

LEGAL RESPONSE TO DOMESTIC VIOLENCE IN MARRIAGES IN NIGERIA

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GOU/U21/LAW/330

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TITLE PAGE

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**BEING A LONG ESSAY PRESENTED TO THE FACULTY OF LAW, GODFREY
OKOYE UNIVERSITY, ENUGU STATE, IN PARTIAL FULFILMENT OF THE
REQUIREMENTS FOR THE AWARD FO THE BACHELOR OF LAW (LL.B)
DEGREE**

SUPERVISOR: MS. FLORENCE AKUBILO.

JULY 2026

DECLARATION

I, **Ibeh chiagozie Vivian**, with the **Registration Number GOU/U21/Law/330**, hereby affirm that this work was duly and diligently carried out by me. The primary and secondary sources used to carry out this legal research, are acknowledged appropriately and referenced herein, within this project. This work is an original and has not been submitted in part or in full for the award of any degree in this or any other Faculty of Law within and outside Nigeria.

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Date

APPROVAL PAGE

I, **Ibeh chiagozie Vivian**, with Registration Number **GOU/U21/Law/330**, hereby certify that this project research was done by me, with the direct and diligent supervision of Ms. Florence Akubilo, has been approved by the administrative and academic staff of the Faculty of Law, Godfrey Okoye University, Enugu. In partial fulfilment of the requirement for the award of Bachelor of Law (LL. B) Degree.

Apart from the references made and acknowledged herein within this research work, this research work is an original work and has not been presented in part or in full, for any degree of this University or any other University.

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DEDICATION

This project is dedicated to Almighty God, the source of my strength, wisdom, and guidance throughout my academic journey.

I also dedicate this work to my beloved parents, Engr. Dr. Vitus Ibeh and Barrister Adaobi Ibeh, in appreciation of their love, sacrifices, and unwavering support.

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LIST OF ABBREVIATIONS

ACERWC	African Committee of Experts on the Rights and Welfare of the Child
ACHPR	African Charter on Human and Peoples' Rights
ACJA	Administration of Criminal Justice Act

ACRWC	African Charter on the Rights and Welfare of the Child
AfCHPR	African Court on Human and Peoples' Rights
AU	African Union
CAT	Convention Against Torture
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CFRN	Constitution of the Federal Republic of Nigeria
CRA	Child Rights Act
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DAPA	Discrimination Against Persons with Disabilities (Prohibition) Act
DPP	Director of Public Prosecutions
DSVA	Domestic and Sexual Violence Agency
DSVRT	Domestic and Sexual Violence Response Team
DV	Domestic Violence
ECOWAS	Economic Community of West African States
ESC	Economic, Social and Cultural
FCT	Federal Capital Territory
FGM	Female Genital Mutilation
FREP	Fundamental Rights Enforcement Procedure
GBV	Gender-Based Violence
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPV	Intimate Partner Violence
IRCT	International Rehabilitation Council for Torture Victims
LACoN	Legal Aid Council of Nigeria
LL.B	Bachelor of Laws
MCA	Matrimonial Causes Act
NAPTIP	National Agency for the Prohibition of Trafficking in Persons
NBA	Nigerian Bar Association
NCoS	Nigerian Correctional Service
NCSA	Nigerian Correctional Service Act

NGOs	Non-Governmental Organisations
NHRC	National Human Rights Commission
NPF	Nigeria Police Force
OHCHR	Office of the United Nations High Commissioner for Human Rights
OMCT	World Organisation Against Torture
PSC	Police Service Commission
PWDs	Persons with Disabilities
SARS	Special Anti-Robbery Squad
SGBV	Sexual and Gender-Based Violence
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN-CAT	United Nations Convention Against Torture
UNCAT	United Nations Convention Against Torture
UNFPA	United Nations Population Fund
UNICEF	United Nations Children's Fund
VAPP	Violence Against Persons (Prohibition) Act

ABSTRACT

Domestic violence in marriage remains a serious socio-legal problem in Nigeria because it occurs within a relationship that the law, religion, culture and society regard as private. Hence, legal intervention is difficult, even where abuse threatens the victim's life, dignity, liberty and security. Nigeria has enacted several laws to address violence within intimate and domestic settings. However, victims still face challenges when attempting to report abuse or obtain protection. In light of the above, this project examined the legal response to domestic violence in marriages in Nigeria, with attention to the adequacy of existing laws, institutions, remedies and mechanisms for enforcement. This research adopted a doctrinal methodology. This study found that Nigeria has an extensive legal framework for addressing domestic violence. The VAPP Act criminalises spousal battery, emotional abuse, economic abuse, intimidation, forced isolation and other forms of violence. In addition, it provides protection orders and compensation. The Matrimonial Causes Act also allows abused spouses to seek divorce, judicial separation, custody, maintenance and other matrimonial reliefs. However, it was also found that these remedies are weakened by poor enforcement, under-reporting, police trivialisation, evidential difficulties, court delays, social stigma, economic dependence, inadequate shelters, weak legal aid and there is no coordination between institutions. This research concluded that domestic violence in marriage is not a family dispute. Rather, it is a violation of human rights which requires state intervention. It recommended that protection orders should be enforced stronger; the law on domestic violence in Nigeria should be harmonised; specialised courts should be established; the police should become more accountable; More shelters should be created for survivor; legal aid should be expanded; the public should be sensitised about domestic violence; and there should be coordination among enforcement agencies in Nigeria.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

In recent times, domestic violence in marriage has evolved from being a “private family matter” to being recognised both locally and internationally. To that extent, it has been elevated to the status of being a serious violation of human rights¹ and a threat to social stability. In Nigeria, marriage is usually perceived on the one hand as a private domain and therefore, it is shaped by hierarchy and community norms. However, shrouded in this privacy exist a domain providing a shield for ongoing coercion and abuse. These are frequently normalised as “discipline” or “marital misunderstanding”² in marital settings irrespective of the system or type of marriage in consideration.

On another hand, marriage is not only a personal relationship. It is also a social institution. Marriage may be contracted under customary law and statutory law. Each has its own assumptions about spousal roles and family authority. This new assumed positions/roles/powers changes the dynamics of the newly formed relationship- where the man is told he is the head of the house and must provide and protect and the woman is told she is to be cared for- creating a trigger for fragile egos, from whence varying levels of abuse is inevitable. Hence, domestic violence is rarely only “about violence.” It is often connected to power dynamics. Where marriage is assumed to be a status which confers control, the coercion expands.

¹ J Eze, DV in Nig.: Role of L (LAP Lambert Acad. Publ. 2019).

² *ibid.*

The legal system across the globe are beginning to approach the problem as a direct affront to human right and have applied the law in every instance to uphold constitutional rights to

dignity and liberty. This approach is clearly visible in the nature of suits filed when a spouse is assaulted or degraded in the name of “marriage.” Whether or not the suits will be successful is another question entirely mainly because marital violence has distinctive feature. It often occurs in private and hence, there may be limited evidence. It may also be depend on whether the victim relies on the aggressor financially and fear of the unknown.

Over time, it is being recognised that domestic violence is a distinct problem and it requires specific tools. In Nigeria, the VAPP Act 2015 applicable in Abuja strengthens protections beyond the ordinary criminal process.³ Interestingly, implementation is uneven across the federating states in Nigeria as state governments have risen to the occasion by enacting state laws on the subject. Hence, protection depends on location and institutional capacity. Even where laws exist, numerous factors may weaken the outcome of justice. They include police practices, prosecutorial decisions, court delays, evidential hurdles, and limited support services. Institutional architecture is therefore central in this regard. The police are often the first gatekeepers of the legal system. However, they do not offer supportive intervention or they refuse to provide solutions out rightly or trivialise the issue. Sometimes, they direct victims to work towards settlement with offenders. This pressures victims to reconcile with abusers.⁴

In reality, domestic violence is not limited to one gender (even though women disproportionately experience it). In Nigeria, there are social expectations around masculinity and this may discourage male victims from reporting abuse. In addition, it is assumed that men

³ VAPP Act 2015.

⁴ Police Act 2020, s 4. ⁵
Eze (n1).

are presumptive aggressors or that men are not victims.⁵ Domestic violence also impact children. This is because children in violent households may be direct victims or witnesses whose welfare is profoundly affected. Therefore the study explores legal responses which are gender-sensitive and victim-centred. Ultimately, the background to this study is shaped by a central contradiction. Nigeria possesses significant legal resources. However, domestic violence persists at alarming levels. The crucial question is therefore not whether the law condemns violence; but, whether the existing legislation and institutions provide the much needed protective and remedial system for domestic violence in marriage.

1.2 Statement of the Problem

The Law prohibits domestic violence in Nigeria. However, it remains persistent.⁵ The problem is not simply that abuse occurs. It is that the legal system fails to protect and provide sufficient remedies. As a result, there is a gap between policy and practice. Thus the problem is that the law against domestic violence is not sufficiently enforced. Victims interact with the legal system through law enforcement where they may encounter scepticism, blame, minimisation, or encouragement to “settle” the matter privately. These are not merely individual failures; they are structural problems.⁶ More so, there are evidential barriers and these are severe in marital violence cases. Domestic violence frequently occurs in private spaces. Hence, there is limited evidence. Where medical examinations or electronic evidence strengthen cases, victims may still fail to access prompt medical care as they may be delayed by fear, shame, family pressure, economic dependence, or lack of immediate support. Conversely, they may be discouraged from documenting injuries. Going further, remedies are inadequate or inaccessible. This may

⁵ OO Okedare and OI Fawole, ‘IPV among Young Women in Ibadan, Nig.: Slum/Non-Slum Diff.’ [2023] (23)(1) *BMC Women’s Health* 290.

⁶ RA Aborisade, ‘Dark Figure of Sexual Crimes: Survivors’ Rape Reporting Exp. with Nig. Police’ [2023] (73)(2) *Intl J L Crime & Justice* 100576.

be due to institutional scarcity. Even when protection orders exist in law, enforcement may be weak. Victims may also lack legal representation. These create a dangerous paradox: the law may recognise domestic violence.

However, it may not provide a reliable way to stop it before it escalates.⁷ There is also a growing concern about recognition and inclusivity. Policies often focus (rightly) on the vulnerability of women. However, married men who experience abuse may face denial and ridicule. Without a victim-centred legal design, some victims remain invisible.⁸ In essence, the problem that this study confronts is that the legal response to domestic violence in marriages in Nigeria is neither fully coherent nor consistently effective in practice. Hence, the law is not deterrent. This study therefore becomes necessary to critically examine the legal response in Nigeria meets its duties (where it succeeds and where it fails).

1.3 Research Questions

The questions emanating from this research includes

- i. What are the extant legislations and institutions for mitigating domestic violence in Marriages Nigeria?
- ii. How adequate are the remedies to domestic violence in Marriages in Nigeria?
- iii. What barriers hinder the effective implementation of remedies for domestic violence in marriages in Nigeria?

⁷ Eze (n1).

⁸ JA Ogunyemi and R Aborisade, 'DV against Men on Familial Relationships in Nig.: Evidence from a Qual. Study' [2023] (26)(3) *Afr J Psychol Study Soc Issues* 72-90.

1.4 Aim and Objectives of the Research

The aim of this research is to critically examine the legal response to domestic violence in Marriages in Nigeria

The specific objectives are:

- i. To appraise the extant legislations and institutions for mitigating domestic violence in Nigeria
- ii. To assess the remedies to domestic violence in Marriages in Nigeria?
- iii. To identify the barriers impeding the remedies to domestic violence in Marriages in Nigeria?

1.5 Research Methodology

This study adopts a doctrinal research methodology. Doctrinal research is the traditional method of legal scholarship. It systematically analyses legal rules in primary legal materials. It is supported by secondary materials. The “data” in this study comprises of legal texts and authoritative materials. Primary source include statutes, subsidiary legislation, judicial decisions, constitutional provisions, and international/regional instruments. Secondary sources include textbooks, journal articles, law reform reports, policy papers, and authoritative commentaries.

Practically, analysis proceeds in staged steps. (i) The issue is identified. (ii) Applicable laws are located. (iii) Case law are then synthesised. (iv) Next, findings are evaluated normatively. (v) Ultimately, conclusions are drawn. (vi) Then, recommendations are proposed. The doctrinal methodology is justified because the study focuses on the legal-framework in Nigeria. It investigates legislative provisions and institutional mandates. It examines what protections exist and how they are supposed to work.

1.6 Scope and Limitation of the Study

This study examines the legal response to domestic violence in marriages in Nigeria. It focuses on legislative and institutional mechanisms. It examines legislation which protect against domestic violence in Nigeria. In addition, it evaluates the roles of institutions. These includes prosecutorial authorities (charging decisions, victim/witness protection practices, case management); courts (criminal courts, family/matrimonial jurisdiction where applicable, and fundamental rights enforcement jurisdiction); human rights and social protection bodies (e.g., NHRC, Women Affairs structures, Legal Aid). Geographically, it focuses on legal framework and institutions within Nigeria. International treaties and foreign cases are considered. However, they are comparative or interpretive tools. The research covers a contemporary period up to 2025. Nigeria operates a federal system of government. Hence it is shaped by both federal and state law. The study focuses on how protections differ across states and how that affects victim protection and remedies.

There are notable limitations in this study. As doctrinal research, the study does not include empirical data. This includes interviews, surveys, or direct observational fieldwork with victims, police officers, judges, prosecutors, shelters, or NGOs. Hence, it cannot quantify lived experiences or provide statistical evaluation. Many domestic violence disputes are withdrawn, or “settled” outside formal adjudication. Likewise, many relevant High Court rulings may be unreported or inaccessible. The study therefore focuses on reported decisions and accessible materials. This may not capture the volume of domestic violence litigation and outcomes fully. Furthermore, domestic violence frequently occurs privately and it often under-reported. Hence, the judicial records which are available may skew toward extreme cases. This may affect the representativeness of judicial trends used in analysis.

1.7 Significance of the Study

This research is significant for several reasons. Academically, it analyses domestic violence in marriage. It synthesises statutes and cases into a coherent evaluative framework. Hence, it is a reference point for students and researchers. Secondly, the study is valuable to legal practitioners and judges. It maps out available legal pathways and this helps practitioners to identify suitable routes for litigation. For policymakers, the study identifies weaknesses in the response to domestic violence in Nigeria. Then, it offers recommendations that would guide legislative amendments. At the human rights level, the study frames domestic violence to be a dignity-and-security issues and this requires effective remedies (not merely abstract rights). It is also socially significant. This is because also affect children and wider communities.

Hence, there would be a better community when legal responses are clear and more effective.

1.8 Literature Review

Under this section, literatures relevant to the research topic are reviewed. It is organised into four themes and they are directly linked to the objectives of this study.

Theme 1: Prevalence of violence within intimate/marital settings

On prevalence of violence within intimate /marital settings, a core issue or question is what does violence look like on the ground? This question is imperative because it determines whether available remedies are fit for purposeintended or can be measured for the pure purpose of discerning if it maximally caters to the need of the victims. Okedare and Fawole⁹ conducted a research to examine Intimate-Partner-Violence among young women in Ibadan. They found that intimate partner violence among young women in Ibadan manifested in physical, sexual,

⁹ Okedare and Fawole (n6).

and psychological forms. Their findings show that psychological violence was the most widespread. On the other hand, physical and sexual violence were also significant in slum communities. They also compared experiences across slum and non-slum neighbourhoods. They found that Intimate Partner Violence (IPV) is common among young women across contexts. Therefore, “domestic” violence is not confined to any one socioeconomic setting. This work has notable limitations. It is not a legal research; it is public-health oriented. Secondly, their work did not analyse *legal* pathways to curb domestic violence sufficiently; it only described the scale and context of domestic violence. More so, it did not examine how victims navigate remedies or how institutions respond once a legal claim is made.

Similarly, Odini and others¹⁰ determined the prevalence, patterns, and predictors of IPV among female undergraduates in Abia State. They found that there is a high burden of IPV. They also found that emotional/psychological violence often features prominently. Physical and sexual violence are also present. This work has notable limitations. It focuses on a specific population (undergraduates) and this may not capture the dynamics of married life. However, it is still legally relevant because it underscores that IPV is *non-physical* frequently.

Okedare and Fawole¹¹ examined how perceived social support relates to experiences of IPV among married and cohabiting young women in Ibadan. They linked IPV to the support environment of the survivor. Hence, social support shape both exposure and coping. Remedies

¹⁰ F Odini, C Amuzie, KU Kalu, U Nwamoh, U Emma-Ukaegbu, M Izuka, U Odini and C Ezepue, ‘Prev., Pattern and Predictors of IPV amongst Female Undergrads in Abia State, Nig.: Pub. Health Implications’ [2024] (24)(1) *BMC Women’s Health* 259.

¹¹ OO Okedare and OI Fawole, ‘Perceived Soc. Support and Exp. of IPV among Married/Cohabiting Young Women in Urban Slums, Ibadan, Nig.: Descr. Study’ [2024] (2)(1) *BMJ Pub. Health* e000425 <<https://pubmed.ncbi.nlm.nih.gov/40018111/>> accessed 14 Dec. 2025. ¹³ Ogunyemi and Aborisade (n9).

are activated only when victims can safely disclose, report, and persist through procedures.

However, a limitation is that the work view supports as a social than a legal pathway

On the other hand, Ogunyemi and Aborisade¹³ investigated the causes and consequences of domestic violence against men. They analysed the perspectives of male victims and female perpetrators in Ibadan metropolis, Nigeria. They found that domestic violence against men is multifaceted and it persists partly due to shame and a culture of silence. This study has notable limitations. The findings are context-specific (Ibadan) and it is not automatically generalisable nationwide. However, it explains *why* male victims may not trigger formal remedies.

Shogbamu¹² examined the perceptions and forms of domestic violence against men in Ibadan.

They utilised a mixed-method design which involved 600 married men. They found that violence against men can include sexual denial, physical assaults, and controlling/jealous behaviours from wives. They also suggested that negative perceptions and stereotypes contribute to non-reporting. This study has a notable limitation. It is weak on legal analysis (how these experiences fit within statutory offences or evidentiary thresholds).

Theme 2: Socio-legal drivers in marriage (the “normalisation” problem)

Domestic violence in marriage is sustained by social meanings. These factors shape whether violence is believed or legally punished.

¹² A Shogbamu, ‘Married Men’s Perception and Forms of DV against Men in Ibadan, Nig.’ [2025] (13)(1) *Texila Intl J Pub Health* <https://www.texilajournal.com/thumbs/article/41_TJ2432.pdf> accessed 14 Dec. 2025. ¹⁵ J Diala, ‘Gendered Violence in Intim. Relationships in Context of L, Culture and Religion in Nig.’ [2024] (27) *Potchefstroom Electronic L J* 1-36.

Diala¹⁵ examined why gendered violence persists even when there are “comprehensive laws.” Diala argues that formal legal provisions alone do not dislodge entrenched norms. Religion/culture legitimise control and silence. These reduce the social and institutional appetite for enforcement. This work diagnoses the socio-cultural ecosystem in Nigeria. However, it has notable limitations. It does not recommend sufficient remedies. For instance, how would protection orders be designed for rapid safety or what procedural reforms would reduce attrition?

Raymond¹³ explored the non-recognition of marital rape in Nigeria. She examined objectification through bride price and power hierarchies in marriage as she engaged with theories of consent and power. Raymond challenged the “mutual contractual consent” justification for marital rape. She argued that bride-price may produce a power hierarchy and this shapes perceptions of women’s bodies and consent. Hence, violence is sustained within

marriage. This study has a notable limitation. It is normative and not implementation focused.

Iluba-Oganyi¹⁴ analysed spousal rape under Nigerian law and She also examined its legal implications. They found that spousal rape has not been fully recognised in Nigeria and this reduces the protection of women within marriage. It is assumed that sexual violence is either “impossible” in marriage or not worth prosecuting. This study has a notable limitation. It focuses heavily on the law. It does not trace institutional practice. However, it squarely identifies a gap in law which affects remedies.

¹³ ER Raymond, ‘Married Body of a Woman and Marital Rape in Nig.’ in P Anurag and S Dwivedy (eds), *Violence in Intim. Spaces* (Springer 2024) 59-74.

¹⁴ PO Iluba-Oganyi, ‘Analysis of Spousal Rape under Nig. Crim. Jurisprudence’ [2024] (3)(2) *Awka Capital Bar J* 37-42.

Theme 3: Legislative and institutional framework

Recent literature assesses the legal reforms and the barriers that hinder them.

Ikuteyijo and others¹⁵ explored stakeholders' engagement with legal measures which address Gender Based Violence (GBV) in Nigeria in the context of the Violence Against Persons Prohibition framework and practical implementation. They found that implementation is shaped by institutional capacity and coordination realities. They also found that engagement is constrained by structural and systemic obstacles; this includes inadequate channel to report domestic violence. This weakens outcomes even when legal provisions exist on paper. This work has notable limitations. It did not thoroughly examine the barriers. For instance, which specific remedies fail most?

On the other hand, Joseph-Asoh and Elijah-Ojete¹⁶ attempted to bridge the gap between Nigeria's formal legal frameworks and everyday cultural practices in combating domestic

violence. Hence, they evaluated the laws/institutions as well as the gaps in enforcement. They argued that there were "robust legal protections." However, domestic violence remains pervasive. This is because of cultural norms and patriarchy. They recommended that there should be multi-faceted approach. This work frames the "gap in implementation" explicitly. However, it has a notable limitation. Its recommendations are broad. It does not prioritise legal levers.

¹⁵ OO Ikuteyijo, AM Hilber, AO Fatusi, AI Akinyemi and S Merten, 'Stakeholders' Engagement with Law to Address GBV in SW Nig.: Implementation Challenges' [2024] (2)(2) *BMJ Pub. Health* e001326 <<https://doi.org/10.1136/bmjph-2024-001326>> accessed 5 Mar. 2026.

¹⁶ CO Joseph-Asoh and IG Elijah-Ojete, 'From L to Life: Legal and Inst. Framework for Combating DV in Nig.' [2025] (2)(4) *Fountain Univ L J* 128-146.

Kore-Oriti¹⁷ examined the approaches for tackling SGBV in Nigeria. They found that there is need for action-oriented strategies beyond public sensitisation. This work has notable limitations. It is broader than marriage-specific domestic violence. In addition, it did not dissect the remedial toolbox.

Theme 4: Remedies and access to justice.

Numerous Scholars has explored the remedies available to victims of domestic violence in marriage.

Anaeme²¹ evaluated the impact of laws against domestic-violence on victims and perpetrator in Nigeria. Anaeme¹⁸ argued that the laws are domesticated unevenly and this creates a fragmented landscape. Hence, victims are not protected. They also found that there exist doctrinal “enablers” (e.g., correction-type norms and spousal rape exclusions). In addition, the issue is often trivialised. This discourages reporting and it also weakens accountability. This work connects doctrine to lived enforcement. However, it has a notable limitation. It does not analyse the remedies thoroughly.

On the other hand, Alade and others¹⁹ examined the patterns of help-seeking among Nigerian women experiencing physical/sexual IPV. They found that only about one-third of women who experienced physical or sexual violence sought help. Majority sought help informally. Conversely, a small minority used predominantly formal sources. Women who have

¹⁷ ET Kore-Okiti, ‘From Awareness to Action: Tackling SGBV in Nig.’ [2024] (4)(1) Adeleke Univ L J 81-95. ²¹ II Anaeme, ‘DV Laws on Victim Safety and Perpetrator Accountability in Nig.’ [2025] (10)(1) *COOUL J* 123-133.

¹⁸ Anaeme (n21).

¹⁹ OT Alade, F Farrokhyar, SA Sprague, A Acai and M Bhandari, ‘Help-Seeking for IPV in a ResourceConstrained Setting: Latent Class Analysis of Nig. DHS Dataset’ [2025] (20)(10) *PLOS ONE* e0334905 <<https://doi.org/10.1371/journal.pone.0334905>> accessed 10 Jan. 2026. ²⁴ Aborisade (n7).

experienced sexual violence were more inclined to seek formal assistance.. Ultimately, they concluded that interventions should strengthen informal supports. This work has notable limitations. Most remedies are housed in formal systems (police, courts, shelters, prosecution). Conversely, victims rely on informal systems and this may prioritise reconciliation or silence. The study does not itself evaluate how law could re-engineer access.

Aborisade²⁴ examined the experience of rape survivors and how they interacted with the Nigerian police and justice processes. They found that survivors face discouraging police responses and this reduces case progression. This work has notable limitations. It is not confined to “marriage.” However, the findings are highly transferable to domestic violence. This is because both are assumed to be morally charged, “private,” or prone to victimblaming. The work explains why formal remedies fail at the first gatekeeping institution (police).

Gap in Knowledge

Across the four themes, recent literature strongly establishes that: (i) IPV is widespread and often psychological/economic. (ii) Marital norms and consent doctrines (including spousal rape exclusions and “correction” narratives) are common and this legitimises abuse and discourage reporting. (iii) Nigeria has legal/institutional frameworks. However, implementation is uneven because the relevant laws are not uniformly applied across all

states and the institutions are also constrained by inadequate funding, shortage of trained personnel, weak inter-agency coordination, social pressure to prioritise reconciliation over prosecution. (iv) Victims often depend on informal help.

However, a clear gap remains. The literature is still fragmented between (a) Public-health prevalence/risk studies and (b) General doctrinal discussions of laws. Hence, there is need for a marriage-focused appraisal which systematically (i) Maps the extant legislations and

institutions for mitigating domestic violence in marriage in Nigeria (ii) Evaluates the *actual remedial options* which victims can invoke (iii) Identifies the legal and institutional barriers which impede those remedies.

CHAPTER TWO

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1 Conceptual Framework

2.1.1 Concept of Domestic Violence

Domestic violence refers to any abusive or violent behaviour used by one intimate partner or household member to control or harm another. It encompasses not only physical assaults. It also includes sexual violence and psychological abuse.²⁰ Black's Law Dictionary states that domestic violence is "*violence among individuals within a home, typically between partners; an attack or other aggressive action carried out by one member of the household against another*"²⁶ Importantly, domestic violence is not limited to physical battery; it includes verbal abuse, threats, harassment, intimidation, sexual coercion, economic control, and isolation.²¹ The Violence Against Persons (Prohibition) (VAPP) Act 2015 embraces a broad view. It prohibits "all forms of violence against persons in private and public life." In addition, it explicitly stipulates that the following are punishable offences. They include physical injury,²² coercion,²³ forced isolation,²⁴ emotional abuse,²⁵ and "economic abuse."³²

²⁰ Police Serv. Comm., DV Policy (Abuja: Police Serv. Comm., 2011)
<<https://psc.gov.ng/wpcontent/uploads/2017/11/DOMESTIC-VIOLENCE-POLICY.pdf>>
accessed 14 Dec. 2025. ²⁶ BA Garner (ed), *Black's Law Dictionary* (11th edn, Thomson Reuters 2019) 596.

²¹ Police Serv. Comm. (n25).

²² VAPP Act (n3) s 2.

²³ *ibid* s 3.

²⁴ *ibid* s 13.

²⁵ *ibid* s 14. ³²

ibid s 12.

According to the United Nations,²⁶ domestic violence (also called Domestic abuse, also known as intimate partner violence, refers to a recurring set of actions within a relationship aimed at establishing or preserving dominance and authority over a partner. It encompasses

actions or threats that are physical, sexual, emotional, economic, or psychological, and it affects another individual. It additionally encompasses actions that scare, threaten, torment, control, harm, degrade, accuse, damage, or hurt another person.

2.1.2 Marriage

The concept of “marriage” in Nigeria is multi-faceted. This is because of the plural legal system in the country. In the legal context, *marriage* generally means a formal union between a man and a woman recognised by law. It can be contracted in different forms: statutory marriage, customary marriage, or Islamic marriage. A statutory marriage (also called an ordinance marriage) is monogamous and it is governed by the Marriage Act and the Matrimonial Causes Act. It involves a voluntary union for life of one man and one woman to the exclusion of all others.²⁷ A customary marriage is one conducted according to the customs of an ethnic community. An Islamic marriage similarly follows Islamic law (Sharia) principles and it is potentially polygamous (up to four wives) with religious rites.²⁸

According to Wimalasena,²⁹ marriage is a socially and legally recognised union between a man and a woman which creates rights and duties between the spouses and, traditionally, in relation to children born of the union. The article also presents marriage as a physical, moral, social,

²⁶ UN, ‘What is Domestic Abuse?’ <<https://www.un.org/en/coronavirus/what-is-domestic-abuse>> accessed 10 Mar. 2026.

²⁷ EI Nwogugu, *Family L in Nig.* (3rd edn, HEBN Publ. 2014).

²⁸ Nwogugu (n34).

²⁹ NA Wimalasena, ‘Analy. Study of Definitions of “Marriage”’ [2016] (6)(1) *Intl J Hum. & Soc. Sci.* 166-174.

legal and sometimes religious institution that forms the basis of the family and regulates conjugal, parental and kinship relationships.

2.1.3 Domestic Violence within Marital Contexts

Domestic violence typically entails a pattern where one spouse uses abuse to assert dominance or control. It can start with seemingly minor acts (a shove or verbal humiliation) and may or may not escalate over time to severe battering or sexual violence. Culturally,

many Nigerian wives endure such abuse in silence. They are expected by the society to “keep the home” at all costs. It is also assumed that reporting a husband state or tradition institutions is taboo.³⁰ Tragically, domestic violence leads to high-profile fatalities. In 2010, Deji of Akure, a traditional ruler brutally beat his wife and this led to her death. This caused public outrage and initial police action. However, the case was ultimately dropped. Evidently, power and stigma often shield perpetrators.³¹

Domestic violence is not gender based although women constitute the majority of Domestic violence victims.³² Adam and Erhus³³ found that domestic violence against women was prevalent during the COVID-19 pandemic in the urban Southern Nigerian community. Specifically, 35.9% of the women surveyed had experienced at least one form of violence within the previous one year. Psychological violence was the most prevalent (19.5%) among the different forms of violence. This is followed by physical violence (11.0%) and sexual violence (6.2%). Economic violence (5.8%) comes last. The study further found that intimate

³⁰ Kore-Okiti (n20).

³¹ Abimbola Ayobami, ‘Court Dismisses Suit Filed by Fighting, Dethroned Monarch, Deji of Akure’ Premium Times (2 Dec. 2012) <<https://www.premiumtimesng.com/regional/ssouth-west/109549-court-dismisses-suitfiled-by-fighting-dethroned-monarch-deji-of-akure.html>> accessed 14 Dec. 2025.

³² VY Adam and E Erhus, ‘One-Year Prev. of DV against Women during COVID-19 in Urban Southern Nig.’ [2022] (34)(1) *J Comm, Med. & Pri. Health Care* 117-130.

³³ *ibid.*

partners were the major perpetrators. Husbands and boyfriends were the leading perpetrators of physical, sexual, and economic violence. On the other hand, mothers and husbands featured in psychological violence prominently. Adam and Erhus³⁴ concluded that violence against women remained a serious public health problem during the pandemic. They recommended public education. In addition, they suggested that men should be engaged in prevention programmes and that VAPP Act should be implemented effectively.

Nonetheless, men can and do suffer abuse in marriages as well. Notably, it is relatively rare and often less reported. But, there are instances in Nigeria where wives physically assault or kill their husband.

In *Maryam Sanda v. State*,³⁵ Maryam, a young Abuja woman, was convicted of stabbing her husband to death in a domestic quarrel. Male victims often face additional barriers. They society often ridicule them (labeled “weak”). There are also no support services (shelters or hotlines are almost exclusively tailored to women). Big-Alabo and Itelimo³⁶ found that many Nigerian men who experience intimate partner violence do not report it. Conversely, police may trivialise their complaints when they do. Nonetheless, Nigerian law does not discriminate on the basis of gender. The provisions of the VAPP Act are gender-neutral. Moreover, the Matrimonial Causes Act allows *either spouse* to petition for divorce on grounds of the other’s unreasonable behaviour (cruelty).³⁷

³⁴ *ibid.*

³⁵ *Maryam Sanda v The State* SC/CR/1141/2023.

³⁶ S Big-Alabo and M Itelimo, ‘Ethics in Hum. Relationships and DV against Men in Nig.’ [2022] (3)(2) *Soc. Sci., Hum. & Educ. J* 126-134.

³⁷ MCA, Cap M7 LFN 2004, s 15(2)(c), amplified by s 16(1).

2.1.4 Forms and Patterns of Domestic Violence in Marriages

Domestic violence in marriages can take multiple forms. They are often interrelated. The forms include:

Physical violence: This is the most visible form. It involves involving acts like hitting, punching, kicking, strangling, burning, or using objects as weapons against a spouse. In Nigeria, “wife beating” has historically been so common that surveys found large percentages of both men and women justified it under certain conditions (such as “disobeying the

husband” or “neglecting the children”)³⁸ Physical abuse escalates to grievous harm (broken bones, internal injuries) or even homicide.

Sexual violence: Within marriage, this includes marital rape (non-consensual sex by a husband against the wife, or vice versa) and other forced sexual acts or exploitation. Traditionally, many Nigerian communities did not recognise the concept of marital rape. A wife is deemed to have given perpetual consent to sex. Indeed, the old Criminal Code definition of rape applied only to illicit intercourse with someone not one’s wife.³⁹ However, such attitudes is changing. Sexual violence in marriage also involves acts like coerced unprotected sex (with health risks) or sexual humiliation. The pattern is often that sexual violence co-occurs with physical violence. An abusive spouse might beat his wife and then force intercourse as a form of “make-

³⁸ Eze (n1).

³⁹ Kore-Okiti (n20).

⁴⁷ Anaeme (n21).

up” or simply as further control. Currently, the VAPP Act stipulates that marital rape is rape. It is a crucial shift in acknowledging this form of DV.

Psychological/Emotional abuse: This form of abuse is covert; however it is extremely damaging. It includes constant criticism, name-calling, belittling a spouse’s worth, threats of violence or divorce, isolation from friends and family, and mind games. It designed undermines the sanity of the victim (gaslighting). Emotional abuse often precedes or accompanies physical abuse and it creates a climate of fear. For instance, an abusive husband might tell his wife she’s useless daily and threaten to take a new wife or harm her if she doesn’t comply with his every demand. Some husbands might threaten to take the children away or accuse the wife of infidelity This is explicitly criminalised in the VAPP Act under “emotional, verbal and psychological abuse.”⁴⁷

Economic abuse: Many abusive spouses exert financial control as a means of domination. This may involve preventing the wife from working or earning. In a context where the husband is often the traditional breadwinner, She may exploit that power by withholding funds for basic expenses or requiring onerous justifications for every penny. Economic abuse keeps the victim dependent. Hence, they are unable to leave due to lack of resources. This is “forced financial dependence or economic abuse” under the VAPP Act.⁴⁰ Additionally, some customary practices can facilitate economic abuse. For instance, wives are not allowed to own property in some cultures. Research show that when a wife begins to gain financial independence, an insecure husband might increase other forms of abuse. Ola and Smith⁴¹ found that *higher rates of wife-*

⁴⁰ VAPP Act (n3) s 12.

⁴¹ B Ola and P Smith, ‘Factors Explaining Increases in Husband-to-Wife Violence in Nig. Households’ [2023] (40)(3) *J Family Violence* 603-619.

beating in situations where the wife earns more than the husband, due to the husband's feeling of lost control.

In terms of patterns, domestic violence in marriages is often cyclical and escalating. A wellknown pattern is the “cycle of violence.” It starts with the phase of *tension-building* (stress, conflicts, minor incidents). Then, this leads to an *acute battering incident* (the explosion of violence). Next, is the honeymoon phase (the abuser may apologise, promise change, or be unusually kind). Victims frequently report that after a violent episode, their spouse showed remorse. They buy gifts or swear it will never happen again; only for the tension to slowly rebuild and then abuse would recur. Each cycle tends to increase in severity if there is no intervention. This explains why many victims stay. The victims are hopeful that the the partner has changed during the honeymoon phase. Then, emotional attachment or social pressure convinces them to forgive.

There also exist another pattern observed and this is the intergenerational transmission of violence. Individuals who grew up witnessing domestic violence may replicate those

behaviours in their own marriages (either as perpetrators or as victims) They assumes that is is “normal” Ikpeze and Muoneke⁴² note that in homes where children watch their father beat their mother, those children (especially boys) may normalise violence or girls may internalise that women must endure it.

2.1.5 Distinction between Domestic Violence and General Assault/Tortious Wrongs

The distinction lies in the *context and relationship* between victim and offender and this brings unique legal and practical considerations. Assault in general criminal law is an act of causing

⁴² O Ikpeze and M Muoneke, ‘Laws on DV in Nig. vis-a-vis Impact on Children of Marriage’ [2023] (5)(1) *Intl J Comp. L & Legal Philosophy* 10-14.

or attempting to cause unlawful physical harm or apprehension of harm to another person.⁴³ Similarly, in civil law (tort), a victim of domestic violence could theoretically sue her abuser for battery (this is a tortious wrong of intentional infliction of harm).⁴⁴ A victim can also sue for assault.⁴⁵ However, domestic violence acknowledges that abuse within intimate relationships often requires specialised approaches.⁴⁶ Key distinctions include:

Relationship and Trust: Domestic violence occurs in a setting of trust and dependency. The perpetrator is not a random attacker. However, he/she is someone with whom the victim shares an emotional bond and there are often financial and familial ties.⁴⁷

Pattern vs. Isolated Incident: Mostly, general assault is an isolated incident. In contrast, domestic violence is usually a pattern of behaviour over time. This affects prosecution because because proof of domestic violence often depends not only on evidence of one specific incident. However, it depends on evidence of repeated conduct, prior abuse, threats,

intimidation, and coercive control. All of these help to establish the full context of the offence and the abusive intent of the accused.⁴⁸

Legal Exceptions Historically: Historically, domestic violence was treated differently in law. The most glaring example is the marital exemption in rape laws. Under Penal Code and Criminal Code in Nigeria, a husband could not be guilty of raping his wife because she was deemed to always consent by marriage. Similarly, as noted, Section 55(1)(d) of the Penal Code

⁴³ Garner (n26) 110.

⁴⁴ Eze (n1) 24.

⁴⁵ *ibid* 56.

⁴⁶ *ibid* 63.

⁴⁷ *ibid* 28.

⁴⁸ Diala (n15) 45.

explicitly exempted “corrective” beating of a wife from the realm of offence. These legal rules assume that domestic violence is an *exception* (unfortunately to the detriment of victims). Over time, reforms eliminate such exceptions. However, they still exist and this means domestic violence had been legally distinguished (in a negative way). The VAPP prohibits violence at home. It also adds layers of protection.

Remedies: Civil remedies are common (protective injunctions) for domestic violence.⁴⁹

These injunctions come in different forms, in Nigeria today under the relevant extant laws what the courts grant to a domestic violence survivor or applicant is an injunction termed protection orders and they present in two forms i.e interim protection order and Protection order proper.⁵⁸ Conversely, general assault leads to criminal sanctions. In a domestic scenario, a court might issue a restraining order and this bars a husband from coming near his wife or home.

Tort Law Perspective: In tort, a victim of domestic violence could sue for battery or intentional infliction of emotional distress. However, it is difficult to sue one’s spouse in Nigeria. It poses cultural and financial challenges (since damages from a husband to wife affect family assets). In any event, domestic violence victims seldom pursue tort remedies;

they seek safety and criminal accountability or divorce. Thus, domestic violence is carved out into its own domain with the VAPP Act. It provides compensation orders or restitution as part of criminal proceedings and this obviates separate tort suits.

⁴⁹ Ikuteyijo and others (n18) 12. ⁵⁸ *ibid.*

2.2 Theoretical Framework

This section examines several theoretical perspectives through which the objectives of the project of this carried out.

2.2.1 Feminist Legal Theory

Feminist legal theory is a theory propounded by Catherine MacKinnon in 1979, this theory was developed in her book, *sexual harassment of working women*⁵⁰ in this book she charted a legal theory from the standpoint of women and intended to resist patriarchal hierarchies in social relationships. Feminist Legal Theory provides perhaps the most direct and relevant lens for analyzing domestic violence. It centres on how law impacts women and entrenches or dismantles patriarchy. From a feminist legal perspective, domestic violence is not random or gender-neutral. Rather, it is rooted in unequal power relations between men and women and this is reinforced by legal norms which assume that women are second-class citizens or property of their husbands.⁵¹ Catharine MacKinnon argues that this public/private split in law effectively immunised male violence in the home, as it is considered a “family matter.”⁵² In Nigeria, this was evident the section which permits marital chastisement under the Penal code. Feminist legal theory calls for the law to actively redress gender-based violence. It emphasises that domestic violence is a form of gender discrimination and subordination.

From a normative standpoint, feminist theory insists that the state has an obligation to protect women from such violence. This informed many legal reforms around the world. For

instance, VAPP Act in Nigeria marital recognised rape as a crime in 2015. Feminist scholars also critique seemingly neutral laws for *implicit bias*. For example, requiring serious injury to

⁵⁰ Catharine A MacKinnon, *Sexual Harassment of Working Women* (Yale Univ. Press 1979).

⁵¹ Catharine A MacKinnon, *Toward a Feminist Theory of the State* (Harvard Univ. Press 1989) 61, 143, 191.

⁵² *ibid*.

prosecute assault disadvantages women. This is because domestic abuse often involves repeated minor injuries and this terrorise cumulatively. Hence, feminist theory argues that law should capture the realities of abuse. In evaluating the legal response in Nigeria, a feminist lens will inquire: Do the laws empower or further victimise women? For example, does the burden of proof or procedural hurdle deter women from pursuing justice? Are there patriarchal biases in enforcement (such as police trivialising wife-beating) which effectively deny women equal protection? Ultimately, feminist theory will judge the Nigerian legal response by whether it helps dismantle the systemic inequality that allows domestic violence to persist.

2.2.2 Human Rights Theory

Human Rights Theory is commonly traced to the natural rights tradition and this was propounded in classical form by John Locke who had a conception of inherent and inalienable rights. This laid the foundation for modern human rights thought.⁵³ Under Human rights theory, domestic violence is a violation of fundamental human rights. Internationally, it is now well-recognised that *women's rights are human rights*. Hence, domestic violence ultimately violates rights. Human rights theory is reflected in instruments like the United Nations Declaration on the Elimination of Violence against Women⁵⁴ and CEDAW General Recommendation 19.⁵⁵ Human right theory posits that States have a duty of due diligence to prevent, investigate, punish, and remedy acts of domestic violence.⁶⁵

⁵³ Tom Angier, Iain T Benson and Mark D Retter (eds), *Cambridge Handbook of Natural L and Hum. Rts.* (CUP 2022).

⁵⁴ Decl. on Elimination of Violence against Women, UNGA Res 48/104, UN Doc A/RES/48/104 (20 Dec. 1993).

⁵⁵ CEDAW Cttee, Gen. Recommendation No 19: Violence against Women, UN Doc A/47/38 (1992). ⁶⁵ Angier and others (n62) 56.

Under this theory, domestic violence is matter of state responsibility and accountability on the world stage. The 1999 Constitution of Nigeria⁵⁶ contains fundamental rights and these are directly implicated by domestic violence. Hence, a human rights perspective would argue that when the state fails to protect individuals (mostly women and children) from domestic violence, it is effectively failing to secure these constitutional rights for half the population. The ACHPR holds similar view.

Human rights theory thus provides a normative imperative. Nigeria must enact effective laws and remedies to combat domestic violence as a fulfilment of rights. The human rights approach focuses on accountability. The state may even be held accountable in international forums for not taking sufficient action. In this project, human rights theory will be used to assess whether Nigerian law meets the benchmarks of protecting the victim's rights. Does the state provide equal access to justice for domestic violence victims? Is there a remedy (legal, medical, psychosocial) for the harm they suffer? Also, it highlights holds that remedies are right. Under human rights law, a victim of violence has the right to an effective remedy

2.2.3 Natural Law Theory

Natural law theory posits that law is based on moral principles inherent in nature or divine order and human-made laws should reflect. Historically, natural law has been invoked to justify both hierarchy and equality.⁵⁷ In the context of domestic violence, a natural law perspective can be somewhat double-edged. On one hand, certain patriarchal interpretations of “natural order” were used to claim that husband's authority over the family is God-given or naturally ordained. On the other hand, a more universalist natural law view emphasises that every person has an

⁵⁶ Angier, Benson and Retter (n62) 56.

⁵⁷ J Finnis, *Natural L and Natural Rts.* (2nd edn, OUP 2011) 351-353.

inherent dignity. Modern natural law theorists (especially those influenced by human rights thinking) would argue that *violence against an innocent spouse is*

fundamentally against natural justice. Thomas Aquinas, a classical natural law thinker, held that unjust laws (those contrary to fundamental moral precepts) are not true laws.⁵⁸ One could assert that a law (or customary rule) that allows a husband to beat his wife is unjust and violates natural law. This resonates with the constitutional clause which stipulates that any law inconsistent with fundamental rights is void.

In Nigerian jurisprudence, natural law plays out when courts refer to the “*repugnancy doctrine*” in customary law. Indeed, the Nigerian courts have given “judicial baptism” to the invalidity of discriminatory customs. In addition, they analogise that *any native law or custom that holds that assault is a form of correction must be expunged for being inconsistent with the guarantee of dignity in the Constitution.* Natural law theory also influences the moral rhetoric around domestic violence. Many religious leaders in Nigeria condemn domestic violence by saying it is against God’s will. For example, scholars in Islam point out that the Prophet Muhammad never beat his wives and advocated kindness. Thus, violence is against the natural/spiritual law of marriage. However, some might misinterpret religious text to allow “symbolic” beating. In Christianity, there is a notion of love and care in marriage and this is used to argue that abusing one’s spouse is a sin against natural/divine law of love. Currently, one might use a natural law argument to push for certain reforms. For example, saying that the Penal Code’s Section 55(1)(d) (allowing wife correction) is void *ab initio*. This because it offends natural justice and the natural equality of persons. Even without the written constitution, one could claim it is

⁵⁸ Finnis (n67) 351-353.

morally illegitimate. In this project, natural law theory reminds us that law should embody fundamental moral values.

2.2.4 Legal Positivism

Legal positivism is a legal theory Legal positivism was propounded by Jeremy Bentham. It was later articulated by John Austin and developed by H.L.A. Hart subsequently. It holds that law is a set of rules and commands issued by the sovereign (or legislative authority), and that validity of law is determined by its source (enacted properly) and not its moral content.⁵⁹ Under a strict positivist view, one might say: “*What does Nigerian law actually state about domestic violence? If there is no positive law against a particular act, then it’s not illegal (regardless of moral opinions).*” For instance, if the law does not criminalise marital rape, then marital rape is not legally punishable. It does not matter if it is wrongful morally. This was indeed the case in Nigeria. Until the VAPP Act, marital rape was not a crime under the positive law in Nigeria (Criminal Code, Penal Code). So under a positivist lens, a husband forcing sex on his wife simply did not meet the legal definition of rape.

Legal positivism focus on the letter of the law and the authority of law-makers. It is not enough that an international treaty (like CEDAW) says domestic violence is wrong. Until Nigeria’s Parliament domestically legislates it (which Section 12 of the Constitution requires for treaties). Those norms are not binding law. From a positivist perspective, one could criticise earlier judicial inertia. Judges might have felt constrained because there are no explicit statutes. For

⁵⁹ HLA Hart, *The Concept of L* (3rd edn, OUP 2012) 100-123.

instance, before the Violence Against Person Prohibition Act laws, a judge strictly applying the Penal Code⁶⁰ might reluctantly acquit a wife-beating husband if the violence was deemed “not grievous” under Section 55(1)(d) even if the judge personally abhorred the act. Positivism demands the law be changed through proper channels to address that. However, legal positivism also underlies the approach that once the law *is* changed, officials must enforce it. A positivist would say police or courts have no excuse to ignore

wife-battery now. This is because the law of the land forbids it: *dura lex sed lex* (the law is hard but it is the law).⁶¹ Positivism has a notable limitation. It may allow bad laws to persist if there are no moral engagement.

2.2.5 Social Contract Theory

Social contract theory was developed by philosophers like Thomas Hobbes, John Locke, and Jean-Jacques Rousseau among others.⁶² It posits that individuals consent (implicitly or explicitly) to form a society and be governed by laws in exchange for protection of their rights and maintenance of order. In essence, people give up certain freedoms to the state, and in return the state provides security and justice.⁶³ Under a social contract view, the State is responsible to protect citizens from harm. This includes harm that comes from their spouses.

Locke argued that no one ought to harm another in their life, health, liberty or possessions.⁷⁴ If a government fails to protect these, it loses legitimacy. In addition, where domestic violence is unaddressed, the State has failed its contractual duty to ensure that the private sphere is safe.

⁶⁰ Penal Code (Northern States) Federal Provisions Act, Cap P3 LFN 2004.

⁶¹ AX Fellmeth and M Horwitz, *Guide to Latin in Intl L* (OUP 2022).

⁶² R Wacks, *Understanding Jurisprudence* (6th edn, OUP 2021).

⁶³ *ibid.*

⁷⁴ *ibid.*

Historically, women were often excluded or marginalised in the “social contract.” Early theorists often assume that the contracting parties were male heads of households. Carole Pateman famously critiqued this as the “sexual contract.” She suggested the social contract in liberal theory had an underbelly that gave men dominion over women in private.⁶⁴ In Nigeria, one might say that the legal order in the post colonial and immediate post-colonial allowed a patriarchal micro-sovereignty to husbands. This was contrary to the full spirit of a just social contract. Modern social contractarian⁶⁵ views affirm that the law applies equally in the home.

Under this project, social contract theory stress that **State intervention is important.** Social contract theory also justify certain remedial measures. For example removing an abuser from the home via a restraining order is not just a random punishment. It is the state reasserting that *it* holds ultimate power over use of force. It is almost as if the state says to the abuser: “By the social contract, you cannot claim a right to harm; only we (the state) decide when force is justified, and it’s not justified here. Hence we intervene and sanction you.” In a democracy, laws often change because the “contract” is renegotiated through advocacy and public pressure. Women’s movements in Nigeria have effectively demanded that “protect us from domestic violence” be a term of the social contract. As more awareness spreads, scope of the contract broadens. Ultimately, this theory provides a rationale for why the State is justified in intervening in “domestic” matters.

⁶⁴ C Pateman, *The Sexual Contract* (30th Anniversary edn, Polity Press 2018).

⁶⁵ *ibid.*

CHAPTER THREE

LEGAL AND INSTITUTIONAL FRAMEWORKS IN RESPONSE TO DOMESTIC VIOLENCE IN NIGERIA

3.1 Legal Framework

3.1.1 Core Municipal Legislations

The core municipal (domestic) legislations provide the primary legal basis for addressing domestic violence within marriages. They include the following.

3.1.1.1 Constitution of the Federal Republic of Nigeria 1999 as amended (Fifth alteration)

This is the supreme law in Nigeria and it enshrines fundamental rights that form a legal bedrock for protecting individuals (including spouses) from violence. It also invalidates laws or customs that sanction domestic violence. Key provisions include right to life,⁶⁶ right to the dignity of the human person,⁶⁷ and freedom from discrimination on basis of sex,⁶⁸ among other factors.⁶⁹ A victim of severe domestic violence could, in theory, invoke these rights. For instance, a wife beaten by her husband is subjected to degrading treatment and her right to dignity is violated. Going further, Section 42 prohibits laws that subject any citizen to disabilities or restrictions based on sex. In addition, Section 15(2) of the Constitution declares the state's social order is founded on equality and Section 17(2) asserts that "sanctity of the human person" shall be

⁶⁶ CFRN 1999, s 33.

⁶⁷ CFRN 1999, s 34(1).

⁶⁸ CFRN 1999, s 42.

⁶⁹ O Bamisile, 'Marital Assault and Rts. of a Nig. Woman: Critique of Penal Code' Law Pavilion <<https://blog.lawpavilion.com/marital-assault-and-the-rights-of-a-nigerian-woman-a-concise-critique-of-the-penal-code>> accessed 8 Mar. 2026.

maintained and human dignity upheld. Crucially, Section 1(3) makes the Constitution supreme such that any law inconsistent with it is void. The courts have used

constitutional principles to strike down oppressive customary practices.⁷⁰ To the effect, the judiciary would invalidate norms that violate women's rights to equality and dignity.

3.1.1.2 Violence Against Persons (Prohibition) Act 2015

This is a landmark federal legislation and it addresses domestic violence and other forms of violence in a comprehensive manner. It was enacted to “prohibit all forms of violence against persons in private and public life” and provide maximum protection and effective remedies for victims. It is the first national law in Nigeria to criminalize many acts constituting domestic violence (including spousal battery, emotional abuse, and economic abuse) explicitly and to provide innovative remedies like protection orders. However, it is applicable only in the Federal Capital Territory unless adopted by states. In essence, it is not applicable nationwide. The Act defines and criminalises “spousal battery.” It provides that it is an intentional and unlawful use of force or violence upon a person, knowing that person to be, or having reason to believe that person to be, his or her spouse. Penalties include up to 3 years imprisonment or fine (or both) for spousal battery. The Act also covers emotional, verbal and psychological abuse,⁷¹ economic abuse,⁷² forced isolation and separation from family,⁷³ and intimidation.⁷⁴ Most significantly, Section 1 of the Act redefines rape without the marital exemption. It provides that rape is the intentional penetration of the vagina, anus, or mouth of another person with any part of the body or object without consent, and it does not include any exception for spouses. By omitting

⁷⁰ *Mojekwu v Mojekwu* [1997] 7 NWLR 283; *Ukeje v Ukeje* [2014] 11 NWLR 543.

⁷¹ VAPP Act (n3) s 14.

⁷² *ibid* s 12.

⁷³ *ibid* s 13.

⁷⁴ *ibid* s 20.

the immunity for marital rape that existed under prior law. Furthermore, Section 28 of the Act introduces Protection Orders. Hence, a spouse (or even a third party on behalf of a victim) may apply to a court for a restraining order to prevent further abuse. The Act also establishes a Sex Offender Register and it provides for

victim compensation by offenders. As of end of 2026, 35 states have domesticated the Act or enacted analogous legislation (Lagos and Ekiti had prior similar laws). This leaves at most one state (perhaps Gombe as reported) without it.⁷⁵

3.1.1.3 Criminal Code Act & Penal Code

These are the foundational criminal statutes in Nigeria. The Criminal Code is applicable in Southern Nigeria and the Penal Code is applicable in Northern Nigeria). They contain general provisions on offences like assault, hurt, homicide, and related crimes that are applicable to domestic violence cases. Historically, however, these Codes had shortcomings in protecting spouses. It impliedly or explicitly exempts certain domestic acts. For instance, marital rape and “corrective” assault by husbands. However, these Codes still matter because the general provisions of the Codes are used to prosecute domestic violence in states that have not fully implemented the VAPP Act or for offences not covered by specialized laws. The Criminal Code defines offences such as assault,⁸⁷ assault occasioning harm,⁷⁶ grievous harm,⁷⁷ and attempted murder.⁷⁸ It also criminalises manslaughter and murder for extreme cases where domestic violence leads to death.

⁷⁵ ND Mbi, ‘Malala Fund Urges Nig. Govt to Protect VAPP Act’ Malala Fund <<https://malala.org/news-andvoices/malala-fund-urges-the-nigerian-government-to-protect-the-vapp-act>> accessed 9 Mar. 2026. ⁸⁷ Criminal Code Act, ss 252-253.

⁷⁶ *ibid* s 355.

⁷⁷ *ibid* s 335.

⁷⁸ *ibid* s 320.

Similarly, the Penal Code has provisions for hurt and homicide. However, the Penal Code included a notorious provision. Section 55(1)(d) which states that “Nothing is an offence which does not amount to the infliction of grievous hurt... by a husband for the purpose of correcting his wife.” This allowed a husband to physically chastise his wife, provided he didn’t cause serious injury, if such correction is recognised by native law or custom. It is a statutory embodiment of patriarchy and it has been condemned because it is discriminatory

and contrary to modern human rights. The Penal Code also traditionally exempted marital rape. Section 282(2) of the old Penal Code stated that sexual intercourse by a man with his wife is not rape if she has attained puberty.

The Criminal Code did not explicitly state this. However, it defines rape as unlawful carnal knowledge of a woman “not his wife”⁷⁹ It implied the same immunity that a man could not rape his own wife because the act wouldn’t be “unlawful” as against a stranger. Therefore, under both codes, for decades a husband could not be prosecuted for raping his wife. Instead, the most he could face is a minor charge like assault (if force was used). This trivializes the gravity of marital rape. In practice, before state-level DV laws, abusive spouses were charged under these codes occasionally. In *Queen v. Eze*,⁸⁰ a husband who severely beat his wife and this caused her death. The court convicted him of manslaughter under the Criminal Code. On the other hand, in, *Posu v. The State*,⁸¹ the supreme court defined rape in general; however it noted in obiter that by existing law marital rape was not recognised

⁷⁹ Criminal Code Act, s 357.

⁸⁰ *R v Eze* [1959] 19 NLR 110.

⁸¹ *Posu v The State* [2011] 3 NWLR 393.

3.1.1.4 Evidence Act 2011 as amended 2023

This Act governs the admissibility of evidence in Nigerian courts (except customary or Sharia courts). Historically, corroboration is required in proving rape and this has been a challenge in prosecuting rape or certain assaults (under common law practice). Corroboration is by practice required in rape cases as an additional independent evidence which confirms the account of the victim. The Evidence Act does not mandate corroboration for sexual offences. In fact, Section 29 of the Act clarified that a conviction may rest on the credible testimony of one witness (the victim). However, judges often still seek corroboration as a matter of caution. The Act also allows medical reports to be tendered⁸². This substantiates injury in

cases of domestic violence cases. The Act also introduced provisions on electronic evidence; Section 84 allows admissibility of electronic records (texts, emails, WhatsApp chats) if certain conditions are met. In domestic disputes, this is relevant for evidence such as threatening messages from an abusive spouse or video/audio recordings of incidents.

Another important facet is spousal privilege. The Evidence Act⁸³ narrows marital privilege to communications during marriage. It states that one spouse is both competent and compellable to testify in criminal proceedings involving the other spouse for offences like violence against the spouse or the spouse's child. In other words, if a wife is assaulted, she can testify against her husband (competent). In addition, she can even be compelled by the prosecution to do so (compellable).⁹⁶

⁸² Evidence Act 2011, ss 68, 84 and 179(1).

⁸³ *ibid* ss 182(3) and 187. ⁹⁶
ibid s 182(1)(c).

3.1.1.5 Matrimonial Causes Act 1970

This is a criminal or protective law and it plays a role in the legal response to domestic violence by providing remedies within family law. It makes provision for an abused spouse to obtain a divorce (or judicial separation) on grounds of cruelty or other unreasonable behavior, and ancillary reliefs like custody of children or maintenance which helps a victim leave an abusive marriage. According to section 15(2) of the MCA, the sole ground for dissolving a marriage is that it has broken down irretrievably. This may be proven by several facts. Relevant here is Section 15(2)(c): that following the marriage, the respondent has acted in a manner that makes it unreasonable for the petitioner to continue living with them. This broad provision covers cruelty and domestic violence. In addition, Section 16(1)(e) of the MCA provides a specific scenario: if within the preceding year the respondent has been convicted of attempting to murder or inflict grievous harm on the petitioner, or convicted of an offence involving grievous harm, that is evidence of breakdown irretrievably.

The courts have long recognised that “*cruelty*” is a basis for divorce. In *Gollins v. Gollins*,⁸⁴ the court defines cruelty as “willful and unjustified conduct of such character as to cause danger to life, limb, or health (bodily or mental) of the other spouse.” Similarly, in *Damulak v. Damulak*,⁸⁵ the Court of Appeal upheld divorce where the husband physically abused his wife persistently. It was found that this was cruelty and an intolerable behavior. Similarly, in *Mrs Stella Ozioma Labar v Mr Bapizam Labar*,⁸⁶ the High Court of the Federal Capital Territory held that repeated assault, battery, threats, and violent drunken behaviour constituted conduct so grave that the wife could not reasonably be expected to continue living with the husband. Accordingly, the court dissolved the marriage under section 15(2)(c) of the

⁸⁴ *Gollins v Gollins* [1964] AC 644 (HL).

⁸⁵ *Damulak v Damulak* [2004] 8 NWLR (Pt 874) 151.

⁸⁶ *Mrs Stella Ozioma Labar v Mr Bapizam Labar*, Suit No FCT/HC/PET/168/2017.

Matrimonial Causes Act. The MCA also provides for judicial separation ⁸⁷. This is a decree that doesn't dissolve marriage. However, it allows living apart on similar grounds and a spouse might use this if they have religious objections to divorce or hope for change but need legal safety. Furthermore, when granting a divorce on basis of violence, courts consider custody of children. Typically, an abusive parent is less likely to get custody as it is not in the child's best interest to be with a violent guardian. ⁸⁸ The Act empowers courts to issue orders for maintenance or financial settlement. ¹⁰² This is crucial for a victim spouse who may have been economically dependent on the abuser. The MCA also allows the court to issue injunctions in aid of matrimonial relief. However, these are discretionary and not explicit in the Act; they rely the equitable jurisdiction of the courts.

3.1.1.6 Child's Rights Act 2003 (and Child Rights Laws of States)

This **Act** has been adopted as law by the majority of the states in Nigeria. It provides a legal framework for the rights and welfare of children. It is relevant to domestic violence because it

protects children whom are direct or indirect victims within domestic settings. Domestic violence in marriages has a spillover effect on children. More so they may be targets of abuse themselves or traumatised witnesses. The CRA criminalizes various forms of violence against children ⁸⁹ and emphasises that the best interest of the child in all actions. The **Act** also incorporates principles from the UN Convention on the Rights of the Child. Section 11 of the act guarantees a child's right to dignity. This means freedom from physical, mental or emotional injury, abuse, or neglect). Section 13 provides for right to health and health services. It explicitly prohibits child abuse and maltreatment. Section 21 bans child marriage outrightly.

⁸⁷ MCA, Cap M7 LFN 2004, ss 39-45.

⁸⁸ *ibid* s 71(1). ¹⁰²

ibid s 70.

⁸⁹ See CRA 2003, ss 11, 13, 16 and 21. ¹⁰⁴
CRA 2003, s 149.

Section 11(2) of the Act provides that no child shall be subjected to torture, inhuman or degrading treatment, or punishment. This cover severe corporal punishment or abuse by parents. Furthermore, the Act creates offences such as battery and sexual assault against children. Also, Section 277 of the Act defines a child as a person under 18. This means that any violence against someone under 18 falls under its scope.

The CRA also established Family Courts at Magistrates and court levels to handle matters which affect children.¹⁰⁴ Importantly, Section 16 of the CRA provides that a child who needs protection (for example, a child whose parent is violent) would be taken for care and supervision orders. In addition, the court can remove a child from an environment where he/she is likely to be harmed. So in a domestic violence scenario, if a mother is being abused and the children are also at risk, the CRA empowers authorities to step in to protect the children. The CRA (and equivalent state Child Rights Laws) mandates that a parent or guardian must exercise reasonable care to protect the child from violence. Failure to protect may itself be considered neglect or abuse.

3.1.2 Core Regional Instruments

3.1.2.1 African Charter on Human and Peoples' Rights (ACHPR)

The African Charter⁹⁰ is a regional Human Rights treaty and it was ratified by Nigeria in 1983. Afterwards, it was domesticated through the African Charter (Ratification and Enforcement) Act.⁹¹ As domestic law, it holds a special place, just below the Constitution in

⁹⁰ African Charter on Hum. and Peoples' Rts. 1981.

⁹¹ African Charter on Hum. and Peoples' Rts. (Ratification and Enforcement) Act, Cap A9 LFN 2004.

hierarchy (as per the Supreme Court in *Abacha v. Fawehinmi*⁹²). The Charter did not mention domestic violence explicitly. However, it enshrines the rights to equality, dignity, and freedom from discrimination and it calls on States to ensure that women and children are protected.⁹³

Some key provisions of the ACHPR are relevant to domestic violence and they include the following. Article 4 guarantees the inherent right to life and integrity of person. Article 5 guarantees the right to the dignity of the human person and prohibits torture, cruel, inhuman or degrading punishment and treatment. Article 18(1) places the family under the protection of the State. Article 18(3) specifically says:

“the state will guarantee the removal of all forms of discrimination against women and will also safeguard the rights of women and children as outlined in international agreements and declarations.”

Domestic violence clearly violates women’s rights to security and equality, thus states must act against it under Article 18(3). This Charter has been domesticated in Nigeria and this means that these provisions may be invoked in the courts in Nigeria. In practice, courts have cited the African Charter to reinforce rights. In *Abacha v. Fawehinmi*,¹⁰⁹ the court held that the African Charter has been domesticated and hence it has force and any national law in

conflict with it should be invalid to the extent of conflict. The ACHPR is different from most regional instruments because Nigeria has ratified and domesticated it through the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act. Therefore, it is enforceable in Nigerian courts, subject to the supremacy of the CFRN.

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

⁹² *Abacha v Fawehinmi* [2000] 6 NWLR (Pt 660) 228 (SC).

⁹³ ACHPR (n105) arts 2, 3, 4, 5 and 18(1), (3).¹⁰⁹
Abacha (n107).

Protocol) 2003

This is a regional treaty and it supplements the ACHPR with specific provisions on the rights of women. This includes an explicit focus on violence against women. Nigeria ratified this Protocol in 2004. Nonetheless, it has not been domesticated as a separate Act but it is persuasive. The Protocol obligates state parties to take all necessary measures to end violence against women, be it in private or public, and to protect women's reproductive rights, property rights, among others. It is a crucial instrument because it addresses issues like marital rape, domestic violence, harmful practices, and calls for legislation and services to support survivors. In effect, the Protocol is a roadmap for how African states should respond to domestic violence and gender-based violence.

Going further, Article 4 of the Maputo Protocol is titled "Rights to Life, Integrity and Security of the Person."⁹⁴ It provides that every woman is entitled to respect for her life and physical and moral integrity. It mentions marital rape and it stipulates that states should punish the perpetration of, and attempt to commit, all forms of violence against women including unwanted or forced sex whether in marriage or otherwise. This is one of the first international treaties to call out marital rape plainly. Furthermore, Article 4 calls for identification of causes and punishment and eradication of violence. In addition, it also provides that accessible services like shelters and counseling should be established and law

enforcement should be trained adequately. Nigeria has ratified the Maputo Protocol, but it has not been specifically domesticated by an Act of the National Assembly. Therefore, it is persuasive and not directly enforceable in courts in Nigeria

⁹⁴ Maputo Protocol 2003, art 4.

3.1.2.3 African Charter on the Rights and Welfare of the Child (ACRWC) 1990

This is a regional treaty which focuses on the rights of children in Africa. Nigeria ratified it and many of its principles are reflected in the Child's Rights Act 2003. The ACRWC complements the UN Convention on the Rights of the Child but with context for Africa. It includes provisions that protect children from all forms of abuse and torture. In addition, it enjoins states to ensure that children are not subjected to violence within the family. It reinforces at a regional level what Nigeria's Child Rights Act does nationally. Article 16 of the ACRWC states that "Children must be safeguarded against any type of torture, inhumane or degrading treatment, and particularly from physical or mental harm, abuse, neglect, or maltreatment, including sexual abuse, while under the care of their parents...." and it requires states to take legislative and administrative measures to prevent and remedy such abuse.⁹⁵ Article 21 obligates states to eliminate harmful social and cultural practices which affect the welfare and dignity of children.⁹⁶ Article 20 notes parents have the duty to ensure domestic discipline is administered with humanity and not violence. Under Article 1, Nigeria is obliged to undertake all appropriate measures to give effect to the provisions of the Charter. Having passed the Child's Rights Act, Nigeria has largely done that legislatively. The ACRWC also sets up a monitoring body, the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), to which Nigeria reports. ACERWC has urged stronger action on issues like child marriage and child labor. It is also relevant on violence against children. The ACRWC is not domesticated by a standalone Act in Nigeria. However, its practical effect is

⁹⁵ ACRWC 1990, art 16.

⁹⁶ *ibid* art 21.

covered since the Child Rights Act enshrines similar rights. Nigeria ratified the ACRWC, and its standards for child-protection are enforceable through domestic legislation such as the CRA and state Child Rights Laws, rather than as a self-executing treaty.

3.1.3 Core International Instruments

3.1.3.1 Universal Declaration of Human Rights (UDHR) 1948

Nigeria is member of the UN. Hence, this instrument is foundational international document which Nigeria has pledged to uphold. It articulates fundamental human rights; these include the right to life, liberty, security of person,⁹⁷ right to be free from torture or cruel, inhuman or degrading treatment,⁹⁸ and equality before the law.⁹⁹ The ethos of the UDHR is reflected in the 1999 Constitution. It provides an overarching human rights framework that condemns domestic violence. The UDHR is not legally binding. However, it influenced binding treaties like the International Covenant on Civil and Political Rights (ICCPR), which Nigeria has ratified.¹⁰⁰ Nigeria typically references the UDHR in the preamble of the Constitution and Chapter on Fundamental Objectives. For instance, Chapter II of Nigeria's Constitution declares the State's social order is founded on ideals of Freedom, Equality and Justice. This phrase is reminiscent of the ideals of the UDHR. Courts in Nigeria refer to the UDHR occasionally as part of the "general principles" of civilized nations.¹⁰¹ The UDHR shaped the African Charter and other domestic laws. To that effect, the significance lies more in moral and interpretative guidance. The UDHR is not a ratified treaty in the strict section 12 sense and has not been domesticated as a statute. Therefore, it operates mainly as a persuasive human-rights standard.

⁹⁷ UDHR 1948, art 3.

⁹⁸ *ibid* art 5.

⁹⁹ *ibid* art 7.

¹⁰⁰ ICCPR 1966, art 7.

¹⁰¹ *Uzoukwu v Ezeonu II* [1991] 6 NWLR (Pt 200) 708.

3.1.3.1 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979)

CEDAW is a UN treaty often described as the international bill of rights for women. Nigeria ratified CEDAW in 1985 and this signals that is committed to eliminate discrimination and improve the rights of women. Nigeria has not domesticated CEDAW through legislation. To the effect, it is not directly enforceable in Nigerian courts due to Section 12 of the Constitution.¹⁰² Nonetheless, CEDAW influences policy and advocacy. Importantly, CEDAW obliges Nigeria to take all appropriate measures, including legislation and practical programs, to protect women from violence and also support survivors.

CEDAW itself doesn't mention "domestic violence" in its articles. However, Article 2(f) obligates states to change or eliminate current laws, traditions, and practices that discriminate against women. Article 5(a) requires nations to implement actions aimed at altering social and cultural norms that perpetuate the subordination of one gender or promote stereotypical roles. This covers the attitudes underpinning domestic violence.¹⁰³ Over time, the CEDAW Committee (the monitoring body) issued General Recommendation 19 (1992), which unequivocally states that "violence directed at women represents a type of inequality that significantly restricts women's capacity to experience rights and liberties on par with men." It highlights domestic violence (physical and sexual violence in the family) and marital rape as issues states must address, and calls on states to enact laws and provide protective services. General Recommendation 35 (2017) further updates this. It stipulates that CEDAW is violated when state fail to prevent and respond to gender-based violence. Nigeria has not domesticated

¹⁰² CFRN 1999, s 12.

¹⁰³ See CEDAW 1979, arts 2(f) and 5(a).

CEDAW. However, it often cites its commitments under CEDAW in policies. The 2006 National Gender Policy in Nigeria was framed in line with CEDAW obligations.

Policymakers suggested Nigeria's obligations to CEDAW as a reason the law was needed.

Internationally, Nigeria's progress on Domestic Violence is reviewed by the CEDAW Committee in periodic reports. Nigeria has ratified CEDAW. However, it has not been domesticated by the National Assembly. Therefore, it is not directly enforceable in courts in Nigeria, although it remains persuasive.

3.1.3.2 Convention on the Rights of the Child (CRC) 1989

The CRC is a global treaty on the rights of children and it was ratified by Nigeria in 1991. It obliges states to protect children from all forms of violence, abuse, neglect, and maltreatment. The CRC has influenced Child Rights Act¹⁰⁴ and it guides actions related to children in domestic violence. Article 3 highlights the best interests of the child is a primary consideration. It also highlights that children must be protected from violence.¹⁰⁵ Article 19 of CRC explicitly requires states to "take all appropriate... measures to protect the child from all forms of physical or mental violence, injury or abuse...including sexual abuse, while in the care of parent(s)..."¹²² It suggests measures such as legislative, social programs, identification, reporting, referral, investigation, and judicial involvement. Article 34 and 37 also are relevant. They protect children from sexual exploitation and from torture or cruel treatment respectively. This overlaps if children are direct victims of domestic sexual abuse or severe physical abuse. The CRC Committee has given General Comments clarifying that witnessing domestic violence can be damaging to children psychologically, thus it falls under categories that

¹⁰⁴ CRC 1989; CRA 2003.

¹⁰⁵ CRC 1989, art 19.

¹²² *ibid*.

children should be protected from. Nigeria domesticated this instrument through the Child Rights Act 2003 and this gave legal effect to these rights domestically for federal law and states that have adopted it. Section 11 of the CRA echoes Article 19 of the

CRC almost verbatim. Nigeria ratified the CRC, and its principles are enforceable through the CRA and state Child Rights Laws where domesticated into local legislation.

3.2 Institutional Framework

This section critically assesses the institutions which form part of the legal response to domestic violence in Nigeria.

3.2.1 Core National Institutions

3.2.1.1 Nigeria Police Force

The Nigeria Police Force is responsible for receiving reports and investigating allegations of domestic violence on any form. They serve as first responders¹⁰⁶ to domestic violence scene and also enforce protection orders or court directives. In recognizing the sensitive nature of domestic abuse, the NPF in recent years established Gender Desks or Family Support Units in many police stations. This provides specialised services to victims of domestic and sexual violence.¹²⁴ These are intended to create a more survivor-friendly environment and to encourage reporting. On paper, this is a positive institutional reform and it shows that the police acknowledge that domestic violence is a serious issue (historically, it was often dismissed as a “private matter”). However, evidence suggests that the impact of these gender desks has been mixed. They have improved access in some urban areas (such as Lagos and Abuja, where police

¹⁰⁶ Police Act 2020, s 4(a)-(f); VAPP Act (n3) s 32. ¹²⁴ Joseph-Asoh and Elijah-Ojete (n19) 128-146.

sometimes collaborate with state domestic violence agencies). However, many survivors still encounter police apathy or incompetence when seeking help. Indeed, Human Rights Watch and other NGOs have documented cases where Nigerian police failed to make arrests or *discouraged victims deliberately from pursuing charges*, preferring to “mediate” between husband and wife. This tendency to send parties home to reconcile is

common when injuries are not visible or deemed “not serious.” From a critical standpoint, the NPF as an institution has taken steps.¹⁰⁷ Nonetheless, it still falls short of a reliable, first-line protector for domestic violence survivors.

3.2.1.2 The Courts

The courts occupy a central position in the institutional framework for addressing domestic violence in Nigeria. This is because they transform police complaints and statutory rights into enforceable remedies. The role of the court is reinforced by the constitutional guarantee of fair hearing under section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Hence, the court adjudicate according to law and protect the dignity of the person under section 34(1)(a) of the Constitution. In criminal matters, courts try offenders under the general criminal law and, where applicable, under specialised legislation for domestic violence. Under the VAPP Act 2015, the court may entertain numerous offences.¹⁰⁸ They also exercise powers to issue interim protection orders. Under section 29(2) of the VAPP Act, where the court is satisfied that there is *prima facie* evidence that the respondent is committing, has committed, or is likely to commit an act of domestic violence, the court may issue an interim protection order even before the respondent point of view is heard. Thereafter, under section 30, the court hears the matter *inter partes* and may make a full protection order on the merit. This shows that

¹⁰⁷ *ibid* 132.

¹⁰⁸ VAPP Act (n3) s 19.

the court is not merely a forum for delayed post-violence punishment; it is also an emergency institution capable of preventive intervention.

The courts are equally important in matrimonial relief where domestic violence has rendered cohabitation unsafe. Under section 15(2)(c) of the Matrimonial Causes Act, a court might determine that a marriage has irreparably failed if one partner has acted in a manner that

makes it unreasonable for the other to continue cohabiting with them. In *Mrs Stella Ozioma Labar v Mr Bapizam Labar*,¹⁰⁹ the High Court of the Federal Capital Territory held that repeated assault, battery, threats and violent drunken behaviour were sufficiently grave to justify dissolution of the marriage. Similarly, in *Vivian Udoka Njoku v Jude Chukwunonye Njoku*,¹¹⁰ the FCT High Court considered allegations of violence and granted reliefs including custody-related orders. In essence, the courts are willing, at least in principle, to treat domestic abuse as serious marital misconduct rather than mere household disagreement.

Beyond dissolution, courts protect children affected by violent homes. Under section 71(1) of the Matrimonial Causes Act,¹²⁹ In matters concerning custody, guardianship, welfare, advancement, or education of the children from the marriage, the court is required to prioritise the child's interests above all else. The Child's Rights Act also reinforces this position. It makes the best interest of the child the primary consideration in every action concerning the child. Thus, where domestic violence places children at risk, the court is empowered to deny custody to an abusive parent, and make orders that would protect the welfare of the child.

¹⁰⁹ *Labar v Labar* (n99).

¹¹⁰ *Vivian Udoka Njoku v Jude Chukwunonye Njoku*, Petition No PET/394/2023. ¹²⁹ MCA, Cap M7 LFN 2004, s 71(1).

3.2.1.3 Director of Public Prosecutions (DPP)

This is another vital component of the institutional framework. Once domestic violence cases are reported and investigated, it falls to the DPP in each state (or the Federal Ministry of Justice for VAPP cases in the FCT) to pursue criminal charges where appropriate. Historically, prosecution of domestic violence in Nigeria was rare. This is because victims often withdraw complaints. More so, prosecutors do not prioritise these cases. Lagos State, for example, has a dedicated Domestic Violence and Sexual Offences Unit in the Ministry of

Justice and they coordinate prosecutions through a Domestic and Sexual Violence Response Team (DSVRT).¹¹¹The DSVRT model was established in Lagos in 2014. It brings together prosecutors, police, psychologists, and NGOs and this ensures a holistic response. They fasttrack case files and they provide support to victims through the court process. They also liaise with the judiciary for special protections.¹¹² This approach has yielded some success. It is reported that Lagos State secured a significant number of convictions for domestic and sexual violence offences in 2025. Outside Lagos and there are a few other proactive states. Ekiti also set up a GBV task force and court. Nonetheless, Prosecution remains a weak link. DPP offices in many state lack clear policies on domestic violence. Prosecutors sometimes decline to file charges, if family members pressure for an informal settlement. Moreover, there are often delays in the court process and this hinder effective prosecution. Many cases languish in court for years, during which time victims may become discouraged or compromised. Ikuteyijo and others¹¹³ found that there are significant challenges in implementing the VAPP

¹¹¹ Joseph-Asoh and Elijah-Ojete (n19) 132.

¹¹² ACJA 2015, s 232.

¹¹³ Ikuteyijo and others (n18).

Act due to prolonged delays in the family court system and insufficient human resources. Victims face adjournment after adjournment. These delays not only deny the victim closure; they also embolden perpetrators.

The judiciary has made some attempts to improve this. Special Sexual and Gender-Based Violence Courts have been launched in a few jurisdictions. The Domestic Violence Court in Ikeja, Lagos is an example. A retired judge was brought back to handle SGBV cases speedily.¹¹⁴ Such courts adopt simplified procedures and prioritise these cases on the docket. In addition, Practice Directions in some jurisdictions allow emergency protection orders to be issued and domestic violence applications to be heard expeditiously. However, the overall

prosecution conviction rate in Nigeria is abysmally low. Globally, Nigeria has the lowest conviction rates for sexual and gender-based violence. Between 2014 and 2018, Nigeria secured convictions in only 0.9% of reported rape/violence cases. This contrast significantly with Sweden which had 4.6%.¹¹⁵ Even in 2023–2024, estimates suggest that well under 2% of reports of domestic violence result in a conviction or meaningful legal consequence for the perpetrator.

3.2.1.4 National Human Rights Commission (NHRC)

The institution was established by statute¹¹⁶ in 1995. It has the mandate to monitor, investigate and report on human rights violations including domestic and gender-based violence¹¹⁷. It does not prosecute cases. However, it is an oversight and accountability mechanism. In recent years,

¹¹⁴ S Dennis, 'Lagos Takes Child Defilement Case to Supreme Ct after Appeal Quashes Conviction' Daily Post <<https://dailypost.ng/2025/11/03/lagos-takes-child-defilement-case-to-supreme-court-after-appeal-quashesconviction/>> accessed 4 Mar. 2026.

¹¹⁵ Clooney Found. for Justice, 'Violence against Women' <<https://cfj.org/waging-justice-for-women/violenceagainst-women/>> accessed 3 Mar. 2026.

¹¹⁶ NHRC Act 1995, s 1, as amended by NHRC (Amendment) Act 2010.

¹¹⁷ *ibid* s 5(a)-(c).

the NHRC has become more vocal on the issue of domestic violence. For example, in 2024 the NHRC launched a “human rights dashboard and observatory” to track trends. It reported that domestic violence (especially wife battery) was the single most reported human rights abuse in Nigeria in early 2024 and it comprises the largest share of the 1,147 complaints received in January of that year.¹¹⁸ The Commission noted that over 60% of reported cases involved women and girls. In addition, the NorthCentral zone (including Abuja) topped the incidence charts.¹¹⁹ The NHRC also uses its platform to hold government accountable. For instance, it has called out the Nigeria Police as both a perpetrator of rights violations and a key actor needed to protect rights.¹²⁰ It has also recommended that states should establish or fund shelters and legal aid for victims. A

limitation of the NHRC is that it cannot compel compliance. Nonetheless, its interventions sometimes prompt action. The NHRC also coordinates with civil society. It partners with NGOs to run awareness campaigns or training.¹²¹ However, there are constraints in its resources and this hampers its reach. Nigeria has only one NHRC office in each state and they are not always easily accessible to rural victims.

3.2.1.5 Federal Ministry of Women Affairs

The Federal Ministry of Women Affairs is a central policy and coordinating institution in the response to domestic violence and other forms of gender-based violence in Nigeria. It provides the institutional bridge between legislative reform and service delivery relating to the protection

¹¹⁸ J Ojwang, ‘Nig. Hum. Rts. Comm. Reports Increase in Domestic Hum. Rts. Violations’ Jurist <<https://www.jurist.org/news/2024/02/nigeria-human-rights-commission-reports-increase-in-domestic-humanrights-violations/>> accessed 4 Mar. 2026.

¹¹⁹ Ojwang (n137).

¹²⁰ *ibid.*

¹²¹ NHRC Act 1995 (n135) s 5(f)-(g).

of women from violence.¹²² The Ministry is important because domestic violence is not only a criminal-law issue. It is also a welfare, health, development, and human-rights issue. A woman experiencing violence may require shelter, psychosocial support, medical care, economic empowerment, legal referral, child-protection intervention, and relocation support at the same time. The Ministry therefore performs an integrating role. It promotes policy responses that go beyond arrest and prosecution.

This role aligns with section 17(3)(f) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which directs the State to protect children, young persons, and the aged against exploitation and moral and material neglect, and with section 34(1)(a),¹⁴² which guarantees respect for the dignity of the human person and prohibits inhuman or degrading treatment. Although Chapter II of the Constitution is generally non-justiciable, it still provides normative guidance for public institutions such as the Ministry in designing social and protective interventions for survivors of abuse. Going further, the Ministry therefore

functions is an institutional channel through which statutory obligations are internalised into policy, national action plans, inter-governmental programmes, and public sensitisation campaigns. More so, the Ministry is therefore relevant in agenda-setting and it also coordinates with state ministries of women affairs and partners with civil societies for survivor support and public education.

3.2.1.6 The National Agency for the Prohibition of Trafficking in Persons

¹²² Federal Ministry of Women Affairs, 'About' <<https://womenaffairs.gov.ng/about>> accessed 3 Mar. 2026. ¹⁴² CFRN 1999 (n77) ss 17(3)(f) and 34(1)(a).

(NAPTIP)

NAPTIP is the implementing agency for the VAPP Act at the federal level.¹²³ This means it handles some domestic violence cases (through its Violence Against Persons Units) in the FCT.¹²⁴ To that effect, NAPTIP has expanded its focus on trafficking to include domestic violence. It provides a 24-hour helpline and collaborates with police to prosecute under the VAPP Act.¹²⁵ Legal Scholars question whether a trafficking agency is the best suited to handle domestic violence nationwide. They suggest that a dedicated Gender-Based Violence Agency should be established to take charge of all such cases,¹²⁶ rather than splitting duties among NAPTIP, police, ministries, and ad-hoc committees.

3.2.1.7 Legal Aid Council

The Legal Aid Council of Nigeria is a statutory institution¹²⁷ and it is established to expand access to justice for indigent persons and vulnerable groups.¹²⁸ This institution enables survivors to secure legal advice, representation, bail-related intervention, and referrals at the earliest stages of abuse. Its mandate under the Legal Aid Council Act extends to criminal and civil assistance in specified matters. The Act broadened the scope of legal aid services beyond the older regime.¹²⁹ The Council also operates police-duty and custodial-centre schemes. This is aimed at preventing the violations of rights at the investigative stage. Consequently, the institution is relevant in domestic violence matters, where survivors often abandon complaints

¹²³ VAPP Act (n3) s 42.

¹²⁴ Joseph-Asoh and Elijah-Ojete (n19) 140.

¹²⁵ Joseph-Asoh and Elijah-Ojete (n19) 148.

¹²⁶ DG Shajobi-Ibikunle and RM Kassim, 'DV: Crit. Review of VAPP Act 2015' in TK Shackelford (ed), *Encyclopedia of DV* (Springer 2023) 1-11.

¹²⁷ Legal Aid Act 2011, ss 1(1)-(3) and 8(1)-(8).

¹²⁸ Legal Aid Council, 'Functions and Mandate' <<https://legalaidcouncil.gov.ng/function-and-mandate/>> accessed 26 Feb. 2026.

¹²⁹ Legal Aid Act 2011, s 8(1)-(8).

because they cannot afford counsel. In essence, the Legal Aid Council is an institution which facilitates access-to-justice institution. It aligns with the broader constitutional commitment to fair hearing under section 36 of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

3.2.1.8 State DSVAs/GBV Agencies

At the state level, domestic violence response has shifted from a purely police-centered model to a multi-agency model and this is anchored by specialised domestic and sexual violence agencies or response teams. The clearest example is Lagos State, where the Lagos State Domestic and Sexual Violence Agency (DSVA) is a coordinating institution intake case, survivor support, referrals, legal follow-up, public education, and data management.¹³⁰ The records of the agency show that it handled 4,860 cases in 2023 through its referral and response structure. On the other hand, its legal department secured interim protection orders for survivors.¹⁵¹ Agencies such as the Lagos DSVAs improve the response chain by reducing fragmentation between police, prosecutors, hospitals, shelters, and civil society organizations. In practice, this is one of the few institutional reforms in Nigeria that moves domestic violence from the category of “private family problem” into that of an integrated public-

justice and welfare issue. Indeed, the Lagos experience suggests that specialised agencies makes remedies more real because it turns statutory rights into coordinated services.¹³¹

¹³⁰ Lagos DSVAs, Annual Report 2023 (Lagos DSVAs 2024) 10-11
<<https://lagosdsva.org/wpcontent/uploads/2024/07/ANNUAL-REPORT-2023.pdf>> accessed 12 Jun. 2026. ¹⁵¹ Lagos DSVAs (n150) 10-11.

¹³¹ *ibid* 11.

3.2.2 Core Regional Institutions

3.2.2.1 African Commission on Human and Peoples' Rights (ACHPR)

Nigeria does not operate in a vacuum; it benefits from the involvement of regional in addressing domestic violence. The African Commission on Human and Peoples' Rights has a Special Rapporteur on the Rights of Women in Africa. Individuals and NGOs from Nigeria have submitted communications to the African Commission concerning gender-based violence. This has lead to recommendations for Nigeria to strengthen enforcement of domestic violence laws in line with the African Charter and Maputo Protocol.¹³² Indeed, the decisions of the African commission are not binding in the way a court judgment is.

However, they exert moral and political pressure.

3.2.2.2 African Committee of Experts on the Rights and Welfare of the Child (ACERWC)

The ACERWC is the treaty-monitoring body established under articles 32–46 of the African Charter on the Rights and Welfare of the Child (ACRWC). For domestic violence, it is relevant where abuse within marriage spills over to children, either directly through battery and neglect, or indirectly through exposure to violent homes. The committee examine state reports and issue recommendations on the violation of child-rights. In relation to Nigeria, the

¹³² ACHPR, 'Special Rapporteur on Rts. of Women in Africa'
<<https://achpr.au.int/en/mechanisms/specialrapporteur-rights-women-africa>> accessed 3 Mar. 2026.

Committee has issued concluding observations addressing child vulnerability, abuse, harmful practices, and institutional protection deficits.¹³³

This institution matters because domestic violence in marriage is a child-rights issue. A child living in a violent home may suffer physical abuse, emotional trauma, educational disruption, and long-term psychological harm. The normative approach of the ACERWC is therefore broader than criminal matters. It requires states to create protective environments for children align domestic institutions with the best-interest principle. In its observations concerning Nigeria, the Committee has urged that there should be stronger protection for vulnerable children and greater implementation of the guarantees of child-rights. This supports the argument that the response to domestic violence cannot be assessed only by reference to adult victims. It must also be judged by how effectively the state protects children affected by violence in the home.¹³⁴ Nonetheless, the influence of the committee is supervisory and persuasive; it is not coercive. It expose implementation gaps and generate normative pressure. However, it cannot by itself rescue a child from a violent household in Enugu, Kano, or Lagos.¹³⁵

3.2.2.3 AU Special Rapporteur on the Rights of Women in Africa

The Special Rapporteur on the Rights of Women in Africa is a specialised mechanism operating within the African Commission on Human and Peoples' Rights and by extension, within the African Union. The Special Rapporteur is a focal point for protecting and promoting women's

¹³³ ACERWC, 'Nig.' <<https://www.acerwc.africa/en/taxonomy/term/392>> accessed 4 Mar. 2026.

¹³⁴ *ibid.*

¹³⁵ *ibid.*

rights. It also assists African governments in domesticating and implementing the Maputo Protocol, follows up on state compliance. Going further, it

proposes recommendations and collaborates with national, regional, and international actors working on the rights of women.¹³⁶

The Rapporteur cannot prosecute abusers or issue binding orders to Nigerian police or courts. However, the office shapes regional standards and it also highlights patterns of gender-based violence. More so, it pressures states to harmonize their domestic laws with the African Charter and the Maputo Protocol. Article 4 of the Maputo Protocol requires states to adopt measures to prevent, punish and eradicate all forms of violence against women. Hence, the Special Rapporteur ensures that states implement the treaty. For Nigeria, this matters because the gap is not that there are no laws. Rather, they are not enforced sufficiently. The interventions of Rapporteur therefore strengthens the argument that domestic violence is a failure in governance and human-rights.¹³⁷

3.2.2.4 ECOWAS Court of Justice

The ECOWAS Court of Justice is relevant to domestic violence because it has jurisdiction in human-rights over member states that fail to protect individuals from serious violation of rights. Under article 9(4) of the Supplementary Protocol A/SP.1/01/05, the Court has jurisdiction to determine cases of human-rights violations occurring in any member state.¹³⁸

¹³⁶ ACHPR (n153).

¹³⁷ *ibid.*

¹³⁸ ECOWAS Ct of Justice, ‘About’ <<https://courtecowas.org/>> accessed 3 Mar. 2026.¹⁶⁰ *Hadijatou Mani Koraou v Republic of Niger*, App No ECW/CCJ/APP/08/08, Judgment No ECW/CCJ/JUD/06/08 (27 Oct. 2008).

Indeed, there is not yet a prominent domestic-violence judgment in Nigeria from the ECOWAS Court equivalent to a routine family-law authority. Nonetheless, the jurisprudence of the court is important for due-diligence analysis.

In Hadijatou Mani Koraou v Republic of Niger,¹⁶⁰ the applicant, Hadijatou Mani Koraou, was sold at about age 12 under the wahaya practice as a “fifth wife” to a much older man.

However, in reality she lived in servile conditions as a domestic and sexual slave. She suffered violence and bore him children. Niger had anti-slavery laws. However, its administrative and judicial authorities failed to protect her effectively after her status was exposed. The ECOWAS Court held that the facts amounted to slavery within international law. They found Niger internationally responsible because of the tolerance, passiveness, and inaction of its authorities. The court awarded her compensation of 10 million CFA francs. This affirms that a state may incur responsibility where it fails to prevent, prohibit, or redress grave human-rights violations which affect women. This court is therefore strategic and systemic. It offers an external accountability forum where domestic remedies are ineffective or illusory.

3.2.3 Core International Institutions

3.2.3.1 OHCHR

The Office of the United Nations High Commissioner for Human Rights (OHCHR) plays a supervisory and agenda-setting role in relation to domestic violence in Nigeria. It provides Universal Periodic Review documentation, and public statements that place pressure on the Nigerian state to strengthen laws, institutions, and implementation practices concerning violence against women and girls¹³⁹. Through these mechanisms, OHCHR helps to

¹³⁹ UN Hum. Rts. Council, ‘Report of Working Group on UPR: Nig.’ UN Doc A/HRC/56/7 (12 Mar. 2024) <<https://www.ohchr.org/en/hr-bodies/upr/ng-index>> accessed 12 Jun. 2026.

internationalize what might otherwise be dismissed domestically as private or cultural matters.¹⁴⁰In essence, OHCHR is a monitoring institution that amplifies survivors' concerns at the international level and reinforces the proposition that failing to prevent domestic violence may amount to a breach of Nigeria's wider human-rights obligations. Nonetheless, it

cannot directly compel a police officer in Enugu to investigate, or a magistrate in Abuja to issue an urgent protection order.

3.2.3.2 UN Women

UN Women is one of the most visible international institutions which support legal and policy responses to violence against women in Nigeria. It addresses gender-based violence through policy advocacy, institutional support, public campaigns, data initiatives, and partnerships with state and non-state actors. UN Women identifies violence against women and girls as a major structural problem. The institution support anti-GBV interventions in states in Nigeria and targeted action in vulnerable communities.¹⁴¹UN Women bridge the gap between international standards and domestic implementation. It often works where national institutions are weak. This is important because domestic violence is not solved by legislation alone. It requires a change in isocial norm and strengthening multi-sector institutions. The contributions of UN Women must also be assessed critically. Much of its work depends on donor cycles, and partnerships. Consequently, gains may be uneven or geographically limited.¹⁴²

¹⁴⁰ OHCHR, 'CEDAW Cttee Examines Reports of Nig.' <<https://www.ohchr.org/en/pressreleases/2017/07/committee-elimination-discrimination-against-women-examines-reports-nigeria>> accessed 5 Mar. 2026.

¹⁴¹ UN Women, 'Nig.' <<https://africa.unwomen.org/en/where-we-are/west-and-central-africa/nigeria>> accessed 5 Mar. 2026.

¹⁴² *ibid.*

3.2.3.3 UNFPA

The United Nations Population Fund (UNFPA) focuses on the health, psychosocial, and humanitarian dimensions of gender-based violence. In Nigeria, UNFPA has supported safe spaces for women and girls and frontline capacity-building for GBV response in conflict-affected and humanitarian settings in the North-East. They provide ongoing support for survivor services. This includes referral pathways, safe shelter mechanisms, and training

linked to clinical management and response to GBV.¹⁴³ Institutionally, UNFPA is significant because domestic violence is also a public-health and trauma issue. Survivors often require immediate psychosocial care and support for reproductive-health. They also provide confidential referral and emergency protection before any prosecution even begins.¹⁴⁴ The intervention of UNFPA helps fill a major gap left by state institutions in emergencies and fragile settings.

3.2.3.4 UNICEF

The role of UNICEF's role is important where domestic violence affects children either as direct victims or as witnesses living in violent homes. UNICEF notes that violence against children is occurring in homes, families, schools, and communities. In addition, they support government child-protection systems designed to reduce abuse, neglect, and exploitation. Large numbers of children in Nigeria experience physical, emotional, or sexual violence before adulthood (often in settings where they should be safest).¹⁴⁵ To that effect, UNICEF supports

¹⁴³ UNFPA, 'Nig. CO Humanitarian SitRep: Nov. 2024' <<https://www.unfpa.org/sites/default/files/resourcepdf/Nigeria%20November%20SitRep%20%28Final%29.pdf>> accessed 23 Feb. 2026.

¹⁴⁴ *ibid.*

¹⁴⁵ UNICEF, 'Child Protection' <<https://www.unicef.org/nigeria/child-protection>> accessed 5 Mar. 2026.

law and policy reform. This includes advocacy for stronger implementation of the frameworks for child-protection. The work of UNICEF is consistent with section 1 of the Child's Rights Act 2003 which makes the best interest of the child the primary consideration, and with section 11(2), which prohibits subjecting a child to torture, inhuman or degrading treatment, or punishment.¹⁴⁶ Nonetheless, the role of UNICEF is supportive, not substitutive. It support government structures, generate data, and influence policy. However, it cannot adjudicate custody, or prosecute abusive parents.¹⁴⁷

CHAPTER FOUR

REMEDIES AND BARRIERS IN THE LEGAL RESPONSE TO DOMESTIC VIOLENCE IN NIGERIA

4.1 Remedies to Domestic Violence in Nigeria

This section turns to the remedies and pathways available to address domestic violence in Nigerian marriages.

4.1.1 Procedural Pathways

4.1.1.1 Reporting, Investigation, and Arrest

The initial step in obtaining a remedy for domestic violence is reporting the abuse to an authority. The usual practice in Nigeria is that survivors may report to the police by dialing emergency numbers¹⁴⁸ or dedicated domestic violence hotlines or visiting a police station or

¹⁴⁶ *ibid.*

¹⁴⁷ UNICEF (n167).

¹⁴⁸ See Lagos State DV hotline and NAPTIP 24-hr line in FCT.

even first to community leaders who might then involve authorities. In addition, the NHRC's toll-free line and the Observer app¹⁴⁹ introduced by some NGOs provide alternative avenues. Nonetheless, many women still first confide in family or religious leaders. Often those informal actors urge endurance or private settlement. From a procedural justice perspective, a report is only the beginning; what follows is equally important.

Once an incident is reported, the next step is investigation and possible arrest of the offender. The Police would take statements, gather evidence (medical reports, witness testimonies, etc.), and if there are reasonable grounds, arrest and charge the perpetrator. The police are encouraged by the law and given necessary freedom to oppose to bail or insist on bail

conditions that protect the victim during the investigation.¹⁵⁰ In practice, however, investigations of domestic violence are often perfunctory unless the case involves serious bodily harm or death. Minor injuries or psychological abuse are rarely investigated. More so, there is a lack of forensic and investigative capacity. This may undermine prosecution, as cases may be thrown out for lack of evidence. Another hurdle is that many victims (due to fear or family pressure) decide not to give detailed statements or they reconcile with the abuser and become uncooperative. Procedurally, Nigerian law does allow the state to proceed with prosecution even if the victim withdraws.¹⁵¹ This is because offenses like assault are crimes against the State. However, in reality a reluctant witness usually means the case dies.

¹⁴⁹ Mariya S Suleiman, 'Tackling GBV in Kano: CITAD Mobile App Empowers Survivors to Report' Women Radio 91.7 (10 Oct. 2024) <<https://storytracker.solutionsjournalism.org/stories/tackling-gender-based-violencein-kano-how-citad-s-mobile-app-is-empowering-survivors-to-report-cases>> accessed 25 May 2026.

¹⁵⁰ ACJA 2015, ss 30(1)-(2), 31(1), 162.

¹⁵¹ CFRN 1999, s 174(1)(b)-(c); ACJA 2015, s 106.

4.1.1.2 Interim and Final Protection Orders

The Violence Against Personal Act having seen the difficulties that may present in reporting a domestic violence incident to the Police has created another avenue for handling the issue in a non criminal manner. a victim of domestic violence may seek a protection order from the court as a civil protective remedy, either personally, through counsel, or with the assistance of authorised persons where the complainant is not represented by counsel.¹⁵² The registrar and clerks at the family court have also been trained to attending to complaint of such nature. The Protection Order (sometimes called a restraining order) is a procedural remedy created by laws like the VAPP Act 2015 and various state laws.¹⁵³ It is a civil order that a survivor (or someone on her behalf) may apply for. It is aimed at restraining the abuser from further violence or harassment. Under Section 28 of the VAPP Act, a complainant may apply to a magistrate or High Court for a protection order that, if granted, is effective throughout Nigeria. These orders impose wide-ranging conditions on the respondent. It may prohibit

contact with the victim. It may also evict the abuser from the home (an ouster order). In some cases, it may provide for temporary child custody or financial support directives. Protection orders come in two categories and they include the following. **Interim (ex parte)** orders; these are granted immediately without the abuser present if there is urgency. Final orders; these are granted after a hearing where both sides are heard. The courts in Nigeria do have discretion to issue ex parte orders in domestic violence cases.¹⁵⁴ Protection orders are very useful because they offer swift, preventive relief to protect victims while other proceedings (criminal or matrimonial) are ongoing. In Nigeria, the question is whether these orders are effective. On

¹⁵² VAPP Act (n3) ss 28-30.

¹⁵³ Lagos State Protection Against DV Law 2007.

¹⁵⁴ VAPP Act (n3) ss 29-30.

one hand, these orders major align Nigeria with best practices globally.¹⁵⁵ The Lagos State Domestic Violence Office reports that it has obtained hundreds of protection orders on behalf of survivors. In addition, these have often deterred further abuse or at least provided a legal basis to jail an abuser for contempt if he violates the order.¹⁵⁶ However, many victims (especially uneducated or rural women) do not know that such orders exist or how they can get such an order.

4.1.1.3 Prosecution and Trial Issues

The next step is the prosecution of the offender in a criminal court. The decision to prosecute rests with the state (police and DPP). This depends on public interest and if the evidence are sufficient. When prosecution proceeds, the case moves to either a magistrate court¹⁵⁷ or a High Court.¹⁵⁸ The substantive criminal charges might be under general criminal law; for example assault occasioning harm (Criminal Code/ Penal Code), attempted murder, homicide if it escalated, among others, or under special domestic violence laws; for example “spousal

battery” under the VAPP Act or a state law.¹⁵⁹ This criminalizes violence within domestic relationships Criminal procedure in Nigeria has been adapting. For instance, the ACJA allows courts to protect vulnerable witnesses and accept video-link testimony in certain cases¹⁶⁰. This could be used if a survivor is too afraid to face her abuser in court. Some state judiciaries have issued Practice Directions to fast-track SGBV cases. To the effect trials should be concluded within 6 months (though this is aspirational). However, as mentioned, in practice prosecutions

¹⁵⁵ See, e.g., restraining-order practice in UK, US and South Africa.

¹⁵⁶ Lagos DSVa (n150) 10-11.

¹⁵⁷ See Criminal Code Act, ss 252-253.

¹⁵⁸ See Criminal Code Act, ss 335, 355; VAPP Act (n3) s 1.

¹⁵⁹ VAPP Act (n3) s 19.

¹⁶⁰ ACJA 2015, s 232.

remain protracted. In Lagos State, there were thousands of reports. However, only 238 sexual and domestic violence cases were filed in court in a recent year, and even fewer concluded due to backlogs and adjournments.¹⁶¹

4.1.1.4 ADR/Mediation in DV Contexts

Traditionally, domestic violence was seen as a private family issue to be resolved internally or through community mediation. Even now, police officers and family courts sometimes refer couples to mediation or counseling instead of criminal prosecution or judicial determination. Some states (like Lagos) explicitly bar court-connected ADR for domestic violence. They recognize the power imbalance and risk. Indeed, global best practices caution against mediation in intimate partner violence because it can endanger the victim or trivialize the abuse. However, in Nigeria, informal ADR is still widespread. Religious institutions (churches, mosques) often act as mediators. Community leaders might convene family meetings to resolve “misunderstandings.” Critically, ADR impede justice when abusers escape legal consequences, and victims pressured into silence without any enforceable protection. On the other hand, there is a role for restorative justice practices in less severe cases or as a supplement. For instance, if a survivor does not want the marriage to end but

wants the violence to stop, then some structured mediation (with safeguards) plus a deferred prosecution agreement could be an option. The key is that any ADR should be victim-led and it should not replace criminal accountability where serious offense have occurred. Presently, the legal system in Nigeria does not have a standard DV-specific ADR program; it happens ad hoc.

¹⁶¹ E Agbo, ‘Lagos Records 8,692 DV Cases in One Year’ Premium Times (29 Aug. 2025) <<https://www.premiumtimesng.com/gender/817430-lagos-records-8692-domestic-violence-cases-in-oneyear.html>> accessed 29 May 2026.

4.1.2 Substantive Remedies

4.1.2.1 Criminal Sanctions

Beyond the procedures, it is crucial to examine what substantive outcomes the law provide to victims of domestic violence and how these serve the ends of justice. One major category is criminal sanctions against the perpetrator. When an abuser is found guilty, the court may impose imprisonment, fines, caning (in a few Sharia jurisdictions), or non-custodial penalties like community service or probation. The purpose of criminal sanctions is twofold: to punish wrongdoing (retributive justice) and to prevent future violence. Under criminal law in Nigeria, penalties vary. Simple assault might carry up to 1 year imprisonment. On the other hand, Assault occasioning harm might carry up to 3 years. Grievous harm might carry up to 7 years. Attempted murder may attract up to life imprisonment. On the other hand, culpable homicide (murder) may attract the death penalty. However, these laws were not designed for domestic contexts specifically and they often require high thresholds of injury.

The VAPP Act 2015 introduced more tailored offense with corresponding penalties. For example, Section 19 of the VAPP Act creates the offense of spousal battery (willful infliction of force or violence on one's spouse) . In addition, it prescribes a punishment of up to 3 years imprisonment or fine up to ₦200,000 (or both) for a first offense, and up to 5 years for subsequent offenses.¹⁶² The Act also criminalizes emotional, verbal, and psychological abuse¹⁶³ with up to 1 year imprisonment or fine, and economic abuse.¹⁶⁴ Perhaps most notably, the VAPP Act for the first time in federal law removes the marital rape immunity. It explicitly states that rape includes rape within marriage and it is punishable by up to life

¹⁶² VAPP Act (n3) s 19.

¹⁶³ VAPP Act (n3) s 14.

¹⁶⁴ *ibid* s 12.

imprisonment.¹⁶⁵ Many states that adopted the VAPP Act or passed similar laws retained these penalty structures. Some even increased them. For example, Kaduna State Penal Code Law provides up to life imprisonment for rapists.¹⁶⁶ In addition, courts have the power to issue post-conviction orders like restraining orders or bond for good behavior. The presence of strong laws is encouraging. However, the question is how often they are applied. Unfortunately, convictions under these specific domestic violence provisions remain rare.

However, they send a powerful message when applied.

4.1.2.2 Civil Remedies

The law also provides for substantive civil remedies. First is the provision for compensation or damages to the victim. Section 46 of the VAPP Act empowers the court, in any conviction under the Act, to award compensation to the victim for injuries, loss, or trauma suffered.¹⁸⁹ This essentially brings a civil remedy (monetary compensation) into the criminal process and it spares the victim from having to file a separate civil suit. Such compensation could cover medical expenses, lost income, relocation costs, or pain and suffering. In theory, this is a powerful remedy. It acknowledges the harm of the victim and seeks to make her or him whole to some extent financially. However, in practice Nigerian courts have rarely utilized this compensation provision so far. This may be due to a lack of awareness or the difficulty of

assessing damages in criminal proceedings. There is also the unfortunate reality that many abusers do not have substantial assets or would refuse to pay willfully. This makes enforcement of compensation orders tough. Nonetheless, this is an area for development.

¹⁶⁵ *ibid* s 1.

¹⁶⁶ Kaduna State Penal Code Law 2017, s 257(3). ¹⁸⁹ VAPP Act (n3) s 46.

Apart from compensation through criminal court, a victim of domestic violence also has the option of a civil lawsuit against the abuser. Under tort law, the survivor may sue for assault, battery, emotional distress, etc. In principle, this could lead to damages being awarded.¹⁶⁷ However, such civil suits are almost unheard of in Nigeria in domestic contexts. This is because of the cost and the improbability of recovery. Most victims are financially dependent on their abusers. In addition, suing might seem impractical if they still share economic life. Moreover, many victims choose the matrimonial route (divorce) than a separate tort suit.

Protection orders are also essential civil remedies in domestic violence cases. It is preventive and protective in nature and it restrains an abusive spouse from further violence, threats, harassment, intimidation, stalking, or unwanted contact with the victim. Under the VAPP Act 2015, a complainant may apply to court for a protection order, either personally, through a legal practitioner, or with the assistance of authorised persons where the complainant is not represented by counsel.¹⁶⁸ The court may also issue interim protection orders where urgent intervention is required, and final protection orders after hearing the parties.¹⁶⁹ Similarly, the Lagos State Protection Against Domestic Violence Law 2007 recognises protection orders as a civil remedy. Section 2 allows a complainant to apply for a protection order. Section 5 permits the court to issue an interim order where delay may expose the victim to undue hardship. Furthermore, section 6 provides for final protection orders after the respondent has been heard.¹⁷⁰ In addition, a victim may seek an order for the monetary relief or maintenance

¹⁶⁷ G Kodilinye and O Aluko, *Nig. L of Torts* (3rd edn, Spectrum Books 2018).

¹⁶⁸ VAPP Act (n3) s 28.

¹⁶⁹ *ibid* ss 29-30.

¹⁷⁰ Lagos State Protection Against DV Law 2007, ss 2, 5-6.

from the abuser.¹⁷¹ The court may grant it as part of a protection order. For instance, ordering the husband to continue to pay rent or provide shelter for the wife he drove out, or to provide upkeep for children. This prevents the abuser from using economic deprivation as leverage. Protection provides immediate safety. However, their effectiveness depends on accessibility, public awareness, prompt court action, and police enforcement. Where breaches are ignored, the order becomes symbolic.

4.1.2.3 Matrimonial Reliefs

These are remedies available under family law when a marriage is afflicted by domestic violence. The most definitive relief is divorce or legal separation. The MCA 1970 provides that a marriage may be dissolved if it has broken down irretrievably. One of the statutory facts that prove irretrievable breakdown is “behavior such that the petitioner cannot reasonably be expected to live with the respondent.”¹⁷² This ground is broad and it encompasses domestic violence (physical or emotional cruelty) without requiring a criminal conviction. Indeed, sustained cruelty or even one grievous act of violence is sufficient to grant a divorce on this ground. Cruelty though not expressly provided in the MCA was given judicial recognition by the Courts as constituting behavior such that the petitioner cannot be reasonably expected to live with. From the English case of *Gollins vs Gollins*¹⁷³ which was decided before the Matrimonial Causes Decree of 1970 was promulgated. Cruelty was explained by the Courts per Lord Pearce to mean that a conduct is cruel where the Petitioner cannot be reasonably expected to live with. Section 16 of the Matrimonial Causes Act did not specify cruelty when

¹⁷¹ *ibid* s 7(4).

¹⁷² MCA, Cap M7 LFN 2004, s 15.

¹⁷³ *Gollins v Gollins* [1963] 2 All ER 966.

it tried to explain what these conducts maybe, but the provisions is couched in such a manner that accommodates other examples including cruelty by stating

“without prejudice to the generality of section 15(2) (c) of the Act. In *Mgbakor v.*

*Mgbakor*¹⁷⁴ The court annulled the marriage, determining that cruelty constitutes behaviour that can pose a threat to life, whether physical or psychological, or create a legitimate fear of harm.

There is also a specific provision¹⁷⁵ that if within a year preceding the petition, the respondent was convicted of attempted murder or causing grievous harm to the petitioner, the court shall hold the marriage broken down. However, this specific provision is difficult because it hinges on a conviction which requires a very high threshold (attempted murder or serious harm). Most victims cannot or do not wait for a conviction. Instead, they proceed under the general “unreasonable behavior” ground.¹⁷⁶ The courts in Nigeria (especially in the last few decades) have not hesitated to grant divorce where there’s evidence of habitual beating or severe cruelty. They recognise that forcing a spouse to remain married in such circumstances would be unjust. That said, the divorce process can be long and costly.

Some women lack independent evidence or witnesses. Hence, they struggle especially in customary or religious marriages not under the MCA regime. Customary law in many Nigerian cultures does recognise cruelty as ground for dissolution. However, in practice families often resist a woman leaving her marriage for “just being beaten”. They might insist on returning bride price and facing stigma. These are social costs that deter women from seeking this remedy. In Sharia law in Northern Nigeria,¹⁷⁷ a wife may seek a divorce (*faskh*) on grounds of

¹⁷⁴ *Mgbakor v Mgbakor* (1959) 3 ENLR 37.

¹⁷⁵ MCA 2004, s 16(1)(e).

¹⁷⁶ MCA 2004, s 15(2)(c).

¹⁷⁷ CFRN 1999, s 277(1)-(2).

“harm” or “lack of maintenance” which may include physical abuse. Sharia courts have granted such divorces, though women may have to return their dowry (khul’).¹⁷⁸ The substantive effect of divorce is that the victim exit the abusive environment permanently and perhaps start anew. From a remedies perspective, divorce is crucial because it liberates

the victim from the marital bond that an abuser exploits. However, divorce alone does not ensure safety. Many violent husbands continue to threaten or harm estranged wives. This is why protection orders and criminal sanctions remain important.

Going further, divorce brings up issues of child custody and maintenance. These are ancillary reliefs the victim may need. In Nigeria, the “welfare of the child” is paramount in custody decisions.¹⁷⁹ In a domestic violence situation, this means that custody are awarded to the non-abusive parent. In addition, the access of the abusive parent might be restricted or supervised. Scholars suggest that courts should account for the trauma inflicted on children by witnessing violence¹⁸⁰. They also recommended that there is need for specialized family courts and temporary child welfare measures.¹⁸¹

Another relief is Maintenance (financial support) for the wife and children post-divorce. A violent marriage often also involves economic control. This leaves the wife without savings. Matrimonial Causes Act allows a wife to claim maintenance. However, awards are discretionary and modest generally.¹⁸² Some victims find themselves freed from violence but plunged into poverty. This is a reason why some endure abuse. This links to socio-economic

¹⁷⁸ Sharia Ct of Appeal Rules 1960, Order VII r 3.

¹⁷⁹ H Nwaechefu, B Alexandra, A Dahab and B Resty, ‘Legal and Soc. Implications of Child Custody Disputes in DV Cases in Nig.’ [2025] (7)(1) *Kampala Intl Univ L J* 94.

¹⁸⁰ CA Moylan, TI Herrenkohl, C Sousa, EA Tajima, RC Herrenkohl and MJ Russo, ‘Effects of Child Abuse and Exposure to DV on Adolescent Behaviour Problems’ [2010] (25)(1) *J Family Violence* 53-63.

¹⁸¹ *ibid*.

¹⁸² MCA, Cap M7 LFN 2004, s 70.

remedies beyond law. Another remedy is the possibility of judicial separation or protection of property. A spouse may apply for a separation order (a decree of judicial separation) on similar grounds as divorce. This does not dissolve the marriage. However, it allows living apart with legal recognition. This might be used by someone whose religion discourages divorce but who needs to be legally protected living apart from a violent spouse.

4.2 Barriers Impeding the Remedies

Numerous barriers impede the realization of these remedies for domestic violence in marriages in Nigeria. They include the following.

4.2.1 Access to Justice and Under-Reporting

Most victims never come forward to claim any remedy. As noted earlier, there is a high rate of domestic and intimate partner violence in Nigeria. However, only few cases are reported. The Clooney Foundation for Justice reports that fewer than 10% of women in Nigeria who experience violence report it to the police.¹⁸³ The 2018 Nigerian Demographic and Health Survey similarly found that while about 30% of women have suffered spousal abuse, only few of those who were abused ever sought help, and of those, very few went to formal authorities.¹⁸⁴ The reasons behind this are manifold. Many victim fear retaliation. Women often fear that reporting will provoke worse violence, or even lethal outcomes if authorities do not act decisively. This fear is not unfounded. There have been tragic cases where a woman reported

¹⁸³ Clooney Found. for Justice (n134).

¹⁸⁴ OO Olatunde, 'IPV in Nig.: Prev., Reporting Behaviour and Pol. Implications' [2025] (8)(1081) *Advances in Preventive Med. & Health Care* <<https://doi.org/10.29011/2688-996X.101081>>.

and an enraged husband later killed her before effective protection was in place.¹⁸⁵ Social stigma and shame is another reason. Cultural norms in many Nigerian communities discourage “airing dirty linen in public.” So, a woman may be labeled as disloyal or blamed for her marital problems if she speaks out. Patriarchal attitudes lead even her own relatives to silence her. A victim might hear statements like “all marriages have issues, just pray and endure” or be accused of wanting to destroy her home. This is acute in

more conservative or rural settings and among older generations.¹⁸⁶ As scholars noted, many community elders and leaders see a certain level of wife-beating as justified for disobedience. Hence, a woman reporting it would get little sympathy¹⁸⁷ Economic dependency is another huge factor. If a woman relies on her husband financially, she may calculate that reporting him (which could lead to his jailing or loss of income) will leave her and her children destitute. Without assurance of economic support (like maintenance or state welfare), staying silent may seem the “lesser evil” to protect her children’s livelihood. Going further, many victims lack awareness. Some women simply do not know that what they are suffering is illegal or that there are laws and agencies to help. For instance, surveys have found that a significant percentage of women (and men) in Nigeria believe that wife-beating is sometimes justified, or do not know about the protections of the VAPP Act.²¹¹ If a victim normalizes the abuse or doubts the law would help, she would not come forward. Moreover, some victims mistrust the justice system and this further compounds under-reporting. Many survivors have little faith in the police or

¹⁸⁵ News Agency of Nig., ‘Woman Dies after Reporting Husband to Police for DV’ *Pulse Nig.* (23 Oct. 2023) <<https://www.pulse.ng/story/woman-dies-after-reporting-husband-to-police-for-domestic-violence2024072619282792765>> accessed 25 May 2026.

¹⁸⁶ MS Suleiman and MA Danyawo, ‘Cultural Norms and Justification of DV in North West, Nig.’ [2025] (8)(3) *Advance J Arts, Hum. & Soc. Sci.* 133.

¹⁸⁷ Suleiman and Danyawo (n209) 136. ²¹¹ Olatunde (n207) 5.

courts (unfortunately often with reason). They may have seen other women report, only for the police to mock them or demand bribes, or for the case to drag on without result. The consequences of under-reporting are severe. It means most abusers face no consequences and this reinforces impunity. More so, victims remain in harm's way.

Consequently, the true scale of the problem remains under-addressed.

4.2.2 Capacity and Resource Constraints

Many institutions lack capacity and resources. Simply put, laws and policies often falter at the execution stage due to inadequate funding, manpower, training, and infrastructure. This manifests in several ways. Firstly, personnels are not trained sufficiently and they also lack

specialization. Many police officers, prosecutors, judges, and even social workers in Nigeria have limited training on handling domestic violence cases. As noted earlier, a lot of police officers do not know how to gather evidence properly or how to treat victims with sensitivity.¹⁸⁸ Some may not even be fully aware of the provisions of the VAPP Act or state laws (especially in states that only recently adopted them). Similarly, judges in some states might not be sensitized to issues like the dynamics of abuse, why victims might recant, or the importance of protective orders and this leads to poor decisions. However, this deficit is being addressed gradually by trainings often sponsored by NGOs and Civil Societies.

Nonetheless, it needs scaling up. For instance, the Rule of Law Anti-Corruption program (RoLAC) trained 800 police officers on GBV in 2020–21. Indeed, this is helpful; however, it is a fraction of the force.¹⁸⁹

¹⁸⁸ Joseph-Asoh and Elijah-Ojete (n19) 140.

¹⁸⁹ British Council, Tackling SGBV: RoLAC Programme (British Council 2023)

<https://www.justicesecurity.ng/sites/default/files/rolac_c2_-_sgbv_2-pager_final_0.pdf> accessed 8 Mar. 2026.

Going further, there is a shortage of personnel and logistical resources. Even when staff are willing, they are often overwhelmed. In Nigeria, the ratio of police to population is low. In many divisions, only a handful of officers handle a huge area. Moreover, there is an acute shortage of female officers. Victims may be uncomfortable reporting to male officers. Nonetheless, female officers are not present in every station or on every shift. Prosecutors often carry heavy caseloads and might prioritize other crimes over domestic violence if they lack resources to do all. The judiciary is understaffed notoriously relative to cases and this causes delay.

Furthermore, shelter and refuge resources are insufficient. Nigeria has very few shelters. Hence, it becomes challenging, even if police want to remove a victim from a dangerous home. Al Jazeera (2022) noted that only a few of the 36 states have any shelters at all. They also noted that Abuja, a city of 3 million, had only a single government-run shelter with capacity for 4 persons.¹⁹⁰ This is grossly inadequate. NGOs run some shelters,¹⁹¹ but they rely on donations and are overstretched. For example, a shelter with 14-bed capacity was housing 25 survivors and still had 40 more cases to monitor externally.²¹⁶ There is a lack of safe houses and this means many women have nowhere to go if they flee, or they end up going back to the abuser or becoming homeless. This gap impedes protection orders which might tell the abuser to stay away. Nonetheless, if he does not, the victim still has no safe refuge. It also undermines the ability of police to enforce the law. This is because if the survivor is not safe, the case may collapse.

¹⁹⁰ O Adetayo, 'In Nig., COVID Lockdown Sires Shelter for Abuse Survivors' Al Jazeera <<https://www.aljazeera.com/features/2022/6/9/in-nigerias-capital-covid-shelter-abuse-survivors>> accessed 8 Mar. 2026.

¹⁹¹ See, e.g., Dorothy Njemanze Foundation in Abuja. ²¹⁶ Adetayo (n214).

Moreover, long-term support is impacted when there are no resources. There are Counseling services, legal aid, and rehabilitation programs for survivors (and perpetrators). Legal aid in Nigeria is underfunded generally. Indeed, the Legal Aid Council assist. However, they have limited reach. NGOs like FIDA fill some gaps but they only handle so many cases. The constraints in resource are worse in rural areas. Most of the specialized services (like the Mirabel Center, or state GBV agencies) are located in big cities. A victim in a rural village may have the nearest police station dozens of kilometers away with perhaps no means to travel there quickly. In addition, there might be no hospital nearby to document injuries and certainly no shelter or trained counselor. This presents a geographical inequality and it means the remedies available on paper are de facto unavailable to a huge segment of the population.

Going further, Corruption and lack of accountability is impactful. Indeed, it might be sensitive to call this a resource issue. However, it is related. The Human Rights Watch reported that corruption in the police (soliciting bribes, etc.) undermines efforts to protect

victims of domestic abuse.¹⁹² If a victim has to pay to get her case looked at, many cannot or will not. If an abuser could pay to stall or bury a case, he might. This ties to resources in that underpaid personnel are more susceptible to bribes.

4.2.3 Cultural, Religious, and Socio-Economic Barriers

The most tenacious set of barriers are formed perhaps by cultural and religious norms, along with victims' socio-economic realities. This is because they shape attitudes and behaviors that either perpetuate domestic violence or hinder effective response. Culturally, Nigeria is a patriarchal society with traditions in many areas that subordinate women's status to men's.

¹⁹² Joseph-Asoh and Elijah-Ojete (n19) 150.

Hence, it is believed commonly that a man is the head of the household and has authority over his wife. In its benign form, this is about leadership; in its malign interpretation, it has been used to justify control and even physical “correction” of wives. To that effect, violence is accepted culturally and this is a big barrier. In some communities, a woman is expected to be “corrected” by her husband if she errs. Scholars found that many (especially older men and even some women) view certain forms of violence as acceptable responses to a wife’s perceived disobedience or failure in domestic duties.¹⁹³ Evidence indicated that in HausaFulani communities, religious and cultural narratives often normalize spousal discipline. More so, they discourage outside interference.¹⁹⁴ When a behavior is normalized culturally, victims may not even label it as abuse. Indeed, an ONS (UK) indicated that almost half of Nigerian partner abuse victims did not perceive what happened to them as domestic violence.¹⁹⁵ This leads to under-reporting. In addition, victim are pressured by the community to tolerate violence.

Religious beliefs intersect with culture. Hence, misinterpretations of religious texts may reinforce patriarchy. For example, some conservative interpretations of Islamic texts in northern Nigeria hold that men have a degree of authority to discipline wives. Indeed, many scholars clarify that it is symbolic and limited.¹⁹⁶ Nonetheless, laypeople might take it literally. In Christianity too, the concept of wives submitting to husbands has been twisted by some to condone abuse. They overlook the reciprocal command of husbands to love and not hurt their wives. Scholars noted that certain religious teachings are misconstrued.¹⁹⁷ Meanwhile, positive religious voices are also present. Many pastors and imams advocate against domestic violence.

¹⁹³ Suleiman and Danyawo (n209) 145.

¹⁹⁴ *ibid* 147.

¹⁹⁵ Olatunde (n207) 7.

¹⁹⁶ Joseph-Asoh and Elijah-Ojete (n19) 152.

¹⁹⁷ *ibid*.

They point out that it is against God's will for marriage. However, victims often first seek counsel from religious leaders, and if the leader's attitude is to send her back to endure, that becomes a barrier. Thankfully, this is changing gradually. In some high-profile cases, churches have publicly supported the victim or posthumously regretted not doing so.¹⁹⁸

Socio-economic factors are tied to cultural ones intimately. Many Nigerian women in traditional marriages might not have independent income. The husband controls finances, and some abusive partners deliberately isolate their wives economically. They forbid them to work and give them minimal housekeeping money. This is recognised as economic abuse. Scholars noted that poverty and low economic independence of women are major contributing factors to IPV in Nigeria.²²⁴ A woman with no resources of her own will find it difficult to leave or seek legal redress. This is because doing so might leave her homeless or unable to feed herself/children. Even if she wants to prosecute, she might face some challenges and this might come in the form of transportation to courts, legal fees (if no free lawyer). Abusers exploit this by threatening to withdraw financial support if she exposes them. There is also a broader issue of poverty and this means that some families view a daughter getting married as a necessary economic security. If she then faces violence, her parents might not welcome her back because they cannot support her. Thus, they encourage her to endure or return to her abuser.

Social stigma not only attaches to the act of speaking out (as mentioned). It is also attached to divorce or separation. In many parts of Nigeria, being a divorced woman carries stigma. People might blame her or view her as "damaged goods". Many victims fear losing social standing or children being labeled from a "broken home" and this keeps women in abusive marriages. More

¹⁹⁸ See Osinachi's case, where churches urged women to report abuse and leave abusive marriages. ²²⁴ Olatunde (n207) 7.

so, they point out that they do not want to deprive kids of a father or a stable home. However, witnessing domestic violence is extremely harmful to the well-being of children and it perpetuates the cycle of abuse into the next generation. There are also gendered expectations of endurance. There is a cultural script that a “good wife” is patient and can reform a difficult husband, or that family problems should be hidden. Scholars note that there is a “moral logic of endurance” in abusive marriages and these are part of female subjectivity in some cultures.¹⁹⁹ This glorification of endurance is dangerous as it literally kills women.

4.2.4 Monitoring and Inter-Agency Coordination

There are no effective monitoring and coordination among the various agencies and sectors involved in the response to domestic violence. Even with good laws, willing survivors, and reformed attitudes, a fragmented or uncoordinated system would fail to deliver remedies. In Nigeria, the response to domestic violence spans multiple sectors.²²⁶ They include justice (police, courts, prosecutors), social services (women affairs, shelters), health (hospitals

treating injuries or providing psychiatric help), and others (education, for prevention; finance, regarding funding initiatives; etc.). If these sectors operate in silos, victims slip through cracks or face repetitive hurdles.

There is no central coordinating body or protocol for GBV cases. For a long time, each agency did its part in isolation. Police might handle a case; however, they might not refer the victim to a shelter or counseling. Hospitals might treat injuries but not report crimes. Courts may issue orders. However, if police are not informed promptly, enforcement falters. Similarly, data are not shared. One agency might not know that a particular case is also being handled by another.

¹⁹⁹ Suleiman and Danyawo (n209) 142. ²²⁶ Ikuteyijo and others (n18) 6.

This leads to duplication or gaps. Cases has also not been monitored or followed sufficiently. In some jurisdictions, once a case is reported, there are case management systems that track it through to outcome. This ensures accountability at each step. In Nigeria, until recently, case tracking was ad hoc. Victims often have had to themselves chase their case.²⁰⁰ This is daunting when one is traumatized. Without systematic follow-up, many cases die a natural death in the churn of the system. For example, police might say they forwarded a case file to the DPP. However, if it gets lost or is low priority, nothing happens and nobody outside knows. The victim might give up assuming her case was dropped.

Going further, the VAPP Act is implemented unevenly across states. This is another issue in coordination. Since not all states domesticated it, there is a patchwork of protections.²²⁸ If a victim fled from a non-VAPP state to a VAPP state, or vice versa, legal technicalities could arise on enforceability of orders. Ideally, a federal coordinating mechanism would ensure consistency and maybe push lagging states. Indeed, the National GBV Steering Committee established post-2020 was meant to enhance coordination. However, reports suggest it met

irregularly and it had limited impact at grassroots levels. However, there have been improvements. The aforementioned Lagos DSVRT (Domestic and Sexual Violence Response Team) is a model of multi-agency coordination. It comprises police, prosecutors, judges, ministry officials, doctors, NGOs. They share information and jointly plan intervention for each case.²⁰¹ This ensures that when a survivor comes forward, she is simultaneously offered medical care, a shelter placement, legal aid, and that her case is logged and followed by the team.

²⁰⁰ Ikuteyijo and others (n18) 5. ²²⁸ ibid 7.

²⁰¹ Joseph-Asoh and Elijah-Ojete (n19) 133. ²³⁰ Ojwang (n137).

Data management and monitoring systems are insufficient. This is another facet of barrier. Without proper data, it's hard to monitor progress or identify trouble points. The NHRC created a new monthly dashboard and this is a promising step in monitoring.²³⁰ It compiles how many cases reported, which types, among others. In addition, it presumably will highlight if cases are increasing or not. There is also a gap in coordination gap between formal and informal sectors. Many victims first approach community leaders or religious figures. Coordination here means engaging these informal gatekeepers to refer cases to formal authorities. Lastly, perpetrators are also not monitored. This is also an issue. In some jurisdictions, those with restraining orders or on bail for DV are monitored by officers or electronic means to ensure compliance. In Nigeria, once released on bail or even convicted and given a non-custodial sentence, there's often minimal supervision. This renders remedies like suspended sentences or binding-over orders toothless. Implementing probation services effectively is part of coordination. Probation falls under the correctional service and they often do not coordinate with ministries of women affairs or police regarding DV convicts.

4.2.5 Non-Domestication of International Instruments

International instruments are not enforceable in Nigeria merely because Nigeria has signed or ratified them. Section 12 of the CFRN provides that a treaty can have the force of law in Nigeria only when it has been enacted into law by the National Assembly. Therefore, instruments such as CEDAW, the Maputo Protocol and other un-domesticated treaties may guide interpretation and policy, but they cannot by themselves create enforceable rights in courts. The Supreme

Court in *Abacha v Fawehinmi*²⁰² confirmed the point. Chief Gani Fawehinmi, a human rights lawyer, was arrested and detained by the State Security Service during the military regime of General Sani Abacha. He challenged his arrest and detention at the Federal High Court, arguing that it violated his fundamental rights under the 1979 Constitution and the African Charter on Human and Peoples' Rights, which had already been domesticated in Nigeria through the African Charter on Human and Peoples' Rights

(Ratification and Enforcement) Act. The issue before the Supreme Court was whether the African Charter could be enforced in Nigeria and whether the provisions of the treaty had legal force in Nigeria. The Supreme Court held that a treaty becomes enforceable in Nigeria only after domestication. However, a domesticated treaty such as the African Charter can be applied by the courts. The barrier of non-domestication weakens the remedial value of many international instruments on domestic violence because victims cannot rely on them unless they have been incorporated into the law in Nigeria.

CHAPTER FIVE

SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

²⁰² [2000] 6 NWLR (Pt 660) 228 (SC)

5.1 Summary of Findings

This project has critically examined the legal response to domestic violence in Marriages in Nigeria. Firstly, it appraised the legislations and institutions which mitigate domestic violence in Nigeria. For municipal legislations, the constitution is the supreme law in Nigeria.

It enshrines fundamental rights and these form the bedrock for protecting individuals (including spouses) from violence. It also invalidates laws or customs which sanction domestic violence.

Next is the Violence against Person (prohibition) Act 2015. This is a federal legislation and it addresses domestic violence and other forms of violence. It is the first national law in Nigeria to criminalise many acts which constitutes domestic violence (including spousal battery, emotional abuse, and economic abuse) explicitly and to provide innovative remedies like protection orders. However, it is applicable only in the Federal Capital Territory unless adopted by states. The criminal and the penal code are the foundational criminal statutes in Nigeria. They contain general provisions on offences like assault, hurt, homicide, and related crimes that are applicable to domestic violence cases.

Historically, however, these Codes had shortcomings in protecting spouses. The Evidence Act governs the admissibility of evidence in courts (except customary or Sharia courts).

Matrimonial Causes Act 1970 is a criminal or protective law and it plays a role in the legal response to domestic violence by providing remedies within family law. It makes provision for an abused spouse to obtain a divorce (or judicial separation) on grounds of cruelty or other unreasonable behavior, and ancillary reliefs like custody of children or maintenance which helps a victim leave an abusive marriage. The Child Rights Act provides a framework for the rights and welfare of children. It is relevant to domestic violence because it protects children whom are direct or indirect victims within domestic settings. For regional instruments, the African Charter on Human and Peoples' Rights (ACHPR) did not mention domestic violence

explicitly. However, it enshrines the rights to equality, dignity, and freedom from discrimination and it calls on States to ensure that women and children are protected. The Maputo Protocol 2003 obligates state parties to take all necessary measures to end violence against women, be it in private or public, and to protect women's reproductive rights, property rights, among others. The ACRWC 1990 complements the UN Convention on the Rights of the Child but with context for Africa. It includes provisions that protect children from all forms of abuse and torture. For international instruments, the UDHR 1948 is not binding legally. However, it influenced binding treaties like the International Covenant on Civil and Political Rights (ICCPR), which Nigeria has ratified. Nigeria has not domesticated CEDAW 1979 through legislation. To the effect, it is not directly enforceable in Nigerian courts due to Section 12 of the Constitution. The CRC 1989 is a global treaty on the rights of children and it was ratified by Nigeria in 1991. It obliges states to protect children from all forms of violence, abuse, neglect, and maltreatment. For municipal institutions, the Nigeria Police Force is responsible for receiving reports and investigating allegations of domestic violence on any form. Next, the courts occupy a central position in the institutional framework for addressing domestic violence in Nigeria. Once domestic violence cases are reported and investigated, it falls to the DPP in each state (or the Federal Ministry of Justice for VAPP cases in the FCT) to pursue criminal charges where appropriate. Going further, the National Human Rights Commission was established by statute in 1995. It has the mandate to monitor, investigate and report on human rights violations including domestic and genderbased violence. The Federal Ministry of Women Affairs is another institution in the response to domestic violence and other forms of gender-based violence in Nigeria. Crucially, the NAPTIP is the implementing agency for the VAPP Act at the federal level. The Legal Aid Council of Nigeria is a statutory institution and it is established to expand access to justice for indigent persons and vulnerable groups. Municipal institutions also includes State DSVA/GBV Agencies. Regional institutions include,

the African Commission on Human and Peoples' Rights which has a Special Rapporteur on the Rights of Women in Africa. The African Committee of Experts on the Rights and Welfare of the Child is another the treaty monitoring body established under articles 32–46 of the African Charter on the Rights and Welfare of the Child (ACRWC). The ECOWAS Court of Justice is also relevant to domestic violence because it has jurisdiction in human-rights over member states that fail to protect individuals from serious violation of rights. Core international institutions include OHCHR which plays a supervisory and agenda-setting role in relation to domestic violence in Nigeria,

UN Women which support legal and policy responses to violence against women in Nigeria, UNFP which focuses on focuses on the health, psychosocial, and humanitarian dimensions of gender-based violence and UNICEF which is significant where domestic violence affects children.

Secondly, it assessed the remedies to domestic violence in Marriages in Nigeria. It was found that the initial step in obtaining a remedy for domestic violence is reporting the abuse to an authority. Once an incident is reported, the next step is investigation and possible arrest of the offender. The Police would take statements, gather evidence (medical reports, witness testimonies, etc.), and if there are reasonable grounds, arrest and charge the perpetrator. Procedurally, the law allows the state to proceed with prosecution even if the victim withdraws. The Protection Order (sometimes called a restraining order) is a procedural remedy created by laws like the VAPP Act 2015 and various state laws. It is a civil order that a survivor (or someone on her behalf) may apply for. It is aimed at restraining the abuser from further violence or harassment. Interim (*ex parte*) orders are granted immediately without the abuser present if there is urgency. Final orders are granted after a hearing where both sides are heard. Protection orders are very useful because they offer swift, preventive relief to protect victims while other proceedings (criminal or matrimonial) are ongoing. The next step is the prosecution of the

offender in a criminal court. The decision to prosecute rests with the state (police and DPP). When an abuser is found guilty, the court may impose imprisonment, fines, caning (in a few Sharia jurisdictions), or non-custodial penalties like community service or probation. The law also provides for substantive civil remedies. First is the provision for compensation or damages to the victim. This essentially brings a civil remedy (monetary compensation) into the criminal process and it spares the victim from having to file a separate civil suit. Apart from compensation through criminal court, a victim of domestic violence also has the option of a civil lawsuit against the abuser. Protection orders are also essential civil remedies in domestic violence cases. It is preventive and protective in nature and it restrains an abusive spouse from further violence, threats, harassment, intimidation, stalking, or unwanted contact with the victim. Going further, the most definitive relief is divorce or legal separation. This ground is broad and it encompasses domestic violence. Indeed, divorce would be granted where there is cruelty or act of violence. Divorce liberates the victim from the marital bond which an abuser exploits. However, divorce does not ensure safety solely. Hence, protection orders and criminal sanctions remain important. Divorce brings up issues of child custody and maintenance. These are ancillary reliefs the victim may need. Another relief is Maintenance (financial support) for the wife and children post-divorce. Another remedy is the possibility of judicial separation or protection of property. A spouse may apply for a separation order (a decree of judicial separation) on similar grounds as divorce. This does not dissolve the marriage. However, it allows living apart with legal recognition.

Thirdly, it identified the barriers impeding the remedies to domestic violence in Marriages in Nigeria. It was found that numerous barriers impede the realisation of these remedies for domestic violence in marriages in Nigeria. Most victims never come forward to claim any remedy. Indeed, there is a high rate of domestic and intimate partner violence in Nigeria. However, only few cases are reported. The reasons behind this are manifold. Many victim fear

retaliation. Women often fear that reporting will provoke worse violence, or even lethal outcomes if authorities do not act decisively. Social stigma and shame is another reason. Cultural norms in many Nigerian communities discourage “airing dirty linen in public.” So, a woman may be labeled as disloyal or blamed for her marital problems if she speaks out. Patriarchal attitudes lead even her own relatives to silence her. Economic dependency is another huge factor. If a woman relies on her husband financially, she may calculate that reporting him (which could lead to his jailing or loss of income) will leave her and her children destitute. Going further, many victims lack awareness. Some women simply do not know that what they are suffering is illegal or that there are laws and agencies to help. Moreover, some victims mistrust the justice system and this further compounds underreporting. The consequences of under-reporting are severe. It means most abusers face no consequences and this reinforces impunity. More so, victims remain in harm’s way. Many institutions lack capacity and resources. Simply put, laws and policies often falter at the execution stage due to inadequate funding, manpower, training, and infrastructure. Firstly, personnel are not trained sufficiently and they also lack specialisation. Many police officers, prosecutors, judges, and even social workers in Nigeria have limited training on handling domestic violence cases. Going further, there is a shortage of personnel and logistical resources. Even when staff are willing, they are often overwhelmed. Furthermore, shelter and refuge resources are insufficient. Nigeria has very few shelters. There is a lack of safe houses and this means many women have nowhere to go if they flee, or they end up going back to the abuser or becoming homeless. Legal aid in Nigeria is underfunded. Indeed, the Legal Aid

Council assists. However, they have limited reach. This presents a geographical inequality and it means the remedies available on paper are de facto unavailable to a huge segment of the population. Going further, corruption and lack of accountability is impactful. It was also found that the most tenacious set of barriers are formed perhaps by cultural and religious norms, along

with victims' socio-economic realities. This is because they shape attitudes and behaviors that either perpetuate domestic violence or hinder effective response. Culturally, Nigeria is a patriarchal society with traditions in many areas that subordinate women's status to men's. To that effect, violence is accepted culturally and this is a big barrier. Religious beliefs intersect with culture. Hence, misinterpretations of religious texts may reinforce patriarchy. Socio-economic factors are tied to cultural ones intimately. Many Nigerian women in traditional marriages might not have independent income. A woman with no resources of her own will find it difficult to leave or seek legal redress. Social stigma not only attaches to the act of speaking out (as mentioned). It is also attached to divorce or separation. There are also gendered expectations of endurance. This glorification of endurance is dangerous as it literally kills women. There are no effective monitoring and coordination among the various agencies and sectors involved in the response to domestic violence. Even with good laws, willing survivors, and reformed attitudes, a fragmented or uncoordinated system would fail to deliver remedies.

5.2 Recommendations

The Legislation for Domestic Violence should be harmonised and applied Nationwide.

The National Assembly and State Houses of Assembly should create a coherent and uniform legal framework for addressing domestic violence throughout Nigeria. The VAPP Act 2015 provides protection against spousal battery, emotional abuse, economic abuse, forced isolation, intimidation and sexual violence. However, it is only applied in the Federal Capital Territory. States that have not adopted the Act or enacted equivalent legislation should do so without further delay. States that have enacted their own laws should review them. Some provisions of the criminal legislation in Nigeria should be repealed or amended. In particular, the provisions which permit the physical correction of a wife or exclude forced sexual intercourse within marriage should not be excluded from the definition of rape

Domestication of International Instruments

The National Assembly should domesticate relevant international and regional instruments on DV, especially CEDAW, the Maputo Protocol and other instruments that protect women and children from violence. This would move them beyond persuasive authority and make their provisions enforceable in Nigerian courts under section 12 of the CFRN. Domestication would also strengthen remedies and the judiciary would be enabled to rely on international standards. In addition, it would reduce the gap between Nigeria's treaty commitments and the current practice in Nigeria.

Strengthen Police Response and Accountability

The Nigeria Police Force should establish Gender Desks or Family Support Units in every divisional police station. These units should be staffed by officers trained in investigating domestic violence, trauma-informed interviewing, risk assessment, preserving evidence and enforcing protection orders. The Police Service Commission should adopt guidelines which requires officers to record every complaint, conduct an immediate risk assessment, facilitate medical attention, preserve electronic and physical evidence and refer victims to shelters and legal services. Where officer refuse to receive complaints, demand unauthorised payments, disclose confidential information or pressure victims to reconcile with their abusers, they should face disciplinary measures

Enforce Protection Orders

Protection orders should be made accessible, urgent and enforceable. Courts should provide application forms which are simplified. Victims should also be permitted to apply personally, through legal practitioners or through authorised service providers, as contemplated under section 28 of the VAPP Act 2015. Every protection order should be transmitted immediately to

the relevant police division for enforcement. There should be an electronic register for protection orders. This would enable police officers and courts to verify existing orders across jurisdictions. Where it is breached, investigation and prosecution should be conducted immediately.

Specialised Courts and Expedited Proceedings

State judiciaries should designate specialised family or domestic violence courts within the structure of existing courts. These courts should be staffed by judges, magistrates, registrars and support personnel trained in domestic violence, child protection and victim-sensitive procedure. Where there is specialized courts, there would be consistency in granting protection orders, determining custody and maintenance, and managing criminal and matrimonial proceedings which arise from abusive relationships. Practice directions should establish timelines for matters which relate domestic violence and discourage adjournments where it is unnecessary. Courts should use protective procedures under section 232 of the ACJA 2015 where applicable.

Expand Legal Aid and Support for Survivors

Federal, state and local governments should establish shelters and safe houses across Nigeria. It was found that support services are concentrated in major cities. This leaves victims in rural and underserved communities without protection. Shelters should provide secure accommodation, medical treatment, psychosocial counselling, childcare, vocational support and assistance with relocation. The Legal Aid Council should receive funding for the cases on domestic violence. They should also establish specialised units which are capable of assisting victims with protection orders, criminal complaints, divorce, judicial separation, custody, maintenance and compensation claims. State Ministries of Women Affairs should also create

emergency funds for transportation, medical treatment, temporary accommodation and basic maintenance.

Improved Investigation and Prosecution

Police investigators and prosecutors should develop approaches which are evidence led. In that sense, investigation would not depend on victims solely. Domestic violence occurs privately, and victims may withdraw complaints because of threats or pressure. Therefore, investigations should collect medical reports, photographs, electronic communications, call records, witness statements and previous complaints. Directors of Public Prosecutions should establish specialised units for prosecuting domestic violence. Prosecutors should oppose bail or request conditions where there is a risk of further violence, intimidation of witnesses or interference with investigations. Plea bargains should not be accepted to dispose of cases quickly. In addition, the safety and views of the victim should be considered before any agreement is concluded.

There should be coordination among institutions

A national domestic violence coordination framework should be established under the Federal Ministry of Women Affairs in collaboration with NAPTIP, the Nigeria Police Force, the National Human Rights Commission, the Legal Aid Council, healthcare institutions, state agencies for domestic violence and civil society organisations. Each institution should have defined responsibilities and referral procedures. There should be a central data system. This should record complaints, arrests, protection orders, prosecutions, convictions, compensation awards, withdrawals and repeat incidents. Data should be disaggregated by sex, age, location, disability as well as relationship between the parties. Anonymised statistics should be published regularly. This would help policymakers to identify the gaps in enforcement.

Public Education and Engagement with Community Institutions

Government agencies and civil societies should conduct public education on the forms of domestic violence and the remedies available under the law in Nigeria. The public should know that domestic violence includes physical, sexual, psychological and economic abuse and that it may affect women, men and children. Religious and traditional leaders should also be trained so that they would recognise domestic violence and refer victims to professional services. They should not encourage reconciliation where there is harm. They must also not substitute informal settlement for criminal accountability. Public education should challenge the beliefs that normalise wife beating, marital rape or enduring abuse.

5.3 Conclusion

This research critically examined the legal response to domestic violence in marriages. It appraised the relevant legislation and institutions. It also assessed remedies and identified the barriers which impede their effectiveness. The study established that Nigeria does not lack legal rules on domestic violence. The Constitution protects life, dignity and equality. The VAPP Act 2015 criminalises violence and introduces protection orders and compensation. The Criminal Code, Penal Code, Evidence Act, Matrimonial Causes Act and Child's Rights Act are also relevant. Furthermore, Regional and international instruments impose standards which relates to dignity and equality. The institutional framework includes the Nigeria Police Force, courts, prosecutorial authorities, the National Human Rights Commission, the Federal Ministry of Women Affairs, NAPTIP, the Legal Aid Council, state agencies for domestic and sexual violence and regional bodies for human rights. These institutions possess mandates that could provide investigation, prosecution, legal representation, policy coordination, protection and survivor support. Nevertheless, the study found that there is a gap between policy and practice. Remedies exist and they include reporting and investigation, criminal prosecution,

protection orders, compensation, civil actions, divorce, judicial separation, maintenance and custody orders. However, they are not effective. This is because of underreporting, fear of retaliation, social stigma, economic dependence, difficulties in providing evidence, trivialization by police, court delays, inadequate shelters, insufficient legal aid, fragmented institutions and weak enforcement of protection orders. In light of the above, it is pertinent that recommendations which are proposed in this project should be considered.

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