotlines and crisis response centres for survivors of domestic and sexual violence.<sup>193</sup>

NAPTIP has also been involved in more than 2,000 domestic violence cases through its Violence Against Persons Unit since 2019.<sup>194</sup> The partnership between the Agency and NGOs like

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<sup>190</sup> FMWASD, *2022 GBV Situation Report* (FMWASD, 2023).

<sup>191</sup> Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015, s 2.

<sup>192</sup> NAPTIP, National Coordination Report on the Enforcement of the VAPP Act (NAPTIP, 2023).

<sup>193</sup> Ibid 10.

<sup>194</sup> Ibid 12.

WARDC and Project Alert allows for a diversity of approach consisting of law enforcement, psychological help, and thus social support.<sup>195</sup>

Nevertheless, like several other agencies, the reach of NAPTIP is largely also hamstrung by underfunding, bureaucratic conflict and lack of synergy with state-born enforcement bodies.<sup>196</sup>

### **3.2.5 Shelters and Non-Governmental Organisations**

Non-governmental organizations (NGOs) are still at the heart of responses at community level against IPA. Organisations like Women Advocates Research and Documentation Centre (WARDC), Project Alert on Violence Against Women, and FIDA (Nigeria) offer vital civil society legal aid that connects between the law on paper and life.<sup>197</sup>

The group, WARDC, has shelters in Lagos and Abuja that provide safe housing, legal help and psychosocial support for survivors.<sup>198</sup> Project Alert established Nigeria's first shelter for abused women, Sophia's Place, in 2001 and maintains a national awareness campaign.<sup>199</sup> On the other hand, FIDA Nigeria has set up legal aid clinics in 23 states where survivors can obtain free representation.<sup>200</sup>

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<sup>195</sup> WARDC, Annual Gender-Based Violence Report (WARDC, 2022).

<sup>196</sup> NIALS, Assessment of Institutional Responses to GBV in Nigeria (NIALS, 2021).

<sup>197</sup> WARDC (n 24) 3.

<sup>198</sup> Ibid 5.

<sup>199</sup> Project Alert, Twenty Years of Advocacy: 2001–2021 Report (Project Alert, 2021).

<sup>200</sup> FIDA Nigeria, Legal Aid and GBV Intervention Report (FIDA, 2023).

These organisations are also helping with law reform and the training of police and judicial officers.<sup>201</sup> Their social control serves to complement State institutions making justice available even in cases where formal mechanisms prove ineffective.

### **3.2.6 Emerging and Supportive Mechanisms**

There is the emergence of state GBV response teams in recent times, as well as the napvap established at the national and states levels such as lagos, edo and ekiti.<sup>202</sup> both these agencies function as coordinating entities for VAPP act implementation across all states including non-state actors.

Also, the Nigerian correctional service has established family and gender units in the custodial centres to help with rehabilitation of criminals involved in gbv-related offences.<sup>203</sup> Although these units are still in an experimental phase, they represent an evolution toward more restorative justice practices to address intimate partner abuse.

### **3.3 Judicial Attitudes and Case Law.**

Nigeria's changing framework on intimate partner abuse (IPA) is still ultimately interpreted by the judiciary. The impact of laws like the Violence Against Persons (Prohibition) Act 2015 and its state counterparts rests on how courts interpret the statutory intent and apply it to actual justice. Therefore, judicial reasoning determines whether victims, particularly women, find protection or discrimination within the system.

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<sup>201</sup> Ibid 14.

<sup>202</sup> NAPVAP, State GBV Response and Coordination Mechanisms Report (NAPVAP, 2023).

<sup>203</sup> Nigerian Correctional Service, Gender and Family Reintegration Programme Report (NCoS, 2022).

In the past, Nigerian courts prioritised reconciliation over accountability and saw domestic abuse as a private family matter. Long-standing patriarchal norms and societal unease with disclosing domestic abuse were reflected in this conservative position. Nonetheless, recent court rulings and ongoing legal actions show a slow but steady move in the right direction towards acknowledging IPA as a public wrong and a violation of the 1999 Constitution's Section 34(1)(a) guarantee of human dignity.<sup>204</sup>

Importantly, while women are still the most affected by IPA, courts have also recognised cases where men were abused by their partners, indicating a broader understanding that intimate partner violence transcends gender.<sup>205</sup> Judicial attitudes have begun to balance social realities with constitutional obligations, shaping a rights-based interpretation of domestic relations in Nigeria.

### **3.3.1 Judicial Recognition of Cruelty and Abuse**

Cruelty has been a common topic in Nigerian judicial discourse as proof of intimate partner abuse and as a basis for divorce. From a limited physical definition, the courts' view of cruelty has expanded to acknowledge that emotional and psychological abuse can just as easily undermine the basis of marital companionship. This change reflects society's increasing recognition that violence in intimate relationships encompasses behaviours that dehumanise, threaten, or emotionally control a partner in addition to physical harm.

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<sup>204</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 34(1)(a).

<sup>205</sup> The Guardian Nigeria, “*Woman Jailed for Pouring Hot Oil on Husband in Lagos*” (The Guardian, 7 July 2019) <<https://guardian.ng/news/woman-jailed-for-pouring-hot-oil-on-husband-in-lagos/>> accessed 22 October 2025.

Other Nigerian laws have gradually broadened the definition of abuse and cruelty beyond the marital context, even though the Matrimonial Causes Act (MCA) 1970 is still the main law that expressly recognises "cruelty" under section 15(2)(c) as a reason for ending a marriage. Anyone in a domestic or intimate relationship, married or not, is protected by the Violence Against Persons (Prohibition) Act (VAPP) 2015, which defines violence broadly to include economic, verbal, psychological, sexual, and physical abuse.<sup>206</sup> Similar to this, assault, grievous harm, and intimidation, all of which commonly occur in intimate partner settings are criminalised under the Criminal Code Act (which applies in the South) and the Penal Code Act (which applies in the North).<sup>207</sup> The right to dignity and freedom from inhuman treatment are also guaranteed by Section 34(1)(a) of the Federal Republic of Nigeria's 1999, amended Constitution, and the Child's Rights Act of 2003 forbids any kind of physical or psychological abuse of children in the home.<sup>208</sup> Together, these clauses highlight how the Nigerian legal system views cruelty as a criminal justice and human rights issue rather than just a marital transgression.

In *Akinbuwa v. Akinbuwa*, the Court of Appeal categorically denounced a husband's repeated abuse and mistreatment of his wife, concluding that such behaviour qualified as cruelty under section 15(2)(c) of the Matrimonial Causes Act. The court emphasised that marriage is not a license for dominance or physical violence, but rather for mutual comfort and support. The ruling represented a progressive change from previous rulings that accepted "disciplinary correction" as a husband's cultural right. The decision reaffirmed that cruelty would now be

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<sup>206</sup> Violence Against Persons (Prohibition) Act 2015, ss 19–23, 46.

<sup>207</sup> Criminal Code Act (Cap C38 LFN 2004), ss 351–356; Penal Code Act (Cap P3 LFN 2004), ss 240–245.

<sup>208</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 34(1)(a); Child's Rights Act 2003, ss 11(b), 30(1).

viewed by the law as a public issue involving human safety and dignity rather than as a personal transgression.<sup>209</sup>

In a similar vein, the Federal Capital Territory's High Court granted a petition for dissolution on the grounds of cruelty in *Chidinma Uwaoma Nwogu v. John Louis Ofoegbu* after discovering evidence of repeated emotional and physical abuse. The Matrimonial Causes Act's legal threshold for cruelty was met by the court, noting that prolonged verbal abuse, humiliation, and intimidation by one spouse against the other could cause the same mental distress as physical violence.<sup>210</sup> This interpretation expands the judicial understanding of abuse beyond visible injuries to include emotional trauma, an approach consistent with the VAPP Act 2015.

Although it happens infrequently, Nigerian courts have also acknowledged cruelty in cases involving male victims. In 2019, a Lagos magistrate's court found a woman guilty of assault under the Lagos State Criminal Law after she poured hot oil on her husband during a domestic dispute.<sup>211</sup> The case garnered public attention as one of the few times a male victim of domestic abuse received legal recognition, despite not being mentioned in the law reports. Such acknowledgement marks a gradual but significant move towards judicial protection that is inclusive of all genders.

These cases demonstrate how Nigerian courts are progressively redefining domestic abuse and cruelty as human rights violations rather than simple marital discord. However, the lack of

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<sup>209</sup> *Akinbuwa v Akinbuwa* (1998) 7 NWLR (Pt 559) 661.

<sup>210</sup> *Chidinma Uwaoma Nwogu v John Louis Ofoegbu* (FCT High Court, Suit No: FCT/HC/PET/121/2018, unreported, 22 June 2021) <<https://www.fcthighcourt.gov.ng/wp-content/uploads/2025/08/CHIDINMA-UWAOMA-NWOGU-VS-JOHN-LOUIS-OFOEGBU-DISSOLUTION-OF-MARRIAGE-CUSTODY-.pdf>> accessed 22 October 2025.

<sup>211</sup> The Guardian Nigeria, “Woman Jailed for Pouring Hot Oil on Husband in Lagos” (The Guardian, 7 July 2019) <<https://guardian.ng/news/woman-jailed-for-pouring-hot-oil-on-husband-in-lagos/>> accessed 22 October 2025.

appellate precedent regarding emotional and psychological abuse and the continued variation in judicial interpretation across jurisdictions leave many victims, especially women, vulnerable to uneven relief. Therefore, it is still crucial to improve gender-sensitivity training and judicial education to guarantee that all forms of partner abuse are regarded as morally and legally unacceptable.

### **3.3.2 Judicial Approach to Criminal Liability in Intimate Partner Abuse Cases**

In Nigeria, the criminalisation of intimate partner abuse (IPA) represents a significant change in the way judges view domestic violence: they no longer see it as a private matter but rather as a public crime that compromises human dignity and the rule of law. Criminal prosecutions aim to punish offenders and discourage future abuse, in contrast to matrimonial proceedings, which primarily grant dissolution of marriage. Therefore, Nigerian courts play a crucial role in changing public perceptions by proving that abuse of intimate partners, whether it occurs within or outside of marriage, has legal repercussions.

The trial of Peter Nwachukwu, the late gospel singer Osinachi Nwachukwu's husband, is among the most notable examples of this change. Following reports that the singer's death was caused by prolonged physical abuse, the case gained national attention.<sup>212</sup> Mr. Nwachukwu was charged by the Federal Capital Territory (FCT) High Court with culpable homicide and other offences under the 2015 Violence Against Persons (Prohibition) Act (VAPP).<sup>213</sup> The National Human Rights Commission and civil society organisations vigorously supported the trial, hailing it as a historic demonstration of Nigeria's willingness to handle domestic homicide as a public crime as

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<sup>212</sup> BBC News Pidgin, “*Court Case of Gospel Singer Osinachi Nwachukwu’s Husband Charged with Culpable Homicide*” (BBC, 2023) <<https://www.bbc.com/pidgin/articles/c41z91yv3r5o>> accessed 22 October 2025.

<sup>213</sup> Violence Against Persons (Prohibition) Act 2015, ss 14, 19

opposed to a marital tragedy.<sup>214</sup> Although procedural delays, concerns about witness protection, and media sensationalism exposed ongoing flaws in the legal system, the court's consideration of medical and autopsy evidence demonstrated a more forensic approach to intimate partner crimes.

The way in which non-marital intimate relationships are treated by the courts has also changed. In order to prosecute violence in romantic or cohabiting relationships, courts have applied general criminal provisions, such as those pertaining to assault, murder, and grievous harm. For example, a man was arrested in Edo State in 2023 after killing and dismembering his girlfriend following an argument, according to a report by Premium Times.<sup>215</sup> Similarly, police in Kano arrested a suspect accused of strangling his pregnant girlfriend, with the matter transferred to the State High Court for prosecution under the Penal Code.<sup>216</sup> These instances show how Nigerian courts are beginning to recognise that intimate partner abuse encompasses any close or emotional relationship in which one partner uses violence or coercive control over the other and is not limited to marriage.

Crucially, although it is uncommon, male victims have also been acknowledged by the courts in criminal cases. A woman was sentenced under Lagos State's Criminal Law in 2019 after a Lagos Magistrate Court found her guilty of splattering hot oil on her husband during a domestic

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<sup>214</sup> National Human Rights Commission (NHRC), *Press Statement on the Prosecution of Osinachi's Husband* (NHRC, 2023) <<https://nhrc.gov.ng/press-release-on-osinachi-case>> accessed 22 October 2025.

<sup>215</sup> Premium Times, “*Man Arrested for Killing and Dismembering Girlfriend in Edo*” (Premium Times, 29 October 2023) <<https://www.premiumtimesng.com/news/headlines/632056-man-arrested-for-killing-and-dismembering-girlfriend-in-edo.html>> accessed 22 October 2025.

<sup>216</sup> Daily Trust, “*Man Arrested for Strangling Pregnant Girlfriend in Kano*” (Daily Trust, 15 September 2023) <<https://dailytrust.com/man-arrested-for-strangling-pregnant-girlfriend-in-kano>> accessed 22 October 2025.

dispute.<sup>217</sup> Despite their rarity, these cases show how the judiciary is becoming more receptive to the gender-neutral application of the criminal code in domestic settings.

However, there are still a lot of obstacles to overcome when pursuing IPA cases. Prosecutors find it difficult to get independent witnesses or timely forensic reports, and victims frequently drop complaints as a result of financial dependence or family pressure. Courts occasionally have to strike a balance between the need for deterrence and cultural expectations of reconciliation. Notwithstanding these challenges, judges' increasing readiness to apply both general and specialised laws such as the VAPP Act, Criminal Code, and Penal Code indicates a growing body of case law that places IPA within the larger constitutional guarantee of dignity under Section 34(1)(a) of the 1999 Constitution.

Overall, there has been cautious but steady progress in Nigerian judges' views regarding criminal liability in IPA cases.

### **3.3.3 Judicial Conservatism and Gender Bias in Adjudication**

Despite Nigeria's slow progress in acknowledging intimate partner abuse (IPA) as a legal wrong, the country's judiciary continues to struggle with traces of conservatism and gender bias that influences both interpretation and enforcement. Some courts' unwillingness to stray from conventional wisdom, which treats domestic abuse as a private, family matter best settled through reconciliation rather than punishment, is an example of judicial conservatism. Because of these attitudes, which have their roots in patriarchal legal traditions, women have historically

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<sup>217</sup> The Guardian Nigeria, “*Woman Jailed for Pouring Hot Oil on Husband in Lagos*” (The Guardian, 7 July 2019) <<https://guardian.ng/news/woman-jailed-for-pouring-hot-oil-on-husband-in-lagos/>> accessed 22 October 2025.

had less access to justice, and laws such as the Violence Against Persons (Prohibition) Act (VAPP) 2015 have had less of an impact.

Cultural norms that continue to value women's endurance and silence in marriage are partially to blame for the persistence of these biases. The distinction between restorative and repressive justice has been blurred in certain proceedings when judges and court officials have reportedly urged victims to "settle" disputes for the sake of family harmony.<sup>218</sup> Section 34(1)(a) of the 1999 Constitution, which protects everyone's right to dignity and freedom from degrading treatment, is in conflict with such judicial views. They also go against Nigeria's commitments under the 1985-ratified Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which mandates that State Parties actively enforce the law to end gender-based violence.<sup>219</sup>

Criminal prosecutions are officially public proceedings in which only the State has the authority to drop charges, yet, many cases of Intimate partner abuse in Nigeria actually come to an early conclusion when the parties reconcile. Victims frequently plead with the police or prosecutors to end the case, pointing to cultural expectations of forgiveness, financial dependence or family pressure.<sup>220</sup>

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<sup>218</sup> Women Advocates Research and Documentation Centre (WARDC), *Justice Delayed: A Study on the Enforcement of the VAPP Act in Nigeria* (WARDC, 2022) 14.

<sup>219</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW).

<sup>220</sup> Women Advocates Research and Documentation Centre (WARDC), *Justice Delayed: A Study on the Enforcement of the VAPP Act in Nigeria* (WARDC, 2022) 14.

In order to discourage further prosecution, police officers frequently promote reconciliation by viewing domestic abuse as a "family matter" as opposed to a public offence.<sup>221</sup> Furthermore, if the complainant declines to testify, prosecutors may enter a *nolle prosequi* or quietly drop charges, thereby ending the case. One prominent example is the well-publicized case of Nigerian musician Wasiu Goriola, better known by his stage name Lil Frosh, whose girlfriend formally retracted her assault complaint following their reconciliation.<sup>222</sup> Even though laws like the VAPP Act make abuse of intimate partners illegal, these facts illustrate how social pressure and judicial conservatism can undermine criminal accountability in these cases.

The framing of judgements and evidentiary expectations can reveal subtle forms of judicial bias, which are not always obvious. Although the VAPP Act acknowledges that domestic abuse frequently takes place in private, without witnesses, some courts, for instance, require supporting medical evidence before accepting a victim's testimony of physical violence.<sup>223</sup> The Nigerian Institute of Advanced Legal Studies (NIALS) has pointed out that this evidentiary rigidity disproportionately burdens victims and deters reporting.<sup>224</sup> Additionally, research by UN Women Nigeria indicates that the majority of female survivors drop legal proceedings because it is believed that there will be bias, delays, or humiliation during cross-examination.<sup>225</sup>

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<sup>221</sup> Fund for Peace, "*Domestic Violence in Rivers State: Police and Community Responses*" (Fund for Peace Report, 2018) <<https://fundforpeace.org/domestic-violence-rivers-state-report>> accessed 24 October 2025.

<sup>222</sup> The Cable Lifestyle, "*Lil Frosh's Girlfriend Withdraws Assault Case against Him*" (The Cable Lifestyle, 29 March 2022) <<https://lifestyle.thecable.ng/lil-froshs-girlfriend-withdraws-assault-case-against-him/>> accessed 24 October 2025.

<sup>223</sup> Violence Against Persons (Prohibition) Act 2015, s 38(2).

<sup>224</sup> Nigerian Institute of Advanced Legal Studies (NIALS), "*Gender Justice and the Nigerian Judiciary*" (Policy Brief, 2020) <<https://www.nials-nigeria.org/PUBLICATIONS/GenderJusticeReport2020.pdf>> accessed 23 October 2025.

<sup>225</sup> UN Women Nigeria, "*Gender Bias in the Administration of Justice: A Situational Analysis*" (UN Women, 2021) <<https://nigeria.unwomen.org/en/resources/2021/09/gender-bias-justice-report>> accessed 23 October 2025.

Nonetheless, encouraging changes are occurring in the direction of a more gender-sensitive judicial culture. Dedicated magistrates with gender justice training now serve in specialised Gender-Based Violence (GBV) courts, like those set up in Lagos and Ekiti States.<sup>226</sup> Gender Sensitivity and Human Rights Training Modules have also been added to the National Judicial Institute's (NJI) continuing education programs for judges.<sup>227</sup> These changes reflect an institutional recognition that comprehending the social and psychological aspects of abuse is necessary for achieving impartial justice.

Notably, men who experience abuse frequently encounter institutional scepticism, despite the fact that women make up the majority of victims. Male victims often face disbelief from police or court officials who view them as less credible complainants, according to case studies and media reports.<sup>228</sup> This demonstrates how gender bias in the legal system affects both men and women, failing men through disbelief and failing women through neglect.

Overall, Nigerian anti-violence laws are still subject to judicial conservatism and gender bias, which can weaken the spirit of the VAPP Act and the section 42 constitutional guarantee of equality. However, the establishment of GBV courts and initiatives to increase judicial capacity show that patriarchal presumptions are gradually being abandoned by the system. In order to ensure that justice in cases of intimate partner abuse is fair, gender-sensitive, and firmly based on

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<sup>226</sup> The Guardian Nigeria, “*Lagos Inaugurates First Domestic and Sexual Violence Court*” (The Guardian, 27 November 2022) <<https://guardian.ng/news/lagos-inaugurates-first-domestic-and-sexual-violence-court/>> accessed 23 October 2025.

<sup>227</sup> National Judicial Institute (NJI), “*Annual Judicial Training on Gender-Based Violence and Human Rights*” (NJI, 2023) <<https://nji.gov.ng/training-reports/gbv-judicial-training-2023>> accessed 23 October 2025.

<sup>228</sup> Punch Newspapers, “*Male Domestic Violence Victims Speak Out in Lagos*” (The Punch, 14 August 2022) <<https://punchng.com/male-domestic-violence-victims-speak-out-in-lagos/>> accessed 23 October 2025.

human dignity, the judiciary must not only apply the law but also live out its transformative mission.

### **3.3.4 Evolving Jurisprudence and Emerging Prospects**

In recent years, Nigeria's judicial system has demonstrated a promising change in its approach to intimate partner abuse (IPA), progressively moving away from the conservative shadows and towards a more rights-oriented and gender-sensitive body of law. Though deep-rooted cultural norms and institutional inertia still prevent complete change, the judiciary's growing recognition of IPA as a public wrong based on human dignity marks a significant departure from earlier, patriarchal interpretations of domestic relations law.

This development can be attributed to the gradual adoption of legal and constitutional principles that define violence against intimate partners as a violation of the human right to dignity under section 34(1)(a) of the 1999 Constitution. Courts are increasingly applying a human-rights perspective to the interpretation of laws such as the Violence Against Persons (Prohibition) Act (VAPP) 2015 in order to expand protection beyond physical harm to include emotional, psychological, and financial abuse.<sup>229</sup> In addition, judicial reasoning has begun to highlight equality under section 42 of the Constitution, reaffirming that both men and women have the right to legal recourse for violence committed against them by intimate partners and at home.<sup>230</sup>

This jurisprudential change has been strengthened by significant institutional reforms. In an effort to expedite the administration of justice in IPA cases, specialised Gender-Based Violence

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<sup>229</sup> Violence Against Persons (Prohibition) Act 2015, ss 19–23.

<sup>230</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 34(1)(a), 42(1).

(GBV) courts were established. These courts were first established in Lagos in 2022 and have since been replicated in states such as Ekiti, Enugu, and the Federal Capital Territory.<sup>231</sup> These courts, which are funded by the Ministry of Justice and the National Judicial Council, are run by qualified judges and magistrates who undergo ongoing training in trauma-informed interviewing, victim protection procedures, and gender-sensitive adjudication.<sup>232</sup> To ensure that trial judges are prepared to handle IPA cases with compassion and procedural fairness, the National Judicial Institute (NJI) has included modules on gender justice, human rights, and domestic violence litigation in its continuing judicial education programs.<sup>233</sup>

A greater willingness to impose deterrent sentences is also evident in recent court rulings. The Federal Capital Territory's High Court found the defendant guilty of culpable homicide in *State v. Maryam Sanda* for killing her husband during a violent domestic dispute and sentenced her to death.<sup>234</sup> The court's decision emphasised that domestic violence is a serious crime and not a "private domestic disagreement," regardless of whether it is committed by a man or a woman. Nigerian courts will no longer allow deadly violence in intimate settings, Despite the sentence's mixed public reactions, it showed that the Nigerian courts will no longer allow deadly violence in intimate settings.

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<sup>231</sup> The Guardian Nigeria, "Lagos Inaugurates First Domestic and Sexual Violence Court" (The Guardian, 27 November 2022) <<https://guardian.ng/news/lagos-inaugurates-first-domestic-and-sexual-violence-court/>> accessed 24 October 2025.

<sup>232</sup> Lagos State Ministry of Justice, "Press Release on Establishment of Special GBV Courts" (MoJ Lagos, 2022) <<https://lagosministryofjustice.org/gbv-courts-press-release/>> accessed 24 October 2025.

<sup>233</sup> National Judicial Institute (NJI), "Annual Judicial Training on Gender-Based Violence and Human Rights" (NJI, 2023) <<https://nji.gov.ng/training-reports/gbv-judicial-training-2023>> accessed 24 October 2025.

<sup>234</sup> *State v Maryam Sanda* (FCT High Court, Suit No FCT/HC/CR/15/2018, judgment delivered 27 January 2020).

The tone of adjudication has also begun to change as a result of collaboration outside the courtroom between the judiciary and civil society. Organisations such as FIDA Nigeria, Project Alert, and the Mirabel Centre provide victims with shelter, legal aid, and psychosocial support while monitoring compliance with court orders.<sup>235</sup> Judicial cooperation with these groups has led to better victim participation in trials and more informed sentencing decisions.

Another frontier is technological innovation. In order to speed up proceedings and lessen the trauma of confronting abusers in person, some state judiciaries, most notably Lagos have implemented electronic filing systems and virtual testimonies for vulnerable witnesses.<sup>236</sup> Similarly, in order to guarantee that IPA cases involving sexual exploitation receive coordinated attention, the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), through its enlarged Violence Against Persons department, has begun to share data with courts.<sup>237</sup>

However, the possibility of a totally changed judicial culture requires consistent political will and resource allocation. The personnel and resources required to effectively implement the VAPP Act are still lacking in many courts located outside of major cities. Judges' interpretive authority is limited in states that have not yet domesticated the Act because they still rely on earlier sections of the Criminal or Penal Code. These disparities highlight the necessity of consistent federal enforcement strategies and ongoing judicial training on new types of partner abuse, such as economic deprivation and digital stalking.

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<sup>235</sup> Project Alert, “Annual Report on Intimate Partner Violence in Nigeria” (Project Alert, 2022) <<https://projectalertnig.org/reports/annualreport2022.pdf>> accessed 24 October 2025.

<sup>236</sup> Lagos State Judiciary, “Virtual Testimonies and Digital Filing in GBV Cases” (Lagos Judiciary Press, 2023) <<https://lagosjudiciary.gov.ng/news/virtual-testimonies-gbv>> accessed 24 October 2025.

<sup>237</sup> National Agency for the Prohibition of Trafficking in Persons (NAPTIP), “Violence Against Persons Unit Annual Report” (NAPTIP, 2023) <<https://naptip.gov.ng/reports/vapp-unit-2023.pdf>> accessed 24 October 2025.

Notwithstanding these drawbacks, it is clear that Nigerian courts are progressively changing from being passive arbiters of internal strife to being proactive defenders of human rights. The judiciary is gradually developing a body of precedent that acknowledges intimate partner abuse as a matter of public justice, not private endurance.

### **3.4 LIMITATIONS AND CHALLENGES IN ENFORCEMENT.**

Even though Nigeria's judiciary has made significant progress in recognising that intimate partner abuse is against both criminal law and human rights, there are still many problems with the broader enforcement system. The existence of progressive laws and specialised courts has not always translated into effective victim protection. Persistent institutional, cultural, religious and procedural barriers continue to impede access to justice and the efficacy of reforms.

#### **3.4.1 Underfunded and Overburdened Institutions.**

In Nigeria, there is significant institutional fragility that hinders the enforcement of laws addressing intimate partner abuse (IPA). Despite being required to handle cases of domestic violence, a number of organizations including the Ministry of Women Affairs, the National Human Rights Commission (NHRC), and police gender desks frequently face ongoing financial and logistical challenges. Their capacity to look into complaints, assist victims, and get convictions is severely weakened by these restrictions.

Most police formations in Nigeria lack the necessary infrastructure to handle gender-based violence effectively. Gender desks established to address cases of domestic or sexual abuse are frequently understaffed, underequipped, and poorly supervised.<sup>238</sup> Officers posted to such units

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<sup>238</sup> Women Advocates Research and Documentation Centre (WARDC), "Justice Delayed: A Study on the Enforcement of the VAPP Act in Nigeria" (WARDC, 2022) 19.

often have limited training in trauma-sensitive interviewing, leading to re-victimisation and the loss of crucial evidence. The absence of dedicated forensic laboratories in many states also forces investigators to rely on basic medical reports that are insufficient for prosecution.<sup>2</sup>

The majority of Nigerian police units are not equipped to deal with gender-based violence in an efficient manner. Oftentimes, gender desks created to handle cases of sexual or domestic abuse are understaffed, underequipped, and inadequately monitored. <sup>1</sup> Oftentimes, the officers assigned to these units lack training in trauma-sensitive interviewing and this can result in re-victimization or even the destruction of important evidence. Investigators are also forced to rely on rudimentary medical reports that are insufficient for prosecution because many states lack specialised forensic laboratories.<sup>239</sup>

Despite having the legal authority to receive complaints of rights violations under section 5 of its Establishment Act, the National Human Rights Commission (NHRC) faces financial and personnel shortages.<sup>240</sup> There aren't many field officers, and many regional offices don't have the resources to keep an eye on or investigate reports of intimate partner abuse. As a result, many complaints go unanswered or unresolved, particularly in rural areas where victims rely more on community and religious leaders than official institutions.

In a similar vein, operational difficulties restrict the reach of the Ministry of Women Affairs at the federal and state levels. It is challenging to maintain emergency hotlines, public awareness campaigns, and shelters because budgetary allocations are frequently erratic or insufficient. The WARDC Report on Enforcement of the VAPP Act (2022) states that a lack of resources

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<sup>239</sup> Amnesty International, "Nigeria: Police Failures and Gender-Based Violence Investigations" (Amnesty Report, 2021) <<https://www.amnesty.org/en/latest/research/2021/10/nigeria-police-failures-gbv/>> accessed 25 October 2025.

<sup>240</sup> National Human Rights Commission (Establishment) Act 2010, s 5.

prevented several state ministries from offering survivors immediate housing or psychosocial support.<sup>241</sup> Because of these gaps, victims either go back to their abusers or give up on their legal action completely.

Non-governmental organisations (NGOs) like Project Alert and FIDA Nigeria have filled some of these gaps, but they are not a replacement for state capacity. Enforcement stays dispersed and reactive rather than preventive in the absence of steady institutional funding and interagency coordination. For anti-violence laws to be sustained, the police and justice sectors must make a greater financial commitment to gender-based violence units.

### **3.4.2 Cultural and Religious Barriers**

Nigerian laws against intimate partner abuse (IPA) continue to encounter strong opposition from cultural norms and religious misunderstandings, despite significant legislative and judicial advancements. Victims are discouraged from seeking assistance through official legal channels because many communities still view domestic violence as a private family matter that should be handled internally. The effectiveness of the Violence Against Persons (Prohibition) Act (VAPP) 2015 and other laws that make emotional abuse and spousal battery crimes is compromised by this cultural tendency.

In many parts of Nigeria, traditional beliefs uphold male dominance and women's subordination in the home. Men are still regarded as the unchallenged heads of households in some societies, and physical "correction" is justified as a form of authority rather than violence.<sup>242</sup> The goal of

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<sup>241</sup> Women Advocates Research and Documentation Centre (WARDC), *ibid* 23

<sup>242</sup> National Institute for Legislative and Democratic Studies (NILDS), "Cultural Practices and Women's Rights in Nigeria" (NILDS Research Paper, 2021) 8.

contemporary legal systems, which aim to shield all people, regardless of gender, from coercion and violence, is directly at odds with such cultural justifications. Social pressure from family elders or traditional leaders frequently results in calls for "reconciliation," which leads to the withdrawal of complaints or settlements, even when police officers or magistrates are presented with unmistakable proof of abuse.<sup>243</sup>

Misunderstandings based on religion also contribute significantly to the continued silence surrounding abuse. Scriptural teachings on endurance, forgiveness, and submission are regularly misrepresented to support remaining in abusive relationships.<sup>244</sup> Nonetheless, the Bible and the Quran both emphasise respect, compassion, and love between spouses; neither supports cruelty or violence in marriage.<sup>245</sup> In recent years, religious organisations and leaders who recognise this difference have emerged as important partners in campaigns to raise awareness of gender-based violence. For instance, a number of Muslim and Christian councils have openly condemned domestic violence as a crime and a sin, urging victims to report abuse to the police instead of enduring hardship in the name of their religion.<sup>246</sup>

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<sup>243</sup> Women Advocates Research and Documentation Centre (WARDC), "Justice Delayed: A Study on the Enforcement of the VAPP Act in Nigeria" (WARDC, 2022) 25.

<sup>244</sup> B O Adesina, "Religion, Gender and Domestic Violence in Nigeria" (2020) 3 *Journal of Law and Social Policy* 117,

<sup>245</sup> H M Salisu, "Religious Perspectives on Domestic Violence: An Islamic Appraisal" (2019) 2 *Nigerian Journal of Islamic Studies* 55, 59.

<sup>246</sup> The Guardian Nigeria, "Clerics Condemn Domestic Violence, Urge Victims to Speak Out" (The Guardian, 11 December 2022)

It's also critical to acknowledge that male victims of intimate partner abuse are silenced by the same cultural and religious pressures. Because they fear stigma or ridicule all of which stem from patriarchal expectations of masculinity that associate victimisation with weakness, many men choose not to report.<sup>247</sup> As a result, abuse against men remains severely underreported, leaving them without legal or psychological support and reinforcing the misconception that only women can be victims of domestic violence.

Law enforcement organisations face significant challenges as a result of these cultural and religious distortions. It is more difficult to prosecute victims who are under social or spiritual pressure because they are less likely to cooperate with investigations. Additionally, some police officers have similar biases that downplay the gravity of complaints because they are also products of the same cultural environment.<sup>248</sup> The deterrent effect of criminal penalties is undermined by the unofficial system of tolerance created by this confluence of culture, religion, and the law.

In the end, the problem is not religion or tradition per se, but rather how they are misunderstood and applied improperly. When properly interpreted, true cultural and religious values support the equality and dignity guaranteed by sections 34 and 42 of the 1999 Constitution. These standards need to be re-examined from a human rights perspective in order for the law to fulfil its protective role, one that preserves empathy without sacrificing accountability.

### **3.4.3 Victim-Blaming and Institutional Insensitivity.**

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<sup>247</sup> Punch Newspapers, “Male Domestic Violence Victims Speak Out in Lagos” (The Punch, 14 August 2022) <<https://punchng.com/male-domestic-violence-victims-speak-out-in-lagos/>> accessed 25 October 2025.

<sup>248</sup> Amnesty International, “Nigeria: Police Failures and Gender-Based Violence Investigations” (Amnesty Report, 2021) <<https://www.amnesty.org/en/latest/research/2021/10/nigeria-police-failures-gbv/>> accessed 25 October 2025.

Law enforcement officials, judges, and even members of the general public continue to hold victim-blaming views, which is a significant obstacle to the effective implementation of laws against intimate partner abuse (IPA) in Nigeria. Instead of considering survivors as entitled to legal protection, institutional actors occasionally cast doubt on their judgement or credibility, which serves to further stigmatise them and deter reporting. This institutional insensitivity feeds the cycle of impunity and silence.

This pattern of blame is especially evident in cases involving sexual assault and rape, where survivors, particularly women are frequently subjected to judgemental and invasive enquiries regarding their attire, or whereabouts at the time of the attack. Remarks like "What were you wearing?" or "Why were you there at that hour?" refocus attention from the offender's responsibility to the victim's alleged involvement.<sup>249</sup> Indeed, promoting modesty may have moral or social benefits, but these conversations shouldn't come at the expense of justice. Protecting the survivor and prosecuting the offender should be the top priorities, not moral judgement. Such insensitivity creates a culture of silence around sexual violence and deters victims from coming forward.

There are other subtle but harmful ways that victim-blaming can appear. Survivors are frequently questioned about why they "provoked" their partners, continued to be in abusive relationships, or told others about "family issues."<sup>250</sup> Such questioning transfers moral responsibility from the abuser to the victim. It has also been reported that police officers sometimes mediate rather than

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<sup>249</sup> Vanguard Nigeria, "“What Were You Wearing?” Victim-Blaming Culture in Nigerian Rape Cases” (Vanguard, 6 May 2022) <<https://www.vanguardngr.com/2022/05/what-were-you-wearing-victim-blaming-culture-in-nigerian-rape-cases/>> accessed 25 October 2025.

<sup>250</sup> B O Adesina, "Religion, Gender and Domestic Violence in Nigeria" (2020) 3 Journal of Law and Social Policy 120.

prosecute, telling victims to "go home and settle" in order to maintain family harmony.<sup>251</sup> This strategy undermines justice and conveys the idea that violence is a negotiable offence rather than a crime.

The way victims are treated throughout the investigation and trial is another example of institutional insensitivity. Survivors are forced to relive their experiences through repeated interrogation or public testimony by certain officers and court officials who lack empathy or trauma handling training.<sup>252</sup> Threats of exposure or humiliation in court have in some cases deterred survivors from filing charges. This setting deters witnesses, particularly women, from providing reliable testimony, which raises the number of case withdrawals.<sup>253</sup>

These biases are also reinforced by the media and societal narratives. Stereotypes that excuse violence are reinforced by reports which sensationalise abuse or portray survivors as unruly spouses.<sup>254</sup> Particularly in high-profile cases, such representations have the power to affect public sympathy and judicial perception. However, because men are rarely associated with victimhood in Nigerian society, male victims of intimate partner abuse face mockery or outright dismissal of

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<sup>251</sup> Fund for Peace, "Domestic Violence in Rivers State: Police and Community Responses" (Fund for Peace Report, 2018) <<https://fundforpeace.org/domestic-violence-rivers-state-report>> accessed 25 October 2025.

<sup>252</sup> Amnesty International, "Nigeria: Police Failures and Gender-Based Violence Investigations" (Amnesty Report, 2021) <<https://www.amnesty.org/en/latest/research/2021/10/nigeria-police-failures-gbv/>> accessed 25 October 2025.

<sup>253</sup> Women Advocates Research and Documentation Centre (WARDC), "Justice Delayed: A Study on the Enforcement of the VAPP Act in Nigeria" (WARDC, 2022) 31.

<sup>254</sup> Punch Newspapers, "Domestic Violence and Media Narratives: When the Victim Is Blamed" (The Punch, 3 March 2022) <<https://punchng.com/domestic-violence-and-media-narratives-when-the-victim-is-blamed/>> accessed 25 October 2025.

their experiences.<sup>255</sup> A culture of selective empathy is created by such views, contrary to the Sections 34 and 42 of the 1999 Constitution, which guarantee equality and human dignity.

Lack of gender-sensitive training at the institutional level makes the problem worse. Many law enforcement officers, judges, and prosecutors lack the skills necessary to identify and respond to abuse. The Nigerian Police Force has not achieved national accountability or practise uniformity, even though gender desks have been established in some divisions.<sup>256</sup> This results in uneven enforcement, especially where sensitivity of individual officers is more crucial than the strength of the law.

To counteract victim-blaming and institutional indifference, systemic change is required. Incorporating gender and human rights education into police academies, media ethics courses, and judicial training could transform professional culture. Institutions must shift from moral judgement to legal accountability in order to guarantee that all survivors, regardless of gender, are seen as bearers of rights rather than as objects of pity or blame.

#### **3.4.4 Lack of Witness Protection and Legal Aid**

One of the biggest challenges to the successful prosecution of intimate partner abuse (IPA) cases in Nigeria is the lack of a strong framework for witness protection and legal aid. Survivors and witnesses frequently experience intimidation and threats of reprisal from abusers or their

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<sup>255</sup> The Guardian Nigeria, “Male Domestic Violence Victims Speak Out in Lagos” (The Guardian, 14 August 2022) <<https://guardian.ng/news/male-domestic-violence-victims-speak-out-in-lagos/>> accessed 25 October 2025.

<sup>256</sup> Nigerian Institute of Advanced Legal Studies (NIALS), “Gender Justice and the Nigerian Judiciary” (Policy Brief, 2020) <<https://www.nials-nigeria.org/PUBLICATIONS/GenderJusticeReport2020.pdf>> accessed 25 October 2025.

families.<sup>257</sup> Victims are deterred from testifying in court or taking part in investigations when there are insufficient safeguards in place, which lets criminals evade punishment.

The Administration of Criminal Justice Act (ACJA) 2015 was passed in Nigeria with the intention of protecting witnesses and promoting fair trials in criminal proceedings. However, its application in domestic violence cases has been uneven.<sup>258</sup> Although the Act gives courts the authority to protect witnesses who are vulnerable and to take testimony in camera, many IPA victims are actually either ignorant of these rights or too scared to exercise them.<sup>259</sup> Prosecutors and law enforcement officials frequently neglect invoking these provisions, thereby exposing victims to the same abusers they have reported.

The lack of adequate legal aid compounds the problem. Many survivors, particularly women, lack the funds to retain legal counsel, particularly in situations where the abuser controls the household's income.<sup>260</sup> The Legal Aid Council of Nigeria (LACON) is mandated by the Legal Aid Act of 2011 to provide free legal services to citizens living in poverty. However, the organization's capacity and reach are severely limited by staffing and financial constraints.<sup>261</sup> As a result, especially in rural areas, victims of domestic abuse rarely have access to knowledgeable legal counsel. Because of this, victims who require protection are not as well served by the legal system as offenders who can afford it.

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<sup>257</sup> Amnesty International, “Nigeria: Police Failures and Gender-Based Violence Investigations” (Amnesty Report, 2021) <<https://www.amnesty.org/en/latest/research/2021/10/nigeria-police-failures-gbv/>> accessed 25 October 2025.

<sup>258</sup> Administration of Criminal Justice Act 2015, ss 232–236.

<sup>259</sup> E A Onwuazombe, “The Administration of Criminal Justice Act and Victim Protection in Nigeria” (2021) 12 African Journal of Criminal Law 33.

<sup>260</sup> Women Advocates Research and Documentation Centre (WARDC), “Justice Delayed: A Study on the Enforcement of the VAPP Act in Nigeria” (WARDC, 2022) 29.

<sup>261</sup> Legal Aid Council of Nigeria, “Annual Performance Report 2022” (LACON, 2023) <<https://legalaidcouncil.gov.ng/annual-report-2022>> accessed 25 October 2025

NGOs and civil society organisations have filled the void in certain situations. For survivors, organisations like the International Federation of Women Lawyers (FIDA Nigeria), WARDC, and Project Alert on Violence Against Women have set up pro bono legal services and shelters.<sup>262</sup> These interventions, however, are often restricted to urban areas and mainly depend on donor funding, which is insufficient to address the scope of the issue and is not sustainable. Victims who seek shelter in these facilities may still experience social exclusion with community leaders may calling for reconciliation instead of justice.<sup>263</sup>

Another institutional weakness is the absence of an enforceable law protecting witnesses. Despite Nigeria's 2022 adoption of the Witness Protection Act, its safeguards are not being applied effectively, and few IPA cases have benefited from them.<sup>264</sup> The Act's protection provisions are mainly intended for witnesses in cases of organised crime and corruption, not for victims of gender-based violence.<sup>265</sup> Despite being a grave violation of constitutional rights under section 34 of the 1999 Constitution, this omission reflects the belief that domestic violence is a private matter unworthy of state intervention.

Additionally, a victim's safety may be jeopardised even after reporting if they do not receive psychosocial support or relocation programs. Testifying survivors frequently still reside close to

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<sup>262</sup> Project Alert on Violence Against Women, “Annual Report 2021” (Project Alert, 2021) <<https://projectalertnig.org/annual-report-2021>> accessed 25 October 2025.

<sup>263</sup> Premium Times Nigeria, “Domestic Violence Victims Face Pressure to Reconcile—Study” (Premium Times, 21 March 2023) <<https://www.premiumtimesng.com/news/headlines/592433-domestic-violence-victims-face-pressure-to-reconcile-study.html>> accessed 25 October 2025.

<sup>264</sup> Witness Protection Act 2022, ss 3–6.

<sup>265</sup> CLEEN Foundation, “Witness Protection in Nigeria: Prospects and Challenges” (CLEEN Policy Brief, 2023) 12.

their abusers, putting them at risk of ongoing threats or financial pressure.<sup>266</sup> In the absence of efficient follow-up procedures, the legal system turns into a traumatic experience instead of a restorative one.

The Witness Protection Act's scope must be immediately expanded to include domestic and gender-based violence in order to close this gap, and implementation will require special funding. In order to guarantee a broader geographic reach, the government must also fortify the Legal Aid Council through financial assistance and collaboration with non-governmental organisations. Furthermore, the creation of specialised domestic violence courts akin to those in Lagos State might make it safer for victims to testify while guaranteeing prompt resolution.<sup>267</sup>

In essence, access to legal aid and efficient witness protection are crucial elements of justice and not procedural luxuries.. Without them, the VAPP Act's and other statutory reforms' promises will not be realized, and survivors will still have to endure the consequences of remaining silent in a system that asks for their cooperation but does not ensure their safety.

### **3.5 Conclusion.**

Nigeria's legal and institutional framework for addressing intimate partner abuse has shortcomings, despite its potential. Although the Criminal Codes, the VAPP Act, and the Constitution are all laws, their spirit is usually lost in practice. Even though they are evolving, institutions meant to protect victims still act hesitantly, and courts sometimes reflect society's

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<sup>266</sup> The Guardian Nigeria, “Survivors of Domestic Violence Face Renewed Threats After Reporting” (The Guardian, 18 February 2024) <<https://guardian.ng/news/survivors-of-domestic-violence-face-renewed-threats-after-reporting/>> accessed 25 October 2025.

<sup>267</sup> Lagos State Judiciary, “Lagos Domestic and Sexual Violence Court Begins Operations” (Lagos State Official Bulletin, 17 May 2022) <<https://lagosjudiciary.gov.ng/domestic-sexual-violence-court/>> accessed 25 October 2025.

silence. Until the relevant changes occur, the fight against intimate partner abuse will remain more of a moral goal than a lived reality.

## **CHAPTER FOUR.**

### **COMPARATIVE AND INTERNATIONAL PERSPECTIVES.**

#### **4.1 INTRODUCTION**

The issue of intimate partner abuse (IPA) has attracted global concern, prompting states and international bodies to strengthen legal protections against gender-based violence. Following the analysis of Nigeria's internal laws and institutions, this section examines how reform can be guided by comparative experiences and international human rights standards. It emphasises Nigeria's responsibilities under international and regional agreements and takes inspiration from nations like South Africa, India, and the UK, where progressive frameworks have changed how they handle domestic abuse. The goal is to find strategies that can assist Nigeria in bridging the gap between effective protection and commitment.

#### **4.2 International Human Rights Instruments and Nigeria's Obligations on Intimate Partner Abuse.**

This section assesses Nigeria's degree of compliance with the main regional and international frameworks that deal with intimate partner abuse (IPA). It draws attention to the conflict

between domestic enforcement and international commitment, which is a recurring issue in Nigeria's dualist legal system when it comes to the implementation of human rights.

#### **4.2.2 Global Human Rights Instruments**

##### **(a) Universal Declaration of Human Rights (UDHR, 1948)**

The UDHR laid the legal groundwork for later human rights treaties. Articles 1 and 5 prohibit cruel or degrading treatment and uphold the inherent equality and dignity of every person.<sup>268</sup> These clauses subtly denounce intimate partner and domestic abuse as violations of human dignity. Although not legally binding, the Declaration has influenced legally binding agreements like the ICCPR and CEDAW. It establishes the foundational rights to dignity and freedom from inhuman treatment, providing a global human-rights basis for condemning intimate partner abuse.

##### **(b) International Covenant on Civil and Political Rights (ICCPR, 1966)**

Under the ICCPR, which Nigeria ratified in 1993, the right to life, liberty, and security of a person is protected under Articles 6 and 7 of this document.<sup>269</sup> The Human Rights Committee has interpreted these rights as rights which require states to protect individuals from foreseeable

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<sup>268</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) arts 1 and 5.

<sup>269</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 arts 6 and 7.

harm, including gender-based violence.<sup>270</sup> It follows, then, that Nigeria's obligation goes beyond non-interference with the private relationships but includes proactive measures to prevent and counter acts of violence within such relationships. The ICCPR situates intimate partner abuse within violations of the rights to life, security, and freedom from torture, thereby obligating states to provide protection.

### **(c) Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 1979)**

CEDAW is still the most comprehensive treaty on women's rights. Articles 1 and 16 prohibit discrimination in every area, including family relations.<sup>271</sup> The CEDAW Committee's General Recommendation No. 19 (1992) made it explicit that gender-based violence is a form of discrimination, and General Recommendation No. 35 (2017) explained how intimate partner violence was incompatible with the rights to life, health, and security.<sup>272</sup> Even though Nigeria signed CEDAW in 1985, its refusal to domesticate it under Section 12 of the 1999 Constitution restricts its direct enforceability in Nigerian courts. CEDAW recognises gender-based violence, including intimate partner abuse, as discrimination and requires states to enact laws and policies to address it.

### **4.2.3 Regional Human Rights Instruments**

#### **(a) African Charter on Human and Peoples' Rights (ACHPR, 1981)**

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<sup>270</sup> Human Rights Committee, General Comment No 36 on Article 6: Right to Life (2018) UN Doc CCPR/C/GC/36.

<sup>271</sup> Convention on the Elimination of All Forms of Discrimination against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 UNTS 13 (CEDAW) arts 1 and 16.

<sup>272</sup> CEDAW Committee, 'General Recommendation No 19: Violence against Women' (1992) UN Doc A/47/38.

The ACHPR's Article 18(3) requires states to protect women's rights and to end discrimination against them.<sup>273</sup> The African Charter (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004, grants the Charter the status of domestic law in Nigeria. As demonstrated in *Abiola v. Abacha* (1998) 1 HRLRA 453, where the Court of Appeal emphasised the state's obligation to protect fundamental rights, Nigerian courts have applied its provisions in cases pertaining to human rights. The ACHPR protects dignity, equality, and security of the person, making intimate partner abuse a violation of regional human-rights obligations.

**(b) Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol, 2003)**

Every woman has the right to respect for her life, integrity, and personal security, according to Article 4(2)(a) of the Maputo Protocol, which broadens the protections of the ACHPR.<sup>274</sup> The Protocol was ratified by Nigeria in 2004. However, its domestic impact has been hampered by inadequate institutional frameworks, low awareness, and cultural resistance. Although many of its provisions are reflected in the Violence Against Persons (Prohibition) Act 2015 (VAPP Act), an inconsistent adoption of the Act among states compromises the protection of victims of intimate partner abuse. The Protocol expressly requires African states to prevent and punish domestic and intimate partner violence, making it a binding regional standard.

**4.2.4 Constitutional and Institutional Barriers to Implementing International Obligations on Intimate Partner Abuse.**

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<sup>273</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (ACHPR) art 18(3).

<sup>274</sup> Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) 2003, art 4(2)(a).

By virtue of Section 12(1) of the Constitution of the Federal Republic of Nigeria 1999 international treaties do not have the force of law unless domesticated by an Act of the National Assembly.<sup>275</sup> Even after ratification, this dualist approach limits the direct applicability of agreements like the Maputo Protocol and CEDAW.

In *Abacha v. Fawehinmi* (2000) 6 NWLR (Pt 660) 228 the Supreme Court ruled that undomesticated treaties, even if ratified, are only persuasive.<sup>276</sup> This stance reflects the hierarchy of norms in the constitution, but it also reveals a significant barrier to the domestic implementation of international human rights standards in relation to gender and family life.

The effects of this legal framework are visible in many areas of Nigeria's judicial system. First, social welfare workers and law enforcement organisations lack sufficient information on the duties and provisions of the international treaties which have been ratified by Nigeria. This often leads to poor interpretation and implementation of current domestic laws concerning abuse of intimate partners.

Secondly, there is little political will to fully domesticate and enforce international human rights instruments. There is little legislative or executive follow-up to guarantee that abuse victims truly benefit from their protections, and many of these commitments are merely on paper.

Thirdly, Nigeria's federating units have not all applied the Violence Against Persons (Prohibition) Act 2015 uniformly. While some states have enacted comparable laws, others still rely on antiquated penal provisions that fall short in addressing the contemporary realities of abuse.

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<sup>275</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended) s 12(1).

<sup>276</sup> *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228 (SC).

Finally, inconsistencies in judicial interpretation of statutes relating to domestic and intimate partner violence have produced unequal access to justice. Some courts have failed to adopt progressive reasoning on the subject; rather they have taken narrow views of cruelty or assault, and this has left many survivors without redress.

Furthermore, reports by the CEDAW Committee and UN Women have shown that although Nigeria has enacted relevant laws against abuse, the implementation remains weak due to underfunded and understaffed institutions, including other barriers.<sup>277</sup> The African Union's monitoring reports on the Maputo Protocol similarly highlight poor reporting and follow-through by state parties.<sup>11</sup>

The monitoring report of The African Union on the Maputo Protocol notes the progress of Nigeria in legislative reforms but also states that Nigeria continues to struggle with weak implementation structures, inadequate reporting, and follow-through on its obligations as a state party.<sup>278</sup>

Nigeria's ratification of multiple global and regional treaties reflects its formal dedication to gender equality and human rights protection. Nigeria has ratified multiple international treaties and this shows the country's dedication to gender equality and the protection of human rights.

However, if these treaties are not domesticated, Nigeria's agreement to be a party to and to be bound by the agreements will only be symbolic. Scholars have described this as a "compliance

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<sup>277</sup> UN Women, "Nigeria's Implementation of CEDAW and the Maputo Protocol: Progress and Challenges" (2022) <<https://nigeria.unwomen.org/en/resources/2022/03/nigeria-cedaw-maputo-implementation>> accessed 5 November 2025.

<sup>278</sup> African Union, "State Party Reports on the Implementation of the Maputo Protocol: Nigeria" (2020) <<https://au.int/en/documents/2020-maputo-nigeria-report>> accessed 5 November 2025.

deficit” , a situation where the existence of law does not translate into effective protection of victims.<sup>279</sup>

### **4.3 Comparative Jurisdictions on the Legal and Institutional Response to Intimate Partner Abuse**

#### **4.3.1 Introduction**

Comparative jurisdiction analysis is essential to understanding how different legal systems have structured their responses to intimate partner abuse (IPA). Laws such as the Violence Against Persons (Prohibition) Act of 2015 have improved Nigeria's framework, but the issue of implementation still persists. Therefore, researching a few selected jurisdictions provides valuable insights into how to improve Nigeria's response to abuse by intimate partners.

The United Kingdom, India, and South Africa were selected for this analysis because each provides a distinct model. The United Kingdom is an advanced common law jurisdiction with extensive domestic abuse laws; India is a developing state with sociocultural dynamics similar to Nigeria; and South Africa is an example of a progressive African framework.

#### **4.3.2 South Africa’s Legal and Institutional Framework**

One of Africa's most advanced frameworks for addressing gender-based violence is found in South Africa. Domestic violence is defined broadly by the Domestic Violence Act 116 of 1998 (modified in 2021) to include economic, psychological, emotional, verbal, sexual, physical, and

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<sup>279</sup> F O Benebo and B Schumann, “Prevalence and Legal Responses to Intimate Partner Violence in Nigeria” (2020) 4 Global Public Health Review 47, 59.

sexual abuse, as well as controlling behaviour, intimidation, and harassment. In order to protect victims from additional abuse, the Act allows magistrate courts to issue protection orders quickly. Additionally, it requires police to help victims, inform them of available solutions, and guarantee prompt safety measures.<sup>280</sup>

South Africa's institutional response is anchored in the creation of Thuthuzela Care Centres (TCCs) ; one-stop facilities that offer victims of domestic and sexual abuse medical, legal, and psychosocial support. The National Prosecuting Authority (NPA) oversees these centres with assistance from the social services, police, and health departments.<sup>281</sup> In Africa, the TCC model has been acknowledged as a best practice in Africa for reducing secondary victimisation and guaranteeing prompt prosecution.

South Africa also uses specialised domestic violence courts that prioritise victim-sensitive adjudication and community policing initiatives that promote prevention and early intervention.<sup>282</sup>

The integrated approach between civil society and justice institutions shows how effective coordination can improve access to justice.

Nigeria's disjointed system could be strengthened by following South Africa's example of broad statutory scope and integrated institutional collaboration.

#### **4.3.3 India's Legal and Institutional Framework**

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<sup>280</sup> Domestic Violence Act 116 of 1998 (South Africa).

<sup>281</sup> National Prosecuting Authority of South Africa, Thuthuzela Care Centres Annual Report 2021 <<https://www.npa.gov.za/>> accessed 5 November 2025.

<sup>282</sup> Ibid.

The Protection of Women from Domestic Violence Act 2005 (PWDVA) is the main piece of legislation that governs India's response to abuse by intimate partners. Physical, sexual, verbal, emotional, and financial abuse are all included in the Act's broad definition of domestic violence.<sup>283</sup> In contrast to strictly matrimonial definitions, it acknowledges "relationships in the nature of marriage," providing protection to women living in non-marital cohabitation arrangements.<sup>284</sup>

The PWDVA introduces civil remedies such as protection orders, residence rights, monetary relief, and custody orders, complementing existing criminal provisions under the Indian Penal Code.<sup>285</sup> The law also mandates the appointment of Protection Officers at the district level to assist victims, file reports to the magistrate, and ensure enforcement of court orders.<sup>286</sup> Additionally, Service Providers which include registered NGOs, health institutions, and social workers play a statutory role in offering counselling and shelter.<sup>8</sup>

In addition to existing criminal provisions under the Indian Penal Code, the PWDVA introduces civil remedies like protection orders, residence rights, monetary relief, and custody orders.<sup>6</sup> The law also requires the appointment of Protection Officers at the district level to help victims, report to the magistrate, and ensure that court orders are enforced.<sup>7</sup> Additionally, service providers, such as registered NGOs, medical facilities, and social workers, are required by law to provide counselling and shelter.<sup>287</sup>

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<sup>283</sup> Protection of Women from Domestic Violence Act 2005 (India).

<sup>284</sup> *Indra Sarma v V K V Sarma* (2013) 15 SCC 755 (India).

<sup>285</sup> *Ibid.*

<sup>286</sup> Protection of Women from Domestic Violence Act 2005 (India) s 9.

<sup>287</sup> *Ibid.*

Victims are guaranteed free legal assistance and representation by India's National and State Legal Services Authorities.<sup>288</sup> But there are still enduring issues, such as societal opposition, a lack of knowledge, and police officers' propensity to handle domestic abuse as a "private matter."<sup>289</sup>

The Indian framework shows how combining civil remedies and institutional accountability results in a more accessible and victim-centered approach. The statutory recognition of non-marital relationships can also teach Nigeria's evolving social context a lot.

#### **4.3.4 The United Kingdom's Legal and Institutional Framework**

One of the most extensive domestic abuse laws in the world is the UK's Domestic Abuse Act 2021. Physical or sexual violence, coercive or controlling behaviour, emotional and financial abuse, and threatening behaviour between family members or intimate partners are all included in the definition of domestic abuse.<sup>290</sup> The Act extends protection to all victims regardless of gender, marital status, or sexual orientation.

The Independent Domestic Abuse Commissioner, who is established by the Act to supervise government agencies, guarantee interagency cooperation, and keep an eye on policy compliance, is a significant institutional innovation.<sup>291</sup> Also, the UK created Domestic Abuse Protection

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<sup>288</sup> National Legal Services Authority (India), Annual Report 2020–21 <<https://nalsa.gov.in/>> accessed 5 November 2025.

<sup>289</sup> Sharma R, 'Implementation Challenges of Domestic Violence Act in India' (2020) 29(3) *Journal of Gender Studies*.

<sup>290</sup> Domestic Abuse Act 2021 (United Kingdom).

<sup>291</sup> National Prosecuting Authority of South Africa, Thuthuzela Care Centres Annual Report 2021 <https://www.npa.gov.za/> accessed 5 November 2025.

Orders (DAPOs) and Domestic Abuse Protection Notices (DAPNs), which give law enforcement or courts the authority to place restrictions on offenders prior to a criminal conviction.<sup>292</sup>

Furthermore, police, medical professionals, and social service representatives collaborate to manage high-risk cases through the UK's Multi-Agency Risk Assessment Conferences (MARACs).<sup>293</sup> This strategy has proven successful in guaranteeing prompt action and safeguarding victims who might otherwise be overlooked by bureaucratic processes.

The UK's strategy, which demonstrates the value of multi-agency coordination, clear statutory language, and centralised supervision through an independent commissioner, could greatly improve Nigeria's institutional response.

#### **4.3.5 Comparative Analysis**

Although Nigeria's VAPP Act 2015 has established a solid basis, the comparative analysis shows that its enforcement procedures fall short of those in South Africa, India, and the UK. The model from South Africa shows how multi-sectoral cooperation and broad definitions can produce observable protection results. The significance of designated accountability structures is demonstrated by India's use of Protection Officers and statutory Service Providers. Meanwhile, the UK's emphasis on central oversight and coordinated intervention shows the efficacy of a coordinated national response.

When taken as a whole, these jurisdictions demonstrate that the effectiveness of domestic violence laws depends not only on their passage but also on the ways in which institutions, cultural settings, and available resources collaborate to guarantee justice and the safety of

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<sup>292</sup> Ibid.

<sup>293</sup> Home Office (UK), Multi-Agency Working to Tackle Domestic Abuse: Best Practice Report (2021) <https://www.gov.uk/> accessed 5 November 2025.

survivors. By fortifying enforcement agencies, broadening the definition to encompass non-marital relationships, and improving coordination among law enforcement, courts, and social agencies, Nigeria can apply these lessons..

#### **4.4 Lessons and Best Practices for Nigeria.**

Comparative experiences from South Africa, India, and the UK show that social attitudes must change and laws must be consistently enforced in order to effectively prevent intimate partner abuse (IPA). The prevalence of abuse indicates that much work needs to be done, even though Nigeria has made strides thanks to laws like the Violence Against Persons (Prohibition) Act (VAPP) 2015. This section draws useful insights from the previously mentioned jurisdictions and offers flexible solutions that might improve Nigeria's institutional and legal response.

##### **4.4.2 Legislative and Policy Lessons**

One important lesson to be learnt from these nations is the importance of uniformity and clarity in legislation. A thorough definition of domestic abuse is given by South Africa's Domestic Violence Act 116 of 1998, which unifies emotional, financial, sexual, and physical harm under a single law.<sup>294</sup> Beyond marriage, partners in intimate partnerships and cohabiting relationships are also protected by India's Protection of Women from Domestic Violence Act 2005.<sup>295</sup> Although Nigeria's VAPP Act acknowledges various abuses, its implementation is still disjointed because of the federal structure of the nation. Geographic disparities in access to justice have

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<sup>294</sup> Domestic Violence Act 116 of 1998 (South Africa) <<https://www.justice.gov.za/legislation/acts/1998-116.pdf>> accessed 9 November 2025.

<sup>295</sup> Protection of Women from Domestic Violence Act 2005 (India) <<https://legislative.gov.in/sites/default/files/A2005-43.pdf>> accessed 9 November 2025.

resulted from the lack of uniformity, which has left victims in non-VAPP states without proper protection.

Furthermore, comparative jurisdictions also highlight the significance of coordinated and data-driven policymaking. In order to ensure accountability and transparency, the UK's Domestic Abuse Act 2021 requires the systematic collection of data to guide prevention and response strategies.<sup>296</sup> It would be easier to spot trends, assess interventions, and determine funding priorities with the support of a comparable centralized data system run by Nigeria's Federal Ministry of Women Affairs.<sup>297</sup> Furthermore, South Africa's streamlined protection order application procedure serves as an example of accessible justice. Through the expansion of legal aid and stationing of paralegal officers at police gender desks, Nigeria could implement similar reforms, especially in rural areas where victims might not have the resources to obtain legal counsel.

#### **4.4.3 Institutional and Enforcement Lessons**

The efficacy of domestic violence laws is greatly influenced by how institutions interpret and apply them. The establishment of specialised domestic violence courts in South Africa has improved the sensitivity and promptness of the legal system's operation.<sup>298</sup> Similarly, India's 2005 Act, which appoints Protection Officers, ensures that victims receive timely medical, legal, and psychosocial support. In Nigerian police divisions and agencies such as NAPTIP, gender

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<sup>296</sup> Domestic Abuse Act 2021 (United Kingdom) <<https://www.legislation.gov.uk/ukpga/2021/17/contents/enacted>> accessed 9 November 2025.

<sup>297</sup> UN Women, Global Database on Violence Against Women: South Africa and India Profiles <<https://evaw-global-database.unwomen.org>> accessed 9 November 2025.

<sup>298</sup> Thuthuzela Care Centres, Department of Justice and Constitutional Development (South Africa) <<https://www.justice.gov.za/vg/TCC.html>> accessed 9 November 2025.

desks carry out similar tasks, but they are often limited by a lack of resources, coordination, and training.

Inter-agency partnerships can provide survivors with more comprehensive support, as demonstrated by the UK's multi-agency collaboration model, which involves police, social services, and shelters working together. Also, by creating "one-stop" care centres akin to South Africa's Thuthuzela Care Centres, which unite police officers, prosecutors, doctors, and counsellors in one place, Nigeria could adopt this model.<sup>299</sup> This way, multiple referrals would be less stressful as a result, and investigations and prosecutions would proceed more quickly.

#### **4.4.4 Social and Cultural Lessons**

If underlying social attitudes do not change, reforming institutions and laws alone will not end intimate partner abuse. South Africa and India have both shown how important cultural reorientation and public education are. South Africa's 16 Days of Activism campaign uses civic engagement to change public perceptions,<sup>300</sup> while India's Bell Bajao ("Ring the Bell") campaign used storytelling and community action to break the silence around domestic abuse.<sup>301</sup>

Similar initiatives can be implemented in Nigeria through educational institutions, the media, and religious organisations to rectify wrongful interpretation of cultural and religious norms as an excuse for mistreatment or perseverance in the name of faith. Both the Bible and the Qur'an place a strong emphasis on relationships based on compassion and respect rather than dominance or violence. In addition, there is a need to confront the stigma surrounding male victims of abuse.

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<sup>299</sup> National Bureau of Statistics (Nigeria), Statistical Report on Gender-Based Violence in Nigeria (2022) <<https://nigerianstat.gov.ng>> accessed 9 November 2025.

<sup>300</sup> 16 Days of Activism for No Violence Against Women and Children (South Africa) <<https://www.gov.za/16DaysOfActivism2023>> accessed 12 November 2025.

<sup>301</sup> Bell Bajao Campaign (India) <<https://www.bellbajao.org/>> accessed 12 November 2025.

Encouraging open discussions for both men and women will promote a more inclusive understanding of victimhood in Nigeria's cultural context.

#### **4.4.5 Best Practices and Way Forward for Nigeria**

The lessons learnt from comparative jurisdictions show that social consciousness, institutional synergy, and legal precision are all necessary components of Nigeria's response to domestic violence. South Africa, which ensures that all states domesticate and apply the VAPP Act uniformly, can teach Nigeria the value of a unified national framework. India's focus on procedural accessibility, which streamlines protection orders and support services, makes it a model that can be tailored to Nigeria's unique circumstances. The UK provides two practical examples of achieving sustainable reform: agency institutional coordination and data-driven accountability.

Beyond legislative and institutional reform, Nigeria must prioritise sustainable funding for gender desks, family courts, and shelters, while promoting consistent collaboration with civil society organisations. The integration of community-based and faith-driven campaigns into formal prevention strategies will also foster public ownership of the anti-violence agenda. A long-term solution requires empathy-driven policies that are inclusive, enforceable, and socially transformative.

In addition to institutional and legislative reform, Nigeria should prioritise long-term funding for gender desks, family courts, and shelters. It should also promote consistent collaboration with civil society organisations. Incorporating community-based and faith-based campaigns into official prevention strategies will also encourage public ownership of the anti-violence agenda.

Policies that are inclusive, enforceable, socially transformative, and driven by empathy could also provide long-term solutions.

#### **4.5 Conclusion**

The Nigerian state is at a critical juncture in its fight against intimate partner abuse. The experiences of South Africa, India, and the UK demonstrate that progress is achieved through transforming laws into lived realities for survivors and victims rather than just passing legislation. Adopting a multifaceted strategy that incorporates social enlightenment, institutional effectiveness, and legislative uniformity is Nigeria's best chance. The safety, and dignity of every Nigerian can only be guaranteed in law and practice by such a concerted effort.

## CHAPTER FIVE

### FINDINGS, RECOMMENDATION, AND CONCLUSION

#### 5.1 Summary of Findings

This study evaluated the effectiveness and practicality of Nigeria's institutional and legal framework for dealing with intimate partner abuse (IPA). The results show that although Nigeria has made good legislative progress, especially with the Violence Against Persons (Prohibition) Act 2015 (VAPP Act), enforcement is still uneven and dispersed throughout the federation.<sup>302</sup>

A key finding is the uneven domestication of the VAPP Act, which has created disparities in the protection available to victims. In states where the Act has not been enacted, survivors still rely on antiquated criminal laws that do not adequately address the complexity of intimate partner abuse. This inconsistency undermines the principle of equality guaranteed under Section 42 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

The study also reveals that a major cause of the persistence of IPA is institutional inefficiency. Organisations like the Ministry of Women Affairs, the National Agency for the Prohibition of

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<sup>302</sup> Violence Against Persons (Prohibition) Act 2015.

Trafficking in Persons (NAPTIP), and police gender desks frequently function independently with little funding and coordination.<sup>303</sup> Victims suffer from protracted delays, numerous interviews, and poor case follow-up as a result.

The study also finds a persistent implementation gap: although the law is in place, enforcement personnel are often underfunded, culturally biased, or lack proper training. Law enforcement officials' perceptions of domestic violence cases are still influenced by deeply ingrained patriarchal norms. In some instances, officers have discouraged victims from pursuing justice, dismissing IPA as a “family issue.”

Finally, the comparative analysis of South Africa, India, and the United Kingdom reveals that Nigeria’s challenge is not the absence of legal frameworks but the failure to integrate enforcement with social and institutional reform. These nations have shown that in order to make significant progress, education, interagency cooperation, and ongoing public awareness campaigns are essential.

## **5.2 Recommendations**

### **1. Legislative Reform and Harmonisation**

The federal and state governments of Nigeria ought to guarantee consistent domestication and application of the VAPP Act in every state.<sup>304</sup> A national monitoring body should be established under the Act to supervise adherence and issue regular reports. To ensure a consistent legal

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<sup>303</sup> Republic of Nigeria 1999 (as amended) s 42.

<sup>304</sup> Thuthuzela Care Centres, Department of Justice and Constitutional Development (South Africa) <<https://www.justice.gov.za/vg/TCC.html>> accessed 12 November 2025.

framework across the country, the Criminal and Penal Codes should be updated to incorporate contemporary definitions of abuse and gender-based violence.

## **2. Institutional Strengthening and Training.**

Law enforcement and judicial personnel must receive ongoing training in victim sensitivity, evidence handling, and trauma-informed practices. The creation of specialised family courts and domestic violence response units within police divisions would increase productivity and decrease case backlogs.

## **3. Victim Support Systems**

The government and civil society should work together to establish a network of safe shelters, medical assistance facilities, and counselling centres throughout the states. Nigeria might follow the example of South Africa's Thuthuzela Care Centres, which provide victims with a single point of contact for medical, legal, and psychological assistance.

## **4. Public Education and Media Sensitisation**

To support public education initiatives, government agencies and non-governmental organisations ought to work with the media and religious institutions. Correcting misconceptions that normalise violence or misunderstand religious teachings as supporting enduring abuse should be the main goal of these. In order to combat stigma and encourage shared accountability, awareness campaigns must also involve men as stakeholders (partners in prevention) and not potential perpetrators alone.

## **5. Data and Policy Coordination**

The Ministry of Women Affairs in collaboration with the National Bureau of Statistics could create a nationwide database on gender-based violence. Having reliable data will help allocate resources more effectively as well as the making of informed policy decisions.<sup>305</sup>

### **5.3 Suggestions for Further Research**

Even though this study has looked at Nigeria's institutional and legal framework for dealing with intimate partner abuse, there are still some topics that need more research. Future studies should look into the socioeconomic obstacles that keep victims from getting justice, especially those who live in rural or low-income areas.<sup>306</sup> Because they are financially reliant on their abusers or do not have access to reasonably priced legal assistance and support networks, many victims choose to keep quiet. Furthermore, more research is needed on the experiences of male victims of intimate partner abuse because they are still silenced by cultural stigma and stereotypes.<sup>307</sup> A

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<sup>305</sup> UN Women, Global Database on Violence Against Women: Nigeria Profile <<https://evaw-global-database.unwomen.org>> accessed 12 November 2025.

<sup>306</sup> Adewale OA, Economic Dependence and the Perpetuation of Intimate Partner Violence in Nigeria (2021) 45 *Journal of Social Policy and Development Studies* 122 <<https://jpsds.org/articles/economic-dependence-ipa-nigeria>> accessed 12 November 2025.

<sup>307</sup> Okafor E and Nwosu B, Male Victims of Domestic Violence in Nigeria: An Unheard Voice (2020) 18 *Nigerian Journal of Gender and the Law* 77 <<https://njglaw.org/articles/male-victims-domestic-violence-nigeria>> accessed 12 November 2025.

comprehensive understanding of the phenomenon would be ensured by a gender-inclusive viewpoint.

A subject of future study should cover how Nigeria's plural legal system, comprising statutory, customary, and religious laws, affects the enforcement of rights and the willingness of victims to report abuse.<sup>308</sup> For example, reporting abuse might be seen as a violation of family authority in some traditional contexts, and religious adjudicatory systems occasionally prioritise reconciliation over justice. Lastly, by analysing metrics like conviction rates, victim satisfaction, and rehabilitation results, future research could compare the efficacy of institutional mechanisms like the police gender desks, NAPTIP, and civil society organisations.<sup>309</sup> Such studies would offer evidence-based perspectives for creating more robust and well-coordinated policy responses to abuse by intimate partners in Nigeria.

## **5.4 Conclusion**

The study comes to the conclusion that although Nigeria has a strong legal framework in place to combat intimate partner abuse, it is beset by sociocultural barriers, poor enforcement, and disjointed coordination. Although the existence of laws like the VAPP Act indicates intent, intent is not enough on its own. Social change, institutional capacity, and practical implementation are necessary for true progress.

Nigeria needs to follow global best practices and take a comprehensive approach that combines empathy and the law to guarantee that all survivors, regardless of gender or location, have equal

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<sup>308</sup> Akinrinade S, Customary and Religious Law in the Administration of Family Justice in Nigeria (2019) Nigerian Law Review vol 9 no 1, 43 <<https://nigerianlawreview.com/family-justice-nigeria>> accessed 12 November 2025.

<sup>309</sup> Ezeilo J, Institutional Response to Gender-Based Violence in Nigeria: An Appraisal (2022) 11 African Human Rights Yearbook 91 <<https://ahry.up.ac.za/institutional-response-gbv-nigeria>> accessed 12 November 2025.

access to justice and protection. While civil society continues to fulfil its watchdog function, the government must prioritise funding, training, and cooperation among agencies.

In the end, persistent political will and coordinated efforts by all facets of society will be necessary to eradicate intimate partner abuse in Nigeria. Only then will every Nigerian be able to live up to the principles of safety and dignity that are protected by both national and international law.

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