



CRITICAL APPRAISAL OF INSTITUTIONAL MECHANISMS TACKLING DOMESTIC VIOLENCE AGAINST WOMEN IN NIGERIA

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Abstract

Domestic violence against women in Nigeria is a widespread phenomenon making news headlines on a daily basis with gloomy stories of single parenthood, mutilation, depression, horrific ill treatment, suicide, or even death trailing each occurrence. The home that should ordinarily be a safe haven for such women is turned to a battleground where disagreement and fisticuffs is the currency being spent. Despite the availability of enacted laws and institutional framework put in place to tackle this menace, its surge is still alarmingly high. This study adopts the doctrinal research methodology in critically analyzing existing institutions tackling domestic violence against women. The various trends to violence within Nigeria and in jurisdictions outside Nigeria are also examined. This study reveals the notoriety of the culture of silence and the low reportability of cases of domestic violence. It discusses the likely factors responsible like social stigmatization and how they can be improved upon. The research findings reveal that collaborative efforts between institutions would be rewarding as their activities are interconnected and none can barely function effectively without recourse to one another. The article concludes that domestic violence against women in Nigeria which is incredibly high will nosedive where there is attitudinal change and relevant stakeholders work towards stamping it out. Based on the research findings, the study recommends preventionist strategies like relationship counselling sessions, training and retraining relevant stakeholders in the discharge of their duties. It also recommends the strengthening of available institutions so that the fight against domestic violence will be effective.

Keywords: Domestic Violence, Women, Institutions, Nigeria

1.0 INTRODUCTION

Domestic violence against women is undoubtedly a common phenomenon and a violation of the rights of women. It is not peculiar to a particular race, tribe, religious or geographical location.¹

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Global estimates published by the World Health Organization (WHO) show that about one in three (35%) women worldwide have experienced either physical and, or sexual intimate partner violence in their lifetime.² Even though women constitute almost half of the world's population, they are still subjected to varying forms of gender inequality and flagrant breach of their fundamental human rights propelled by perceived stereotypes and certain cultural norms. Although violence can be perpetrated by either the male or female gender,³ family members and even the state,⁴ women are generally caught in the web of domestic violence.⁵ Based on their gender, social systems or arrangements that treat people differently because of their sex, embedded in patriarchal institutions have been fingered as the grave cause of this disparity.⁶ To dispel this disparity, institutional framework are put in place to break down social systems that negatively impact on women's life and fuel the flame of domestic violence. This article critically examines the institutional framework capable of tackling issues of domestic violence at the national and international planes. The article looks at their highpoints, their challenges, the effectiveness or otherwise in nipping in the bud domestic violence against women and recommends ways to further strengthen the institutions to better serve the needs of abused women.

1.1 Concept and Nature of Domestic Violence against Women

In recent times, issues of violence against women have taken the front burner of public and, or private discussions and debates because of its violation of the rights of the women affected. It is therefore not in doubt that women's rights are also human rights that are inalienable. Bakare, Asuquo, and Agomoh describe domestic violence as the physical abuse, sexual abuse, emotional and verbal abuse between people who have at some time had an intimate or family relationship.⁷ It is the abusive treatment of a family member in a less favourable manner in such a way that the

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¹See National Bureau of Statistics, *2017 Statistical Report on Women and Men in Nigeria* (National Bureau of Statistics Abuja, 2018); 38 <www.nigerianstat.gov.ng/download/784> (accessed 3 May 2025).

²World Health Organization. *Violence Against Women*. (World Health Organization Geneva, 2017) <www.who.int/news-room/fact-sheets/detail/violence-against-women> (accessed 5 May 2025).

³Eboiyehi, F. A., and Muoghalu, C. O., 'Abused Men in an intimate Relationship: Unrecognized Victims in Nigeria' in Albert, I. O., Omotoso, S.A., and Akeredolu, A. (eds), *Gender-based Violence in Contemporary Nigeria* (Institute for Peace and Strategic Studies, University of Ibadan, Nigeria, 2017) 293; Fayankinnu, E.A., 'Gender-Based Violence in Akungba-Akoko of South-Western Nigeria: Are Men Victims?' (2016) 4 (1) *Asian Journal of Humanities and Social Studies*, 38.

⁴Miyaol, K., 'Developing Policy and Legal Frameworks for Ending Violence against Women: International Experiences.' <www.belarus.unfpa.org/sites/default/files/pub-pdf/Developing%2520policy%2520and%2520legal%2520frameworks%2520for%2520ending%2520violence%2520against%2520women.pdf> (accessed 7 June 2025).

⁵ Women are victims of intimate violence at a rate two and a half times that of men. See Siegel, L.J., *Criminology: Theories, Patterns and Typologies*. 4th ed. (West Publishing Company, Minnesota, 1999) 111.

⁶Lindgren, J.R., Taub, N., Wolfson, B.A., and Palumbo, C.M. *The Law of Sex Discrimination*. 4th ed. (Wadsworth Inc, Boston, 2011) 8.

⁷ Bakare, M.O., Asuquo, M.D., and Agomoh, A.O. 'Domestic Violence and Nigerian Women- A Review of the Present State' (2010) 8 (2) *Nigerian Journal of Psychiatry*. 5-13.



basic human rights of such individual are infringed or trampled upon.⁸ It can also be described as an abuse of power in a relationship reflected in assertions of verbal, physical, emotional, and psychological control.⁹ It is called different names like intimate partner violence, wife battering, spousal violence, domestic abuse, among others. Reasons for such abusive or violent acts may be due to the action or inaction of the abused. The abuser may also be propelled or influenced by factors like their background or certain personal characteristics, social or economic factors. Domestic violence against women could be direct or indirect and manifest in not just physical violence but also sexual, emotional, psychological abuse, harassment, intimidation, economic deprivation, or threats of any of these.¹⁰

Despite the availability of legal and institutional framework on violence in all facets of life, it is still a common happenstance in Nigeria. Domestic violence against women have been said to occur for wife's disobeying the husband, being disrespectful to in-laws, as a means of chastising an erring wife, giving birth to female children, refusal to yield to sexual overtures of the spouse or intimate partner, or similar reasons.¹¹ The World Health Organization reported intimate partner violence as a leading cause of disability and death in Africa more than cancer, malaria, war or even traffic accident.¹² The devastating effect of domestic violence in the life of women is better imagined, her work or career,¹³ physical and mental health¹⁴ are also not spared as well. Those connected or related to her especially the children also share this burden with her.¹⁵

A demographic health survey carried out in Nigeria shows that 28% of women aged 15-49 have experienced physical violence at least once since age 15 and 11% experienced physical violence within the 12 months prior to the survey. At least, 25% of every married woman aged 15-49 reported ever having experienced emotional, physical or sexual violence from their spouse, and 19% reported having experienced one or more of these forms of violence in the past 12 months. Among the married women who had experienced spousal physical violence in the past 12 months, 33% reported experiencing physical injuries. 45% of women who experienced violence never sought for help or told anyone about the violence.¹⁶ Available World Health Organization report

⁸Aihie, O. N. 'Prevalence of Domestic Violence in Nigeria: Implications for Counselling' (2009) 2 (1) *Edo Journal of Counselling*, 3.

⁹Jura, F. and Bukaliya, R. 'Domestic Violence: Causes and Implications for the Education System' (2015) 2 (4) *International Journal of Research in Humanities and Social Studies*, 62.

¹⁰Miyaol, *op. cit.*

¹¹Aihie, *op. cit.*, 1; Adewale, R. 'Violence in the Family: A Preliminary Investigation and Overview of Wife Battering in Africa' (2007) 9 (1) *Journal of International Women's Studies*, 234-252 at 235.

¹²Krug *et. al* (eds) *World Report on Violence and Health* (World Health Organization Geneva, 2002) 11 October 2019 <www.who.int/violence_injury_prevention/violence/world_report/en/introduction.pdf> (accessed 7 May 2025).

¹³Oni-Ojo, E.E., Adeniji, A.A., Osibanjo, A.O., Heirmsmac, T.P., 'Impact of Domestic Abuse on Female Employees' Productivity in the Nigerian Workforce.' (2014) 10 (26) *European Scientific Journal*, 186.

¹⁴Onyemelukwe, C., 'Intersections of Violence Against Women and Health: Implications for Health Law and Policy in Nigeria.' (2016) 22 (3) *William & Mary Journal of Women and the Law*, 631.

¹⁵Alabi, O.T., Oni, I.O., 'Impact of Domestic Violence on the Academic Performance of Secondary School Students in Owo Local Government, Nigeria.' (2017) VIII (II) *Afro Asian Journal of Social Sciences*, 1-23.

¹⁶National Population Commission. *Nigeria: Demographic and Health Survey 2013* (ICF International, Rockville-Maryland, 2014), 301 cited in Isa, K.H., 'Discourse and Counter-Discourse on "Domestic Violence": Emir Muhammad



shows that the prevalence of domestic violence in sub-Saharan Africa ranges between 36 and 71%.¹⁷ Statistics put forward by Nigerian *This Day Newspaper* shows that about 50% of Nigerian women are beaten up by their husbands with a staggering 97.2% not willing to report the invidious act or bring their complaints to relevant authorities because they believe the law will not protect them.¹⁸

Domestic violence is multi-causal, it therefore requires several approaches to tackling it. It is opined that legislations alone cannot adequately put to a standstill or curb its tendencies. Concerted efforts of all stakeholders and institutions are therefore required to stem its tide. Several institutions are in place which helps either to prevent domestic violence from happening or help the victims when the sad event had occurred. These institutions (government agencies, international organizations or non-governmental bodies), their activities and contemporary challenges in the fight against domestic violence will be discussed.

2.0 INSTITUTIONAL MECHANISM TO TACKLE DOMESTIC VIOLENCE

Domestic violence has been affirmed to be the third leading cause of homelessness in families with a woman being beaten or assaulted every nine seconds.¹⁹ It is also on record that about seven million children live in families where severe partner violence occurred with more than three million witnessing domestic violence in their homes.²⁰ With the gory statistical details, it has become imperative therefore to institutionally tackle the menace headlong. These institutions are discussed below.

2.1 Legal Aid Council

Legal aid is the provision of free legal services to persons who cannot afford such services by reason of their disposable income.²¹ The rationale behind legal aid is the provision of access to justice and ensuring equality before the law. It is worthy of note that it is a recognizable international norm that persons be entitled to legal assistance especially where they cannot afford it.²² Part IV of the Constitution cannot be said to be guaranteed or actualized where means to

Sanusi II Versus Kano *Ulama*' in Albert, I. O., Omotoso, S.A., and Akeredolu, A. (eds), *Gender-based Violence in Contemporary Nigeria* (Institute for Peace and Strategic Studies, University of Ibadan, Nigeria, 2017) 297.

¹⁷World Health Organization (WHO). *WHO Multi-Country Study on Women's Health and Domestic Violence against Women: Summary Report of Initial Results on Prevalence, Health Outcomes and Women's Responses*. (World Health Organization Geneva, 2005). <www.who.int/reproductivehealth/publications/violence/9241593512/en> (accessed 12 June 2025).

¹⁸Editorial. 'Domestic Violence: When Law Fails to Protect' *This Day Newspaper* (Lagos, 20 September 2011) 3

¹⁹ Rogers, L.L., Transitional Housing Programs and Empowering Survivors of Domestic Violence <<https://www.justice.gov/archives/ovw/blog/transitional-housing-programs-and-empowering-survivors-domestic-violence>> (accessed 16 April, 2025).

²⁰ Abeku, T., 'Minister Urges Unified Action against Domestic Violence Culprits' *The Guardian* (Abuja, 31 March 2021) <<https://guardian.ng/news/minister-urges-unified-action-against-domestic-violence-culprits/>> (accessed 1 June, 2025).

²¹ Malemi, E., *The Nigerian Legal System* 4th ed. (Princeton Publishing Company, Lagos, 2012) 475.

²²The United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems is an international instrument in this regard. <https://www.unodc.org/documents/justice-and-prison-reform/UN_principles_and_guidelines_on_access_to_legal_aid.pdf> (accessed 9 May, 2025).



access justice or redress wrong is unavailable because of paucity of funds. Perhaps that explains the recognition and inclusion of legal aid for indigent persons in the Constitution.²³

Legal Aid Council is obliged to provide legal aid to the categories listed in the Act²⁴ and for persons mentioned in section 10. As a matter of fact, a learned scholar argued that victim of domestic violence should not be made to enjoy benefits of government funded legal service since they are not defendants in a criminal matter.²⁵ I disagree with utmost respect with that position and opine that since acts of domestic violence can be linked to breach of fundamental human rights, such claims can be lodged with and handled by the Council. This is because under Second Schedule of the Act, the Council is empowered to make legal aid available for civil claimants to cover breach of fundamental rights as guaranteed under Chapter IV of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).²⁶ In addition, where the violent act complained of includes the malicious infliction of bodily harm, rape or other crime proscribed under the Act, a domestic violence victim who is not disqualified under Section 10 of the Act should enjoy legal aid service. It is a known fact that some abused women just want an end to marital violence they are experiencing and do not necessarily want to leave their homes or totally sever marital ties with their abuser. When these categories of women approach the Council, alternative dispute resolution (ADR) may be initiated on their behalf. This can be done only where parties pass the indigence test as provided under the Act.

The Council has also come under heavy criticism for being esoteric in nature. By virtue of Section 6 of the Act, Council offices are situated in the Federal and State Capitals.²⁷ It is opined that with such locations, justice needs of indigents in rural areas cannot be said to be effectively met. It is unlikely that a State office can adequately cater for both urban and grassroot interests. Shuttling between the Council's State office and courtrooms may leave a dent on the resources of the financially strained applicant who may not be resident close by. The location therefore not being within the immediate reach of 'indigents' who may require their services can be a stumbling block in the effectiveness of the Council's activities and further alienate the underprivileged or indigent citizens from the legal system.

The limited scope of the mandate of the Council has also been cited as a challenge.²⁸ Banire²⁹ posits that the underprivileged requires legal aid mostly in domestic matters like landlord-tenant cases, divorce, custody, maintenance, spouse abuse among others which are not within the

²³ See Section 46(4) (b) Constitution of the Federal Republic of Nigeria 1999 (as amended). See also Asein, J.O., *Introduction to Nigerian Legal System* (2nd ed. Ababa Press Ltd, Lagos, 2005) 320.

²⁴ See Second Schedule Legal Aid Act.

²⁵ Eze-Anaba, I., Domestic Violence and Legal Reforms in Nigeria: Prospects and Challenges, 37. <<https://core.ac.uk/download/pdf/76623655.pdf>> (accessed 10 April 2025).

²⁶ See Part C (2) Second Schedule Legal Aid Act 2011.

²⁷ There is a drive to open up Legal Aid Centres close to grassroot people. There are less than twenty (20) of such offices. The figure is dismal when compared to the 774 local government areas in Nigeria. See Ibrahim, A.A., Legal Aid Council of Nigeria at 40*Blueprint* (Kano. 22 November, 2016) <<https://www.blueprint.ng/legal-aid-council-of-nigeria-40/>> (accessed 10 June 2025).

²⁸ Abegunde, B., and Omidoyin, T.J., 'Legal Aid System in Nigeria and the Right to Equal Access to Justice', 11.

²⁹ Banire, M.A., 'Legal Aid in the Administration of Justice' 10. <http://mabandassociates.com/pool/Legal_Aid_in_the_admin_of_justice_Nigeria.pdf> (accessed 9 June, 2025).



present purview of the Nigerian Legal Aid's mandate. It is argued that it may be difficult to subsume acts of domestic violence into any of the outlined offences in the Second Schedule of the Act which listed civil and criminal matters of which legal aid may be given., as domestic violence itself is not so specifically listed as a crime to which legal aid may be available.

Inadequate funding has also been identified as a major challenge to the effectiveness of Legal Aid Council.³⁰ With insufficient funding, the Council suffers from infrastructure deficit, logistics problem, salaries of staff members are unattractive and all of these are capable of affecting morale of workers or staff output generally. This perhaps explains the inability of the Council to cite offices beyond State levels or employ more hands beyond the volunteer private legal practitioners, nongovernmental organization law clinic engaged in *probono* services or Corps Lawyers deployed to them by National Youth Service Corps (NYSC).

Despite the criticisms leveled against the operation of the Nigerian Legal Aid Council, it still remains an important institutional intervention in bridging the justice gap and ensures the underprivileged in the society are not cut off from accessing justice. Their impact is felt because without them a large number of indigents may remain stuck in a violence-ridden relationship.

2.2 Network of Universities Legal Aid Institutions NULAI /LAW CLINICS

The existing legal aid scheme has been described as being inadequate, deficient and limited in scope.³¹ Perhaps that explains why the search for something better to fill the gap not adequately addressed by governmental legal aid programmes became priority. Network of Universities Legal Aid Institutions (NULAI) which currently coordinates about 42 Campus based law clinics in Nigeria is a nongovernmental institution with the mandate of promoting clinical legal education, legal education reform, legal aid and access to justice.³²

Most Campus based law clinic adopt the clinical legal education method in training students to provide free services for indigents including women.³³ They provide legal and counseling services, ADR services, and expose their students to the practical aspect of the teachings they have received in the classroom under the supervision of Clinicians/Staff members.³⁴ Clients who seek the services are not forced to accept the advice or recommendations given to them at the Clinic except where it involves illegality, crime or life is endangered.³⁵ Matters requiring legal representations are handled by staff

³⁰Adeyemi., A.I. 'Legal Aid Council in Nigeria: Challenges and Possible Solutions'. 6 <https://www.academia.edu/42064957/THE_LEGAL_AID_COUNCIL_IN_NIGERIA_CHALLENGES_AND_POSSIBLE_SOLUTIONS_ADEWUMI_IBRAHIM_ADEYEMI_1> (accessed 2 May, 2025).

³¹ Bamgbose, O., 'Access to Justice through Clinical Legal Education: A Way forward for Good Governance and Development.' (2015) 15 (2) *African Human Rights Law Journal*, 380.

³² NULAI Website <<https://nulai.org/law-clinics-in-nigeria/>> (accessed 26 May 2025).

³³ Olomola, O., and Bamgbose, O., 'Collaborating with other Disciplines: Best Practice for Legal Clinics-A Case Study of the Women's Law Clinic, University of Ibadan, Nigeria'. (2014) (19) *International Journal of Clinical Legal Education*, 356.

³⁴ Ojukwu, E., Lagi, O., and Yusuf, M., *Compendium of Campus Based Law Clinics in Nigeria* (Network of Universities Legal Aid Institutions (NULAI), 2014) 25.

³⁵ Olomola, O., and Bamgbose, O., *op cit.*, 358.



clinicians or postgraduate students who are lawyers. The Clinic is made effective because academic credits and marks are awarded to law students for their activities and efforts.

As laudable as NULAI/Law Clinic activities may be, they are still faced with challenges which threaten their effectiveness. Inadequate monitoring of matters because of logistics or cost constraint is one of the problems faced.³⁶ Even though legal services offered are pro bono, clients may still be required to pay at the department or collaborating institutions they are referred to. For example, an indigent client who is required to carry out medical test at a health center, go to the police station, or see a councilor may decide to stop keeping appointments when they become financially draining.

2.3 National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP)

The National Agency for the Prohibition of Traffic in Persons (NAPTIP) is an agency of the Federal Government of Nigeria charged with the responsibility of fighting human trafficking and other similar human rights violations. NAPTIP is the foremost regulatory body charged with the administration of the provisions of the Violence against Persons (Prohibition) Act (VAPP Act).

The provisions of the VAPP Act are implemented and administered through concerted efforts of several departments and units of the agency like the Counseling and Rehabilitation Department, the Investigation and Monitoring department, the Legal and Prosecution Department, among others.³⁷ Activities of these departments/units of the agency are important in carrying out provisions of the VAPP Act. As a matter of fact, the agency's Shelter Management Section under the Counseling and Rehabilitation Department has about eight shelter homes where rescued trafficked persons and/or victims of Gender Based Violence are accommodated. It is also heartwarming to note that in bringing to life provisions of the VAPP Act, cases are filed in court and about thirty-eight convictions secured.³⁸ Through the coordinated use of crime prevention and law enforcement resources, the agency's commitment to the prevention of all forms of human degradation and exploitation remains unshaken. Even though human trafficking appears in its name, the core values of gender equality, protection of human rights and victim protection among others stand it out and these are usually reiterated in their activities.

2.4 Office of the Public Defender

The realization that the Legal Aid Council and other sundry institutions cannot adequately cater for the needs of indigent citizens and residents in a particular locality has led to the establishment of other government parastatals and agencies like the Office of the Public Defender with mandates similar to that of the Legal Aid Council.

³⁶ Olomola, O., and Bamgbose, O., *op cit.*, 370.

³⁷ NAPTIP. 'VAPP Act.' <<https://www.naptip.gov.ng/vapp-act/>> (accessed 10 June, 2025).

³⁸ *Ibid.*



The Office of the Public Defender (OPD) in any state is usually charged with the responsibility of safeguarding the fundamental human rights of vulnerable and disadvantaged individuals or groups in the society. As an institution, they provide quality and effective legal assistance to indigent citizens or residents in both civil and criminal matters under the Law.³⁹

The OPD organizes conferences, workshops, exchange programs, symposia in the bid to creating awareness for members of the public to know their rights and be conversant with the activities of the agency. The agency receives complaints directly from indigent complainants or on referral from other collaborating agencies or Non-Governmental Organisations (NGOs) within its operational reach. However, premium privilege is granted to women, children and physically disabled persons irrespective of their tribe, religion or race.⁴⁰ The agency gives free legal advice and in ensuring quick dispensation of justice, adopts Alternative Dispute Resolution (ADR) where necessary.⁴¹

The fact that some complainants develop cold feet midway into investigation or prosecution of their matters has been cited as a regular occurrence and a challenge faced by the agency. Cases of violence in the family are hardly reported and those reported are hardly prosecuted because of several reasons. An officer of the agency in Ondo State in an unstructured interview⁴² gave example of a case where a woman was beaten and strip naked by her brother-in-law who also recorded the incident (in the presence of the woman's husband) on a camera to further shame her. After the incident was reported to the OPD and other collaborating agencies (Nigerian Police and FIDA) were called in and investigations started, the lady in question stopped communicating with officials of the agency. When issues like this keep occurring, the operational oversight of the agency is hindered as officers will not be motivated to actively participate in future similar matters.

2.5 The National Human Rights Commission

The National Human Rights Commission of Nigeria (The Commission) is established for the promotion and protection of all human rights as guaranteed by the Nigerian Constitution and other international or regional treaties to which Nigeria is a party.⁴³ The enabling Statute is the National Human Rights Commission Act of 1995 (as amended in 2010).

The Commission's mandate⁴⁴ includes receiving, monitoring and investigating⁴⁵ alleged cases of human rights violations in Nigeria. Of particular importance is the fact that they deal with matters relating to the protection of human rights guaranteed in the Constitution and International instruments on human rights to which Nigeria is signatory.⁴⁶ The Commission also engages in

³⁹ See Section 1 (1) Cap 103 Volume 3 Laws of Ondo State, 2006.

⁴⁰ Section 14 Office of Public Defender Law, Volume 3 Laws of Ondo State of Nigeria, 2006.

⁴¹ Ondo State Office of Public Defender Flier, 4.

⁴² Unstructured interview with an officer of the Office of Public Defender (OPD) at the OPD Akure Office on Monday 18th October, 2021.

⁴³ See Section 5(a) National Human Rights Commission (amendment) Act 2010.

⁴⁴ National Human Rights Commission Mandate <<https://www.nigeriarights.gov.ng/about/nhrc-mandate.html>> (accessed 28 June, 2025).

⁴⁵ Section 5(b) National Human Rights (Amendment) Act 2010.

⁴⁶ Section 5(a) National Human Rights Commission Act Cap N46 LFN, 2004 (hereinafter referred to us as NHR Act).



public enlightenment and regularly holds workshops, seminars, conferences and interactive sessions with relevant stakeholders like legal practitioners, judicial officers, law enforcement officers, social workers, non-government organizations among others.

The increasing spate of violence in Nigeria is becoming worrisome. Available record shows that the Commission received over one million petitions of human right abuses in year 2020 alone with sexual and gender based violence as well as women and gender rights topping the list with about 232,600 cases.⁴⁷ As reported by Amnesty International, complaints made to Nigeria's Human Rights Commission ranges from inhuman treatment of wife, denial of medical care and freedom of worship to unauthorized withdrawal of funds.⁴⁸ This is true because one of the thematic focal areas of the Commission is targeted at the 'Rights of Women and Gender Related Matters.'⁴⁹ Sexual and Gender based Violence is being tackled by the Commission with the use of innovative technology. Dedicated Call Centers with toll free lines are available to report cases of SBV. In addition, the Commission makes use of their social media channels and cutting-edge applications like reportNHRC.org and UNSUB, etc.⁵⁰ With these platforms, people can freely express their grievances and press demands for redress.

The lack of prosecutorial powers and the bureaucratic bottlenecks encountered when carrying out full objectives of the Commission created setbacks.⁵¹ Very little is achieved when the mandate of the Commission is limited to investigating human right complaints only and much time is lost where complaints are referred to the Attorney General. It is envisaged that where the powers of the Commission are enlarged beyond investigating complaints, mediation between parties to a complaint and instituting only civil actions in courts, the Commission will be more effective.

2.6 Government Ministries and Parastatals.

Victims of domestic violence can now heave a sigh of relief because of the provisions made available for them by the government through agencies, ministries and parastatals affiliated with the government at several levels. Some of them include Lagos State Domestic and Sexual Violence Agency and, Ondo State Agency Against Gender-Based Violence (OSAA-GBV). In States without special government parastatals, the Ministry of Women Affairs and Social Development, The National Centre for Women Development (NCWD), Office of the First Lady, Ministry of Justice, the International Federation of Women Lawyers (FIDA) Secretariat at the States' usually step in the gap for issues where the health of women are at stake.

⁴⁷Adenekan, S., Exclusive: Child Rights Violations, Sexual Violence, others top 1.2 Million Petitions before Human Rights Commission' *Premium Times Nigeria* (Abuja, 13 April, 2021) <<https://www.premiumtimesng.com/news/headlines/454845-exclusive-child-rights-violations-sexual-violence-others-top-1-2-million-petitions-before-human-rights-commission.html>> (accessed 20 May, 2025).

⁴⁸Amnesty International, Nigeria. *op. cit.*

⁴⁹The Commission identified 15 thematic area of focus others include: Children, Education, Labour, Food and Shelter, Communal Conflict and other Related Violence.

⁵⁰Ameh, J., 'NHRC receives over 700 SGBV Complaints, outlines measures to curb Menace' *Verity News Online* (8 December 2020) <<https://veritynewsonline.com/2020/12/08/nhrc-receives-over-700-sgbv-complaints-outlines-measures-to-curb-menace/>> (accessed 28 April, 2025).

⁵¹Composition and Challenges of National Human Rights Commission <<http://bowenstaff.bowen.edu.ng/lectureslides/1587647214.pdf>> (accessed 2 June, 2025).



Most of these agencies collaborate with other parastatals and professional service providers like lawyers, medical practitioners, counselors, social workers to end sexual and gender based violence by providing sensitive services and also meeting the needs of abused victims.⁵² Some of them have laudable innovations like media sensitization,⁵³ free virtual consultation and emergency assistance/support,⁵⁴ skills acquisition and empowerment programmes, emergency Response Center with toll free numbers through which callers are automatically connected with emergency medico-legal support as well as security and policing in relation to SGBV.⁵⁵ etc. Several sterling achievements attributed to some of these agencies include the translation of enabling Laws into local languages and braille for ease of understanding, monitoring cases of domestic violence and child abuse in courts, strategic development planning and policy development, among others.⁵⁶ OSAA-GBV intervened and actively participated in the case of *COP v. Opeyemi Omoyemi* where the defendant who was accused of lacerating the body of a twelve year old child with razor for allegedly stealing a piece of meat was sentenced to three and half years imprisonment.

It is important to state that despite the abundance of government parastatals, ministries and agencies, the surge in domestic violence remain alarming. The slow pace of the criminal justice system especially in the trial of sexual offenders has been indicated by gender advocates as the cause.⁵⁷ For example in April 2021, the Nigerian Minister of Women Affairs revealed that out of over 3000 cases of sexual and gender-based violence reported in six states, only 11 were prosecuted. In Abuja alone, out of 444 recorded cases, 443 are still hanging in court over

⁵²Domestic Sexual and Violence Response Team <www.dsvrtlagos.org/who-we-are/> (accessed 1 May 2025).

⁵³ For example, the '*Majiyagbe*' program in Oyo State served as an avenue for victims of gender-based violence to speak up with the objective of getting justice served. *Majiyagbe* is a yoruba word literarily translated as 'don't suffer in vain.' See Westminister Foundation for Democracy (WFD) 'Tackling Violence against Women and Girls in Oyo State, Nigeria.' <<https://www.wfd.org/2021/06/11/tackling-violence-against-women-and-girls-in-oyo-state-nigeria/>> (accessed 1 May 2025).

⁵⁴ Bella Naija 'Lagos State DSVRT Launches Virtual Referral and Response Service for Survivors of Sexual and Gender-Based Violence' *BellaNaija Blog* (Lagos, 24 May, 2021) <<https://www.bellanaija.com/2021/05/lagos-state-dsvrt-sgbv/>> (accessed 1 May, 2025).

⁵⁵Agidi, M., 'Mrs Akeredolu Launches Events to end GBV' *The Hope Newspaper* (Akure, 27 November 2020) <<https://www.thehopenewspaper.com/mrs-akeredolu-launches-events-to-end-gbv/>> (accessed 1 May 2025).

⁵⁶ Esho, B., 'Agency enlightens Residents on Violence Prohibition Law in Ondo' *Daily Independent* (Akure, 17 December 2022) <<https://independent.ng/agency-enlightens-residents-on-violence-prohibition-law-in-ondo/>>; Adenitan, O., 'Ondo Launches Braille Version of VAPP Law' *Radio Nigeria* (Akure, 17 March 2023) <<https://radionigeria.gov.ng/2023/03/17/ondo-launches-braille-version-of-vapp-law/>>; and Johnson, D., 'Gender Based Violence: Shun Stigmatization, Expose Violators, Akeredolu's Wife Advises Victims' *Vanguard Newspaper* (Akure, 1 December 2022) <<https://www.vanguardngr.com/2022/12/gender-based-violence-shun-stigmatization-expose-violators-akeredolus-wife-advises-victims/amp/>>; 'OSAA-GBV: Stakeholders Engaged on Strategic Devt Plan Towards Achieving GBV-Free Ondo State' *Ondo Events* (Akure, 9 September 2022) <<https://www.ondoevents.com/osaa-gbv-stakeholders-engaged-on-strategic-devt-plan-towards-achieving-gbv-free-ondo-state/>> (all accessed 21 March 2025).

⁵⁷ Onyesi, C., 'Why Gender Based Violence Persist in Nigeria Despite Increased Reporting' *Daily Post News* (Abuja, 10 July 2021) <<https://dailypost.ng/2021/07/10/why-gender-based-violence-persists-in-nigeria-despite-increased-reporting/>> (accessed 1 June, 2025).



bottlenecks.⁵⁸ It is believed that where convictions are secured and sustained, prospective wife abusers on the prowl will keep a tight leash on their violent tendencies.

.2.7 Law Enforcement Institutions

Law enforcement institutions are agencies of government responsible for maintaining order and for ensuring obedience to laws. They also have the responsibility of curbing lawlessness and ensuring that every law-abiding citizen to a large extent feel safe and secure wherever they find themselves in public or private domains. When cases of domestic abuse occur, apart from approaching health institutions for specific intervention, victims also go to law enforcement agents whether on their own or upon referral from health institutions.

After making a complaint or formally reporting cases of domestic abuse at the police stations, the abuser is arrested and made to write statement.⁵⁹ A Police Report is issued detailing particulars of the parties and the matter reported. Where crime is disclosed, the abuser is charged to court. The duty of the police apart from the power of arrest or assisting victims of domestic violence also covers providing transportation to the nearest health facility for medical treatment, arranging for the transportation of the victim to a safe place, informing victim of the available legal remedies.⁶⁰ The powers of police officers covers the application of protection order on behalf of the abused woman,⁶¹ and extends to making arrest even without warrant and on reasonable suspicion of commission of domestic violence.⁶²

They Nigerian Police Force (NPF) have come under heavy criticism for being least supportive, in their attitude in helping victims of domestic violence. There are occasions where officers maintain noninterventionist stance saying domestic abuse is a private matter between the husband and wife. Gender based violence is not given the necessary attention and seriousness in some police stations because it is seen as the husband being within his right to ‘discipline’ his wife.⁶³ There are cases where abused woman would report her abuser severally at police stations with nothing concrete done until life is lost. Even when these officers intervene, instead of arresting the perpetrator of domestic violence, they mediate or advise the woman to be patient with the abuser instead of effecting arrest. The minimal, superficial and often late involvement of the police calls for serious

⁵⁸ Onyesi, C., ‘Why Gender Based Violence Persist in Nigeria Despite Increased Reporting’ *Daily Post News* (Abuja, 10 July 2021) <<https://dailypost.ng/2021/07/10/why-gender-based-violence-persists-in-nigeria-despite-increased-reporting/>> (accessed 1 June, 2025).

⁵⁹ It should be noted that not all cases take this route as police officers’ powers extend to making arrest even without warrant and on reasonable suspicion of commission of domestic violence See section 31 (2)(a) Ekiti State Gender-based Violence (Prohibition) Law, 2019.

⁶⁰ See Sections 28 (3), 32 Violence against Persons (Prohibition) Act, 2015. Section 31 Ekiti State Gender-based Violence (Prohibition) Law, 2019.

⁶¹Section 28 (4) Violence against Persons (Prohibition) Act, 2015.

⁶² Section 31 (2) Ekiti State Gender-based Violence (Prohibition) Law, 2019.

⁶³ A Gender Policy for the Nigeria Police Force: Final Draft Report November 2010, 37 <https://www.endvawnow.org/uploads/browser/files/security_nigeria_gender_policy_police_unwomen_2010.pdf> (accessed 1 May 2025).



concern.⁶⁴ A study carried out in Victoria Island, Lagos State and Akure, Ondo State, reveals that 79.2% and 92.1% of the respondents in the respective States shunned reporting cases to the police because of trivialization of their matters.⁶⁵ The police attitude has led to such victims losing faith in the law enforcement route in helping them get justice. Instead, they manage the situation hoping their abuser will change.

It is of note to mention that in some other jurisdictions, action can be taken against public officers who fail or slack in the discharge of their duty. In the case of *Thurman v. City of Torrington*,⁶⁶ Tracey Thurman left an abusive marriage but her ex-husband (Charles) kept stalking, harassing and verbally threatening to kill her. Despite being granted a restraining order against him the vicious attack did not cease. On several occasions, police officers refuse to arrest Charles giving various excuses for their inaction including 'the officer who has your case is on vacation.' Tracey sued the City of Torrington and its Police department for not being proactive and not adequately protecting her when another attack from her ex-husband left her bedridden and paralyzed.

2.8 The Judiciary

The Judiciary is the organ of government charged with the responsibility of interpreting and applying the law. It is the arm of government that promotes a well ordered society where the law rules. Judicial institution is referred to as the last hope of common man because when rights are trampled upon, individuals can approach the court system for a redress.

After the police might have made arrest and a bonafide case made against the abuser, he is arraigned before a court of competent jurisdiction. It is irrelevant whether the abused woman is alive or dead; it also does not matter whether she consents to the arraignment of her abuser or not.⁶⁷ When domestic violence results in fatality, the criminal justice system is activated and most times a charge of manslaughter, murder or similar charge is proffered. Since domestic violence is not only an act against the abused woman but a crime against the State, the court's duty is to thoroughly analyze the evidence adduced before giving its judgment. The case of *State v. Akolade Arowolo*⁶⁸ is instructive. Arowolo was found guilty of killing his banker wife and subsequently sentenced to death by hanging by Justice Latifah Okunnu of Ikeja High Court.

⁶⁴ Okulate, G.T, 'Interpersonal Violence Cases Reported to the Police: A Nigerian Study' (2005) 20 (12) *Journal of Interpersonal Violence*, 1599.

⁶⁵Folami, O.M., 'Survey of Unreported Cases of Domestic Violence in Two Heterogeneous Communities in Nigeria' (2013) *International Review of Law*, 9.

⁶⁶ DC 595 F. Supp 1521 (1985).

⁶⁷See *COP v. Sulaimon Maiyegun alias 'Afobaje'* Charge No: A/26Q/2020 (Unreported) where Lagos State Government through the Lagos State Domestic Violence Agency effected the arrest and criminal prosecution of a man who beat his wife and uploaded her bloodied face on his social media handle. The State took up the matter and prosecution even though the abused wife was reluctant to press charges.

⁶⁸Lagos State Ministry of Justice. Notable Cases Instituted by Directorate of Public Prosecutions <<https://lagosministryofjustice.org/directorates/directorate-of-public-prosecutions/notable-cases-instituted-by-directorate-of-public-prosecutions/>> (accessed 1 May 2025).



The abused woman in addition to approaching the criminal court can also sue for civil remedies. For example she can ask for the dissolution of her marriage with her violent husband based on his 'intolerable' behaviour.⁶⁹ It is important to note that the behaviour complained of should have some bearing with the marriage or be so grave to cause injury or reasonable apprehension of injury to the health or life of the abused wife otherwise she will be left with no legal redress.⁷⁰ Other ancillary reliefs that can flow from the civil action of dissolution of marriage or judicial separation instituted by an abused wife include maintenance, support or custody of children of the marriage.

One of the foremost protection an abused woman can receive from the court is the assurance of availability of a protection order.⁷¹ Where available evidence before the court shows that the husband has committed, is committing or likely to commit domestic violence against the woman, the court can make pronouncement(s) deemed necessary to protect and provide for the safety, health or wellbeing of the woman which may include a restraint or prohibition from further abuse, alienating or disposing shared household, ordering temporal relocation to a safe place, payment of emergency monetary relief among others.⁷² A contravention of the court's orders can lead to criminal sanctions like the imposition of fine or terms of imprisonment.

The mistreatment of domestic violence victims by judicial staff and other key players in the justice system has been decried. Unsolicited advice, snide remarks and comments likely to dampen the spirits of the abuse woman who is already psychologically battered, further victimizes her. For example, it was reported that in North Dakota, a judge threatened a domestic violence victim thus: 'If you go back (to the perpetrator) one more time, I'll hit you myself.'⁷³ Although these incidental remarks could pass as *obiters*, when justice is seen and heard to be rightly done, societal confidence in the judiciary as the last hope of the common man is further boosted.

2.9 Health Institutions

Domestic violence against women is a pervasive and endemic human right as well as public health challenge significantly causing disability and death among women of reproductive age.⁷⁴ Abused women approach health facilities to treat physical bruises, injuries and general clinical problems linked with domestic violence.⁷⁵ In some States, Sexual Assault Referral Centers (SARCs) are set up as one-stop service center to complement the work of government owned health institutions. With services free of charge, these referral centers acting as places of refuge for survivors are mandated to prioritize the rights and needs of sexual violence survivors, to collect and process forensic evidence, issue medical report, support legal processes, provide psychosocial support and

⁶⁹ See sections 15 (2) c and 16 (1) Matrimonial Causes Act, Cap M7 LFN, 2004.

⁷⁰ Sagay, I., *Nigerian Family Law: Principles Cases, Statutes and Commentaries* (Malthouse Press Ltd Lagos, 1999) 248.

⁷¹ See Section 27 Ekiti State Gender-based Violence (Prohibition) Law, 2019. Section 28 Violence against Persons (Prohibition) Act, 2015.

⁷² See section 30 Ekiti State Gender-based Violence (Prohibition) Law, 2019. Section 31 Violence against Persons (Prohibition) Act, 2015.

⁷³ Epstein, D., 'Effective Intervention in Domestic Violence cases: Rethinking the Roles of Prosecutors, Judges and the Court System' (1999) 11 *Yale J.L Feminism*, 40.

⁷⁴ Irinoye, O., 'Domestic Violence and the Challenge of Maternal Mortality: The Cross for Health Care Professions in Nigeria' (2012) Conference Paper presented at the Nigerian Nursing Excellence Award, 17.

⁷⁵ Flitcraft, A. 'Physicians and Domestic Violence: Challenges for Prevention' (1993) *Health Affairs*, 156. <<https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.12.4.154>> (accessed 30 April 2025).



make referral to other agencies where necessary.⁷⁶ SARC's victims are not forced to make formal report to other agencies (like the Police) if they do not want to (except where they are minors, officials at SARC's are mandatory reporters).

Apart from providing the needed medical care for victims of domestic violence, health institutions are known to assist abused women in documenting the incidence of the domestic violence and its health consequences in their medical record. In addition, in the course of medical consultation, they gather medical evidence that can be used in court.⁷⁷ For example, in rape cases, medical evidence in the form of a medical report is usually relied upon by the prosecution to support the charge of rape.⁷⁸

Under the law, healthcare workers are obliged to assist victims of domestic violence in obtaining medical treatment and finding a suitable shelter,⁷⁹ or to apply for protection order on behalf of an abused woman.⁸⁰ In Lagos State, this intervention is allowed with the victim's consent and in certain cases, her consent is dispensed with.⁸¹ They are also required to report suspected cases of domestic violence they come in contact with to law enforcement authorities for necessary investigation and possible prosecution especially where it is in the interest of the victim to do so.⁸² Generally, they are expected to 'provide victims with information about the full spectrum of intervention and option available and shall support them in making the decisions the woman thinks is best.'⁸³ It is however, unfortunate to note that practitioners in Nigerian health institutions appear not to have a clear grasp of what is expected of them under the law in assisting victims of domestic violence and also in carrying out their lawful duties. Thus, the potentially beneficial effect of provisions of the law is not actualized.⁸⁴

2.10 Civil Society Organizations (CSOs)

To Vakil, CSOs are 'self-governing, private, not-for-profit organizations that are geared toward improving the quality of life of disadvantaged people.'⁸⁵ One common denominator with most of

⁷⁶ While these centers are set up by NGOs in some States, in others, they are established by State Government as an extension of government owned public health institution providing only survivor-centered services. See Awodipe, T., 'With First Referral Centre, Ekiti Set to Fight Sexual, Gender Based Violence' *Guardian Newspaper* (Lagos, 11 July 2020) <<https://m.guardian.ng/guardian-woman/with-first-referral-centre-ekiti-set-to-fight-sexual-gender-based-violence/>> (accessed 15 May 2021). See also Ekiti State Establishes Sexual Assault Referral Center (Moremi Clinic) <<https://www.ekitistate.gov.ng/ekiti-state-establishes-sexual-assault-referral-center-moremi-clinic/>> (accessed 1 May 2025).

⁷⁷ Flitcraft, A. 'Physicians and Domestic Violence: Challenges for Prevention' (1993) *Health Affairs* <<https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.12.4.154>> (accessed 30 April 2025).

⁷⁸ See *Ogunbajo v. State* (2007) 8 NWLR (1035) 157. And *Ipalibo v. State* (2014) LP ELR-22678 <www.lawpavilionpersonal.com22306.pdf> (accessed 30 April 2024).

⁷⁹ See section 3 Violence against Persons (Prohibition) Act, 2015.

⁸⁰ See section 28 (4) Violence against Persons (Prohibition) Act, 2015.

⁸¹ See section 2 (3) The Protection Against Domestic Violence Law of Lagos State, 2007.

⁸² See section 6(c) Ekiti State Gender-based Violence (Prohibition) Law, 2019.

⁸³ See section 8 A (b) Ekiti State Gender-based Violence (Prohibition) Law, 2019.

⁸⁴ Onyemelukwe, C., 'Intersections of Violence against Women and Health: Implications for Health Law and Policy in Nigeria.' *op cit.*, 644.

⁸⁵ Cited in Jordan, L., and Van Tuijl, P., 'Political Responsibility in Transnational NGO Advocacy.' (28) 12 (2000) *World Development*, 2052, cited in Jonikaite, G., 'Addressing Violence Against Women in Uganda: Approaches and Strategies



the CSOs in Nigeria is that they carry out awareness campaigns. This is done in such a way that people get to know what domestic violence is all about, what to do to prevent it from happening or steps to take to come out of it alive. Even when death occurs as a result of domestic violence, these organizations still pull their weight to ensure substantial justice is done.⁸⁶ In sensitizing the public, CSOs collaborate with other agencies and use platforms like the media to promote discussions on gender-based violence.⁸⁷

Of special mention is the role of some CSOs in lobbying the government to commit itself to issues pertaining to women's rights.⁸⁸ They carry out evaluation studies, research work and collate data therefrom. Some of them even go ahead in publishing the information gathered into books,⁸⁹ or produce/sponsor the production of video documentaries, drama, or songs.⁹⁰ These publications are also used for advocacy and in awareness campaigns.⁹¹ Additionally, CSOs registered under the relevant law(s) in Nigeria work or collaborate with law enforcement agencies, relevant government ministries in ensuring that victims get the necessary protection of the law. No prosecution or legal proceeding shall lie against them where their duties are discharged in good faith.⁹²

It needs to be stated that CSOs do not make decisions for people who seek their services. Where an abused woman needs special intervention beyond their scope like temporary accommodation, restraining order, urgent legal or medical attention, CSOs provide referral services for these women and follow up with the outsource agencies.

One debilitating challenge most CSOs operating in Nigeria have to grapple is that of inadequate funding and resources to flag off and maintain their programs and services. Since CSOs are not

of Civil Society Organizations' (Thesis for award of Degree of Master of Science, Department of International Affairs, Florida State University, 2006), 73.

⁸⁶ In a statement released after the news of the death of a pregnant lawyer broke, FIDA reiterated her commitment to assist victims of domestic violence holding that victims should not die in silence as 'there is no shame in seeking help.' See FIDA Blog., 'FIDA Nigeria Calls for Justice for Late Adaye Ikpeama, a Pregnant Female Lawyer' *FIDA Blog* (Nigeria, 14 April 2021) <www.fida.org.ng/2021/04/fida-nigeria-calls-for-justice-for-late-adaye-ikpeama-a-pregnant-female-lawyer> (accessed 25 April 2025).

⁸⁷ Ironsi, B., Ukpong, M., and Amah, A., *Gender Based Violence: Intervention for Prevention and Management in Two Communities in Lagos, Nigeria* (Women's Rights and Health Project, WRAHP Nigeria) 9.

⁸⁸ Activities of the Legislative Advocacy Coalition on Violence against Women (LACVAW) was instrumental to the development of the Violence against Women Bill. The Bill which was later renamed as Violence Against Persons (Prohibition) Bill was eventually passed into law in 2015. See Onyemelukwe, C., 'Legislating on Violence against Women: A Critical Analysis of Nigeria's Recent Violence Against Persons (Prohibition) Act, 2015' (2016) 5 (2) *DePaul Journal of Women, Gender and the Law*, 9.

⁸⁹ Project Alert has published several books on gender-based violence. See <<https://www.projectalertnig.org/research-and-documentation/>> (accessed 2 March 2025).

⁹⁰ Heinrich Boll Foundation in Nigeria commissioned some Nigerian musical artists to make songs with lyrics condemning and discouraging domestic abuse. The resultant 'Violence against Women' album was widely circulated and distributed free of charge to all radio stations in major towns in Nigeria. See Heinrich Boll Stiftung 'Singing Against Violence' *Heinrich Boll Stiftung* (Abuja, 14 July, 2014) <<https://ng.boell.org/en/2014/07/14/singing-against-violence>> (accessed 28 May, 2025).

⁹¹ Jonikaite, G., *op cit.*, 106.

⁹² See Section 40 (4) Violence against Persons (Prohibition) Act.



for profit and nongovernmental, they have to look elsewhere for their overhead running cost. They therefore, rely more on their partners for funding or donations. However, where funding is project driven and not time bound, some CSOs are known to unnecessarily prolong projects or cases serviced by the funds in order to keep that stream of income open which is not in the best interest of the abused.⁹³ In addition, most victims of domestic violence dissociate themselves from activities of CSOs because of the society's perception of them as corrupting the family system.⁹⁴ These victims do not want to be associated with nongovernmental organizations and would prefer to keep their relationship confidential because of the societal perception of officers of NGOs as feminists who always advocate for breaking up families.

It is not in doubt that poverty, the continuous patriarchal social structures and cultural roles of men and women in Nigeria exacerbates the level of violence and remain a big stumbling block and create a challenging environment for most CSOs operating in the country. It is heartwarming to note that despite the seemingly difficult work terrain, the impact of the interventions of CSOs in the fight against domestic violence is felt in the country.

2.11 Other Institutions

It is important to state that institutional mechanisms available to tackle issues of domestic violence cannot be exhausted as new ones keep springing up on daily basis. Some international institutions are: The United Nations Human Rights Council,⁹⁵ The United Nations Special Rapporteur on Violence against Women, its Causes and Consequences (SRVAW)⁹⁷ with its latest mandate being extended in 2013 by Resolution 23/25.⁹⁸ The SRVAW processes complaints where violence or its threats is directed to women because of their sex.⁹⁹

The United Nations Entity for Gender Equality and the Empowerment of Women (UN Women), The African Commission on Human and Peoples' Rights (African Commission), the Special Rapporteur on the Rights of Women in Africa (SRRWA)¹⁰⁰ are institutional framework that assist women in meeting needs peculiar to them. The African Court on Human and Peoples' Rights (African Court) and The ECOWAS Community Court of Justice (ECOWAS Court) oversee cases

⁹³ Telephone Conversation with Dr. Eremutha, F the Executive Director of Women Friendly Initiative Abuja, Nigeria. on 25 April, 2021.

⁹⁴ Iroquo, E.J., 'The Role of NGOs In Managing Domestic Violence in Sub-Saharan Africa: The Case of Nigeria.' (2020) 2 (2) *Akdeniz Havzası ve Afrika Medeniyetleri Dergisi*, 90.

⁹⁵ United Nations General Assembly Resolution 60/251 <<https://undocs.org/en/A/RES/60/251>> (accessed 9 July, 2025).

⁹⁶ United Nations Human Rights Council Website <<https://www.ohchr.org/EN/HRBodies/HRC/Pages/AboutCouncil.aspx>> (accessed 9 July, 2025).

⁹⁷ See Resolution 1994/45.

⁹⁸ See Accelerating Efforts to Eliminate all Forms of Violence against Women: Preventing and Responding to Rape and other Forms of Sexual Violence A/HRC/RES/23/25 <https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/23/25> (accessed 19 October, 2024).

⁹⁹ International Justice Resource Center. *Special Rapporteur on Violence against Women, its Causes and Consequences* <<https://ijrcenter.org/un-special-procedures/special-rapporteur-on-violence-against-women-its-causes-and-consequences/>> (accessed 9 July, 2025).

¹⁰⁰ African Charter on Human and Peoples Right Special Mechanisms <<https://www.achpr.org/specialmechanisms/detail?id=6>> (accessed 7 July, 2025).



arising from the interpretation and/or application of their enabling Instrument and other relevant human rights instruments. They hear complaints of alleged human rights violations and resolve disputes brought before it.¹⁰¹ Particular mention needs to be made of one of the cases with domestic violence undertone handled by the ECOWAS Court.

In the case of *IHRDA & WARDC (on behalf of Mary Sunday) v. The Federal Republic of Nigeria*,¹⁰² the Institute for Human Rights and Development in Africa (IHRDA) and Women Advocates Research and Documentation Centre (WARDC) jointly filed an action against the government of Nigeria on behalf the plaintiff who was beaten up by her then fiancé (Isaac Gbanwuan) during an argument. The said fiancé, a Nigerian Police Officer thereafter poured a boiling pot of stew on her which led to severe burns, deformation and incapacitation. The grouse of the plaintiff was that the Nigerian Government failed to effectively investigate, prosecute and punish the perpetrator making her to suffer violation without remedy provided by the State. Although the Court did not find Nigeria guilty of perpetrating gender-based violence, the country was found guilty of violating Mary Sunday's right of access to justice. The Court thereafter made an order against the defendant for the payment of \$138,000 (about ₦50million) as damages to the plaintiff.

The judgment in Mary Sunday's case went that way because under provisions of most international instruments,¹⁰³ culpability of a State Party for violent acts of non-state actor or private person(s) was possible where such State failed to prevent such human right violation or carry out effective investigation or prosecution of the human right violation by the alleged perpetrator. In the present case, it was alleged that the said fiancé used his official position as a police officer to frustrate the case of the plaintiff and the State in question (Nigeria) was not proactive in defending and protecting the plaintiff's right.

It is important to state that the list of national, international and/or intergovernmental institutions working on the elimination of domestic violence and other related issues are not in any way exhaustive. These institutions with mandate areas on women issues spring up on daily basis. That to a large extent underscores the fact that women rights and issues are human rights worthy of State action and protection.

¹⁰¹See ECOWAS Community Court of Justice Website <<http://www.courtecowas.org/mandate-and-jurisdiction-2/>> (accessed 7 July, 2025).

¹⁰²Suit No ECW/CCJ/APP/26/15 Judgment No: ECW/CCJ/JUD/11/18 <http://www.courtecowas.org/wp-content/uploads/2019/02/ECW_CCJ_JUG_11_18.pdf> (accessed 7 July, 2025).

¹⁰³ Like the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa; the Convention on the Elimination of all Forms of Discrimination against Women; the Convention against Torture etc. See Article 2(1) International Covenant on Civil and Political Rights 1966, African Commission on Human and Peoples' Rights, General Comment No.3 on the African Charter on Human and People's Rights: The Right to Life (Article 4), November 2015 at paras 2 and 41; see the cases of *González ('Cotton Field') v Mexico*, Inter-American Court of Human Rights (IACrTHR) 16 November, 2009, *Velásquez-Rodríguez v Honduras* IACHR Series C No 4, [1988] IACHR 1, *Fatma Yildirim (deceased) v. Austria* (Communication No. 6/2005, UN Doc CEDAW/C/39/D/6/2005), and *Şahide Goekce (deceased) v. Austria* (Communication No. 5/2005, UN Doc. CEDAW/C/39/D/5/2005)



3.0 CONCLUSION AND RECOMMENDATIONS

This paper embarked on the critical evaluation of several institutions involved in responding to domestic violence in Nigeria. While discussing these institutional mechanisms, efforts were also expended in critiquing them. The findings dispelled the erroneous belief that violent episodes in the home are private matters that do not need the intervention of the State. In adopting institutional framework for interventionist approach against domestic violence, this paper found out that no single institutional intervention is effective in the fight against domestic violence as the collaborative effort of these institutions is capable of bringing about the needed change. Sequel to the foregoing, the following recommendations are hereby proffered:

- a) **Training and re-training of domestic violence responders:** responders should receive continuous training on how to treat parties caught in the domestic abuse mesh. The Law Enforcement Officers, Health Workers, Social Workers, lawyers, judges should be trained to always put a human face on the discharge of their duties. This will encourage abused persons to break the culture of silence by opening up to them and reporting such cases. In addition to professionalism, they should also be exposed to basic tenets of empathy and how to do away with their personal or misogynistic sentiments when acting in their professional capacity. Personal opinions or reservations should not be openly expressed to denigrate the reputation of parties involved or downplay the situation at hand. Instead of empathy, it is unfortunate that snide and mean remarks are made about the hapless situation abused women find themselves- for marrying the 'wrong' man, for not being calculative and still going ahead to have children for her abuser, not being decisive about leaving the abuser, or for approaching the judicial institution repeatedly for several remedies or reliefs. When these responders go through trainings, they are reminded that unsolicited comments or advice of this nature have a way of affecting the psyche of the abused woman who is already psychologically battered.
- b) **Mandatory reportage:** The health care systems' institutional interventions for tackling domestic violence have been criticized for its obligatory reporting stance. Medical practitioners are not 'mandated' to report to formal institutions cases of domestic violence they come in contact with and an abused woman cannot be forced to give details of the abuse or her abuser. It is recommended that this position be looked into and these health workers and similar professionals made mandatory reporters. Since domestic violence is regarded as a contemporary public health challenge, it should be an 'everybody's business' to which neighbours, teachers, and practitioners in health sector can report cases to law enforcement agencies.
- c) **Creation of Special Women's Police Station or Reconstitution of Gender Unit of the Nigerian Police:** It is also recommended that government should look into establishing special women's police station like what is obtainable in Brazil, India, Argentina, Ghana and other jurisdictions. The success rate recorded from jurisdictions with these specialized police stations should encourage Nigerian government to replicate something similar. Where this replication is not feasible, the Force Gender Unit and Family Support Unit presently available in Nigeria should be reconstituted and upgraded to serve the needs of abused women. Officers in these units should be trained on how to adequately respond to



domestic violence issues. It is important to allow these officers work in the jurisdiction(s) where they are trained for a couple of years before being transferred. It is important to create and improve upon a friendly security environment for lodging complaints on sexual and gender-based violence at all times. This would encourage women who are victims of abuse and who are reluctant to approach male dominated police stations to lodge their complaints.

- d) **Attitudinal Change and Public Enlightenment:** relevant stakeholders should embark on a rigorous enlightenment campaign against domestic violence. More efforts should be geared towards producing jingles, pamphlets and the likes. The entertainment and the media industry in the country should be positioned to strategically support government's stand against gender-based violence. The government should take bold decisive steps in banning or clamping down audio visuals with misogynistic lyrics, cryptic messages and unedifying contents that exposes its audience to anti-social behaviour, promote toxic masculinity and justifies domestic violence against women. Artistes who showcase creative contents with domestic violence themes should be encouraged.
- e) **Institutional Collaborations and adoption of Abuser-Centered Approach:** The effectiveness of any law is gauged by the adequacy of support services available in its implementation. Since it has been established that domestic violence is hinged on the multi-causal factor, a multifaceted approach is recommended in tackling it. More than ever before, the institutions (both governmental and nongovernmental) should look into fostering enduring partnerships with one another. This can be done when gender-based violence referral pathways are created and kept running by them. By this, even when they cannot serve the needs of abused persons instead of turning them away, they refer these individuals to institutions within or outside their network. By establishing contact with development partners and donor agencies, more funds are available to adequately respond to and tackle gender-based violence. It is recommended also that in addition to the survivors centered approach commonly adopted by institutions in tackling domestic violence, efforts should be geared towards the abusers too- understanding why they perpetrate acts of domestic abuse or violence, counseling them and rehabilitation moves can reduce recidivist tendencies and prove to be rewarding.