



VIOLENCE AGAINST WOMEN: TOWARDS  
FORMULATING AN ENFORCEABLE LEGAL REGIME  
IN NIGERIA

BY

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degree of Doctor of Philosophy in Laws

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## ABSTRACT

This dissertation examines the commitment of Nigeria in eradicating violence against women in its entire ramification. Successive Nigerian governments have acceded to all international and regional instruments on human rights and particularly on yqogpøu" jwocp" tki jvu" cpf" gorqygtogpø" Vqyctfu" vjku" gpf" vjg" Eqpuvkvwkqp" qh" Federal Republic of Nigeria 1999 elaborated provision on civil and political rights and also on economic, social and cultural rights as a solemn textual declaration. These provisions are quite significant due to the supreme status of the constitution and its prevail over all laws in Nigeria. Thus Nigeria has enacted the Violence Against Persons (Prohibition) Act 2015 in its bid to eradicate all forms of violence against women and guarantee their rights. This legislation is undermined by identified and defined shortcomings which include inadequacy of necessary provisions, restricted jurisdiction and applications that are crucially not national legislation. This study therefore seeks to investigate why violence against women in Nigeria persists and existing legal and institutional framework responses have failed to curtail the rising profile of violence against women. This study also emphasise that there is need for qvjgt" pgeguuct{" ngikuncvkqpu" vq" dg" rtqownicvfg" cpf" vjg" gzkuvkpi" qpgøu" cogpfgfø" Accordingly there is need to establish a dedicated government agency to combat violence against women in Nigeria. Otherwise it will be far from realising its international and regional obligations. This research adopted the qualitative methodology and employed doctrinal and non-doctrinal approaches in order to realise its objectives. Hence unstructured and semi-structured interview were administered and the respondents were selected based on purposive random sampling. Thus, judges, policy makers, legislators, traditional rulers, law enforcement agents and women/victims/survivors of violence were interviewed. The responses received have contributed immensely toward conclusive evaluation of this research culminating in to a few suggestions. This research persistently maintained that in order for Nigeria to formulate an enforceable legal regime in eradicating violence against women, the suggestions on law reform in both amendment and enactment is quite imperative.

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## DECLARATION

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This work is dedicated to the eternal memory of my beloved parents Late Baba-Umaru Mahmuda Ali-Garga and Late Hauwa Abdulqadir Tafida and to the Muslim Women victims/survivors of Gender-based violence in Nigeria

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Protection of Women from Domestic Violence Act, No. 43 (2005) Republic of India  
Rape Victims (Assistance and Protection) Act, No. 8505 (2005) Republic of Philippines



## LIST OF ABBREVIATIONS

ACHPR	Chitkecp"Ejctvgt"qp"Jwocp"cpf"Rgqrngøu"TKijvu
ACJA	Administration of Criminal Justice Act
ADR	Alternative Disputes Resolution
AG	Attorney General
AU	African Union
BDPA	Beijing Declaration and Platform of Action
BLP	Better Life for Rural Woman
CA	Court of Appeal
CC	Criminal Code
CDVIP	Community Domestic Violence Intervention Programme
CEDAW	Convention on the Elimination of Discrimination against Women
CPA	Criminal Procedure Act
CPC	Criminal Procedure Code
CRA	Ejknføu"TKijv"Cev
CSO	Civil Society Organisation
CSO	Civil Society Organisation
CSR	Corporate Social Responsibility
CSW	Commission on Status of Women
DCR	Fktgevqt"Ekvk gpøu"TKijvu
DEVAW	Declaration on the Elimination of Violence against Women
DPP	Director Public Prosecution
EVAWC	End Violence against Women Coalition
FCT	Federal Capital Territory
FG	Federal Government
FGM	Female Genital Mutilation
FIIDA	Federation of Women Lawyers
FMH	Federal Ministry of Health
FRN	Federal Republic of Nigeria
GBV	Gender-based Violence
GA	General Assembly
GAD	Gender and Development
GAR	General Assembly Resolution
GR	General Recommendation
GTZ	German Technical Co-operation
HC	High Court
HRCRC	Human Rights and Conflict Resolution Centre
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic Social and Cultural Rights
IDPs	Internally Displaced Persons
ILO	International Labour Organisation
JUSUN	Judiciary Staff Union of Nigeria
LA	Labour Act
LACVAW	Legislative Advocacy Coalition for Violence against Women
LFN	Laws of the Federation of Nigeria
MWASD	Ministry for Women and Social Development

NCWD	National Centre for Women Development
NDHS	National Demographic Health Survey
NDLEA	National Drug Law Enforcement Agency
NGO	Non-Governmental Organisation
NGP	National Gender Policy
NHRC	National Human Rights Commission
NPC	National Population Commission
NPF	Nigeria Police Force
NPS	Nigeria Prison Service
NRHP	National Reproductive Health Policy
NSRP	Nigeria Stability and Reconciliation Programme
NWLR	Nigeria Weekly Law Report
NWP	National Women Policy
OAU	Organisation of African Unity
PC	Penal Code
PCC	Public Complaints Commission
PCM	Public Complaints Commission
PJ	Presiding Judge
RCG	Royal Cambodian Government
SAW	Sallallahu Alaihi Wa sallam
SC	Supreme Court
SGBV	Sexual and Gender-based Violence
UDHR	Universal Declaration for Human Rights
UK	United Kingdom
UN-CPRW	United Nation Covenant on Political Rights of Women
UNCSW	United Nation Commission on the Status of Women
UNESCO	United Nations Educational Scientific and Cultural Organisation
UNFPA	United Nations Population Fund
USA	United States of America
USAID	United States Agency for International Development
VAPP	Violence against Persons Prohibition
VAW	Violence against Women
WID	Women in Development
WRAPA	Y q o gpou"Tk i j v" C fxcpeg o gpv"cp f"Rtqvgevkqp" Cnvgtpcvkxg

# CHAPTER ONE

## INTRODUCTION

### 1.1 BACKGROUND OF THE STUDY

This study examines the institution of an enforceable legal regime that will eradicate violence against women and girls<sup>1</sup> and the United Nations Commission on the Status of Women<sup>2</sup> (UNCSW) has observed that the most prevalent and multi-dimensional occurrence of violence against women and girls is fundamentally a violation of their human rights, which subjects them to physical, psychological and economic abuse regardless of geographical location. It is a universal reality which is often invisible.<sup>3</sup>

Nigeria is also suffering from this global pandemic. This is because violence against women in Nigeria is ingrained in the traditional patriarchal foundation of the society. Tradition deems men as superior to women, husbands have the right to chastise their wives and women are regarded as subordinate to men within the family and the community at large<sup>4</sup>. It is also argued that this painful and unfortunate circumstance of violence against women is a universal reality which is often invisible.

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<sup>1</sup>Ref. Okpik, O. W. J. "Wujoc Wrcfj {c}." Pycfkipqdk.G. "Xkqngpeg" Cickpuv" Yqogp" cpf" Iktu<" C" Uknpgv" Inqdcn" Rcpfgoleö, at 11, <[http://jonesandbartiett/pub/56314\\_CH02\\_MURTHY.pdf](http://jonesandbartiett/pub/56314_CH02_MURTHY.pdf)> (accessed 28 February, 2015)

<sup>2</sup> UN, entity for gender quality and the empowerment of women <[http://www.unifem.org/gender\\_issues/violence\\_againstwomen](http://www.unifem.org/gender_issues/violence_againstwomen)> (28 February 28, 2015)

<sup>3</sup> Usha Srivastava, *The Status of Women in Law in Asian Countries*, (New Delhi, Md Publishers Ltd, 2010) 248

<sup>4</sup> Ini Nnadi, "Cp"kpuki jv"kp"vq"Xkqngpeg" cickpuv" yqogp" cu" jwo cp" tki jv" Xkqncvkqp" kp" Pki gkcc" c" etkkswgö, *Journal of Politics and Law*; vol,5, No,3 (2012): 49

vq" itcxgö<sup>5</sup>. From the time a girl is born, she is subjected to painful discriminatory practices until the end of her life. This is shown in the form of male preference<sup>6</sup> while iktnu" yknn"ngcxg"vjgkt"hc o kn{"jq o g"vq" o ctt{"cpf"dgeq o g"vjgkt"jwudcpføu"rtqrgtv{<sup>7</sup>

Globally, many women are abused, tortured and murdered. These acts of violence against women, in most cases, occurred in the home and in circumstances where it occurs in public view, it is often condoned by the women themselves or it is seen as culturally acceptable<sup>8</sup>. It is estimated that one in every three women suffer domestic violence at the hands of those who claim to love them and are responsible to protect them.<sup>9</sup> Studies have shown that 35% of women in Latin America are abused or assaulted by their intimate partners while in Sub Saharan Africa 45% of women suffer the same predicament<sup>10</sup>. Thus, violence against women account for 75% of all crime committed globally. In Bangladesh, the killing of women by their husbands account for 50% of murders<sup>11</sup> "kp" Rcmkuvcp." :2 ' " qh" vjg" eqwptv{øu" yq o gp" ctg" xkevko u" qh" intimate partner violence<sup>12</sup>. Every year, 12000 women die in Russia due to domestic violence<sup>13</sup>. In the United States of America, as reported by the Centre for Disease Control, at least 1,800, 000 women are assaulted by their intimate partners every year, and 1,000 to 1,600 of them die as a result every year<sup>14</sup>. The report further reiterates that these numbers of death does not include those who commit suicide to escape the

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<sup>5</sup> Padmini, Upadhyay, and Nwadinobi, 11.

<sup>6</sup> Abegunde, B, ò I gpfgt"kp gswcnkv{<"Pki gtkcp"cpf"kpvgtpcvkqpcn" rgtur gev kxgö." " " *British Journal of Arts and Social Sciences*, (2014): 168

<sup>7</sup> Ibid

<sup>8</sup> Padmini, Padhyay, and Nwadinobi, 11

<sup>9</sup> Eze-Cpcdc."K."òFq o guvke" xkqngpeg"cpf"ngicn"tghqt ou"kp"Pkigtke<"rtqur gev u"cpf"ejcmngpi guö."Ectfq|q" *Journal of Law and Gender*, Vol. 14, no. 21, (2007): 21-58

<sup>10</sup> Padmini, Upadhyay, and Nwadinobi, 11

<sup>11</sup> Cpvjqp{."C."Mqnc yqng."C."Qncdqfg.V."òFq o guvke" xkqngpeg"cpf" fgcvj<"yq o gp"cu"gpfcpi gtf" igpfgt" kp"Pkigtkeö, *American Journal of Sociological Research*, Vol. 3, no. 3, (2013): 55-60

<sup>12</sup> Ibid.

<sup>13</sup> Ibid, 57

<sup>14</sup> Ibid.

violence and those who die homeless on the streets in an attempt to escape abuse committed by their husbands at home.

A report conducted by Project Alert<sup>15</sup> shows that in Nigeria there is steady increase in violent attacks against women by looking at the statistics for the previous year in 2003 from a comparative perspective. A total of 169 cases were documented and the numbers show the following bleak reality: domestic violence/murder = 40 cases, rape/sexual assault = 32 cases, assault/murder = 73 cases, acid attacks = 3 cases and kidnapping/abduction = 21 cases<sup>16</sup>. Additionally, according to the report submitted by the Nigerian police in Kano state, in 2016 alone 570 rapists were arrested.<sup>17</sup> The situation in Nigeria is exacerbated by the preponderance of the application and the observance of cultural and traditional practices and socio-religious requirements. These include female circumcision, or otherwise known as female genital mutilation,<sup>18</sup> widowhood rites, forced child marriages, marital rape, accusations of witchcraft, discriminatory inheritance practices and the abuse of female domestic servants.<sup>19</sup>

In the same vein, according to Human Rights and Conflict Resolution Centre (HRCRC), an NGO based in Abakaliki, 142 cases of VAW were reported to the authorities between the months of January and August 2015.<sup>20</sup>

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<sup>15</sup> A Non-iqxtgtp o gpvcn"qt icpk|cvkqp"dcugf"kp"Pki gkx."vjg"tgrqtv"ycu"ecrvkqpgf"öPQ"UCHG" JGCXGPö" on the violence against women annual report.2004

<sup>16</sup>Anthony, Kolawole, Olabode, 57

<sup>17</sup> Kdtcjk o." [0"C."öMcpq"rqkqeg"cttguv"792"tc rkuv"kp"qpg" {gctö." "Daily Trust Newspapers, 18 July, 2016, P,2

<sup>18</sup> Idowu, A,ö" Ghhgev" qh" hqteg" igpkvcn" ewvki" qp" jwo cp" tki jv" qh" yq ogp" cpf" hg o cng" ejknftgp<" Vjg" Pki gkxcp"ukvwcvkqö, *journal of Law, Democracy and Development*, at 111, <http://jlawd&d/articles.html>. (accessed on 1 March, 2015)

<sup>19</sup> Eze ó Anaba, 27

<sup>20</sup> Available at <<https://www.today.ng/news/Nigeria/42818/group-identifies-142-case-of-violence-against-women-children-in-ebonyi>> accessed on 30/06/2016

Thus, VAW in Nigeria is alarming because the security and lives of women are not guaranteed and that violence by individuals or groups may be inflicted on them and the culprits will, often than not, escape justice. Recently, there is violence of great magnitude affecting Nigerian women and it has not been resolved. This refers to the abduction of 276 female students from the Chibok Government Girls Secondary School, in the Chibok government area of Borno State, Nigeria, on 14<sup>th</sup> April 2014<sup>21</sup>. Although the abduction was committed by a group popularly called the Boko Haram, the leader of the group, Sheikh Abubakar Shekau, admitted responsibility for the abduction and was recorded saying that he will sell the abducted girls in the market place because they are slaves and there is a market for slaves<sup>22</sup>. This incident has attracted international outcry, condemnation and mass protests within Nigeria. In fact, the government of the United State of America has deployed specialised personnel to assist the Nigerian Government to search and return the girls to their families.<sup>23</sup>

Although there were other incidences of VAW which were not given much media attention, including the abduction of over 35 women from the Matankari village of Maru in the government area of Zamfara state by local bandits.<sup>24</sup> Accordingly, the National Council of Women Societies has also revealed that a survey they have conducted on nationwide female inmates in Nigerian prisons in 2016 shows that 90% of victims of abuse are nursing mothers or pregnant women<sup>25</sup> who were sexually sexual assaulted and raped. At the same time, Nigerian government officials were

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<sup>21</sup> This horrible and terrible incident was reported by Aljazeera, BBC, CNN, and almost all international and domestic media both print and Broadcast entities.

<sup>22</sup> Rgygtu."O" "C."õ Y guvgtp"gf wevkqp"ku"ukphwn<"Dqmq" J ctc o "cpf"vjg"cdfwevkqp"qh"ejkdqm"uejqniktuo, at 186, *Policy futures in education*, vol,2, No 2, (2014): 186

<sup>23</sup>Peter, M.A, 186

<sup>24</sup> Qnwujqic."O."õC"{gct"kp"tgxky"y jcv"kv"ogcpu"vq"dg"hg"ocng"kp"Pki gtcö."cxckmcdng"cv" www.huffingtonpost.com/mary-oloshoga/a-year-in-review-what-it-b-13749098.html (accessed on 20 March,2017)

<sup>25</sup> Kdkf"Qnwujqic."O."õC"{gct"kp"tgxky"y jcv"kv"ogcpu"vq"dg"hg"ocng"kp"Pki gtcö

accused of sexual assault and rape of the women displaced by the Boko Haram insurgency.<sup>26</sup>

However, in its 2006 report<sup>27</sup> Amnesty International reveals the disturbing reality that the Nigerian police force, Nigeria prison service and other security and law enforcement agencies in Nigeria are themselves perpetrators of VAW. These people are guilty of custodial rape, which includes the rape of female relatives of detainees who visit their detained relations or arrested girls and women were coerced into sex to negotiate their freedom.

A British Council report also reveals that up to one third of women in Nigeria are subjected to one form of violence or the other and that unmarried women in the southern part Nigeria are worst hit with 70% of them having suffered physical, psychological and sexual violence. The report maintains that physical violence is frequent and rampant in the south west and southern regions which suggests that one in every five women have suffered physical abuse.<sup>28</sup> The report further maintains that the figure is not precise as to the actual number of VAW cases because abuse often goes unreported due to the unwillingness of victims to report their abuse to the authorities primarily because of social stigma and shame.<sup>29</sup>

According to Amnesty International domestic violence is the most pervasive form of violence and it is endemic largely due to societal tolerance and the view that such incidents, such as sexual abuse of domestic servants and female members of a family, and marital rape, and are considered a private matter. Other forms of violence

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<sup>26</sup> Y cnuj0"L. J w o cp"tki jvu"y cvej."õOcuu"tcrg"vq" o cuu" r tqv g uv<"XC Y "kp"4238ö."cxckncdng"cv"  
<https://www.hrw.org/news/2018/11/28> (accessed on 17 March 2017)

<sup>27</sup> Amnesty international report, (2006), *Nigeria: Rape ó the silent weapon*, (AI Index AFR: 44/020/2006), 2006

<sup>28</sup> British council Nigeria, *Gender in Nigeria report 2<sup>nd</sup> (ed.)*, (2012): *Improving the lives of girls and women in Nigeria*, British council and UK aid Nigeria, at 48-49

<sup>29</sup> Ibid. 47

include physical abuse which results in to serious bodily injury and death, forced marriages, female circumcision and widowhood rites.<sup>30</sup> The report further raises concern on the lack of statistics and the tolerance of victims to remain in abusive relationships, and such violence is only heard of if divorce is at issue.<sup>31</sup>

It has also been revealed that in addition to enduring and tolerating abusive relationships, female victims of domestic violence tend to justify the abuse inflicted on them, particularly when it involves reasons that emerge from assumptions of i g p f g t " t q n g u " C e e q t f k p i " v q " v j g " W p k v g f " P c v k q p u " Y q t n f " Y q o g p o u " T g r q t v " 4 2 3 2 <sup>32</sup>, 30% of Nigerian women accept and justify the burning of the food as a reason for wife beating. 40% of them believe that b e c v k p i " f w g " v q " v j g k t " t g h w u c n " q h " v j g k t " j w u d c p f o u " q t " r c t v p g t o u " u g z w c n " c f x c p e g u " k u " c n u q " l w u v k h k g f . " y j k n g " 7 2 ' " q h " y q o g p " v j k p m " v j c v " y k h g " beating is allowed as a consequence of arguing with their husband.

P k i g t k c o u " f g o q i t e r j k e " r t q h k n g " u j q y u " v j c v " k v " k u " v j g " o u q u v " r q r u l o u s n a t i o n i n Africa. It is also a multicultural and multi-religious nation. As of 1<sup>st</sup> March, 2017, it has 190,174,358 people from 250 ethnic group and 400 native languages. Officially, however, there are three major tribes: the Hausa/Fulani, Yoruba and Igbo. By 2025, the population is projected to grow to 204 million people.<sup>33</sup> 50% of the population are Muslims, 40% Christians, and 10%. Identify with indigenous or customary beliefs. V j g " e q w p v t { o u " o c v g t p c n " o q t v c n k v { " t c v g " u v c p f u " c v " 8 5 2 " f g c v j u " r g t " 3 . 2 2 2 " n k x g b i r t h s . <sup>34</sup>

Nigeria has signed, and in some instances ratified, many international and regional accords, some on general human rights platforms and others on specific

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<sup>30</sup> Amnesty international, *Nigeria ó Unheard voices violence against women in the family*, (AI, Index: AFR 44/004/2005) 2005.

<sup>31</sup> Ibid 10

<sup>32</sup> UN, Department of economic and social affairs, *y q t n f " y q o g p o u " " t g r q t v " \* 4 2 3 2 + = " v t g p f " c p f " u v c v k u v k e u . S T / E S A / S T A T / S E R . K / 1 9 , 2 0 1 0*

<sup>33</sup> C.I.A World fact book, <[www.indexmundi.com/nigeria/demographic\\_profile.html](http://www.indexmundi.com/nigeria/demographic_profile.html)> (accessed 6 March, 2015)

<sup>34</sup> Ibid.