

DOMESTIC VIOLENCE IN NIGERIA: A CRITICAL ANALYSIS OF LEGAL PROTECTION AND INSTITUTIONAL RESPONSES

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Abstract

Domestic violence remains one of the most pervasive violations of human dignity in Nigeria, cutting across cultural, religious, and socio-economic boundaries despite the existence of legal and institutional frameworks. It examines the legal and institutional mechanisms for the prevention, protection, and redress of domestic violence in Nigeria, with particular emphasis on constitutional provisions, statutory frameworks, judicial interpretations, and enforcement challenges. The paper finds that although Nigeria has made significant legislative progress, particularly through criminal statutes and protective legislation, enforcement remains weak due to institutional inefficiencies, cultural normalization of abuse, among others. Comparative analysis with jurisdictions such as the United Kingdom, the United States, and South Africa further demonstrates that stronger enforcement mechanisms and coordinated institutional responses are essential for effective protection. The paper recommends enhanced capacity building for law enforcement agencies, expansion of support services for victims, among others

Keywords: Domestic Violence; Legal Protection; Human Rights; Enforcement Mechanisms

1.0 INTRODUCTION

Domestic violence remains one of the most pervasive human rights violations in Nigeria, affecting individuals' gender, ages, and

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socioeconomic status¹ It encompasses a wide range of abusive behaviors occurring within domestic/intimate relationships, including physical, emotional, sexual, and economic abuse² Despite increasing global awareness and legal reforms, domestic violence continues to persist due to cultural, institutional, and enforcement challenges within Nigeria's legal system³

Domestic violence has historically been treated as a private family matter in many communities, limiting state intervention and legal accountability⁴ Traditional norms in several ethnic groups tend to normalize certain forms of spousal discipline⁵ However, contemporary legal developments, particularly the enactment of the Violence Against Persons (Prohibition) Act 2015, mark a shift toward criminalizing domestic abuse and protecting victims⁶ The 1999 Constitution of the Federal Republic of Nigeria also guarantees the right to dignity of the human person, which indirectly prohibits all forms of inhuman and degrading treatment.⁷ International frameworks such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) further obligate Nigeria to eliminate violence against

¹ Federal Republic of Nigeria, Violence Against Persons (Prohibition) Act 2015 (Act No 4, LFN 2015) (Abuja: Federal Government Press, 2015).

² World Health Organization, Global and Regional Estimates of Violence Against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-Partner Sexual Violence (WHO Press 2013).

³ UN Women (United Nations Entity for Gender Equality and the Empowerment of Women), Ending Violence against Women: Global Norms and Policy Frameworks (New York: UN Women, 2019).

⁴ O.N. Aihie, 'Prevalence of Domestic Violence in Nigeria: Implications for Counselling' (2009) 2(1) *Edo Journal of Counselling* 1–8

⁵ United Nations Children's Fund (UNICEF), Violence Against Children in Nigeria: Findings from a National Survey (Abuja: UNICEF Nigeria Country Office, 2018)

⁶ Ibid

⁷ Federal Republic of Nigeria, Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C23, LFN 2004 (Abuja: Government Printer, 2004)

women in both public and private spheres.⁸ Despite these legal instruments, enforcement remains weak due to socio-cultural resistance and institutional inefficiencies⁹

Domestic violence in Nigeria continues to be significantly underreported due to fear of stigma, economic dependence, and societal pressure on victims to maintain silence. Many victims lack access to effective legal remedies, especially in rural areas where formal justice systems are weak or inaccessible. Although the Violence Against Persons (Prohibition) Act 2015 provides comprehensive protection, its adoption is limited to only a few states. Law enforcement agencies often treat domestic violence complaints as private disputes rather than criminal offences. Additionally, cultural acceptance of gender-based violence in some communities undermines the effectiveness of legal protections. These challenges collectively demonstrate a gap between legal frameworks and practical enforcement in Nigeria.

This article shall focus primarily on domestic violence, with emphasis on statutory and constitutional frameworks. It will further examine both federal and selected state laws that address domestic abuse and related offences. It is limited to legal and institutional responses and does not extensively explore psychological or medical dimensions of domestic violence. Another limitation is the uneven implementation of relevant laws. Despite these limitations, the study provides a critical legal overview of domestic violence protection mechanisms in Nigeria.

⁸ United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted 18 December 1979, entered into force 3 September 1981, 1249 UNTS 13

⁹ Human Rights Watch, Nigeria: Weak Enforcement of Domestic Violence Laws, New York: Human Rights Watch, 2020

2.0 CONCEPTUAL CLARIFICATIONS

Domestic violence is a multifaceted legal and social concept that has been widely examined in human rights literature and criminal justice discourse, particularly in relation to its impact on vulnerable persons within domestic settings. It is generally understood as any pattern of abusive behavior within intimate or family relationships used by one partner to gain or maintain control over another.

2.1. Meaning of Domestic Violence

Domestic violence refers to acts of physical, sexual, psychological, or economic abuse occurring within a family or intimate relationship, often involving spouses, partners, or other household members. It is not limited to physical assault but includes any conduct that causes harm, fear, or emotional distress to another person within a domestic setting. The Violence against Persons (Prohibition) Act further defines it to include harmful traditional practices, deprivation of liberty, and intimidation within domestic relationships. From a human rights perspective, domestic violence is viewed as a violation of the right to dignity, security, and equality before the law as guaranteed under the Constitution of the Federal Republic of Nigeria. Internationally, CEDAW recognizes domestic violence as a form of gender-based discrimination that impairs women's full enjoyment of human rights and fundamental freedoms¹⁰

2.2. Forms of Domestic Violence (Physical, Emotional, Sexual, Economic, Psychological)

- i. Physical violence involves the intentional use of force, such as hitting, slapping, kicking, or use of weapons, that results in bodily harm to the victim.

¹⁰United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted 18 December 1979, entered into force 3 September 1981, 1249 UNTS 13

- ii. Emotional or psychological violence includes verbal abuse, intimidation, humiliation, threats, and controlling behaviors that undermine a person's self-worth and mental stability.
- iii. Sexual violence refers to any non-consensual sexual act, coercion into sexual activity, or denial of reproductive rights within a domestic relationship.
- iv. Economic violence occurs when one partner restricts access to financial resources, denies financial support, or controls the victim's economic independence.
- v. Psychological violence encompasses patterns of behavior that cause fear, anxiety, depression, or emotional trauma, often through manipulation or isolation

2.3. Causes and Contributing Factors

Domestic violence is driven by a combination of socio-cultural, economic, and institutional factors that reinforce unequal power relations within families. Patriarchal norms that promote male dominance and female subordination significantly contribute to the persistence of domestic abuse. Most of the time, victims' dependence on perpetrators also increases vulnerability, making it difficult for victims to leave abusive relationships. Weak enforcement of legal protections and cultural acceptance of certain abusive practices as “discipline” or “family matters” continue to hinder effective intervention by authorities.

2.4. Effects of Domestic Violence on Individuals and Society

Domestic violence has severe physical consequences, including injuries, disabilities, and in extreme cases, death of victims. It also leads to long-term psychological effects such as depression, anxiety, post-traumatic stress disorder, and suicidal tendencies. Economically, domestic violence reduces productivity and increases healthcare costs. On a societal level, it contributes to the breakdown of family structures

and perpetuates cycles of violence across generations it also affects national development ¹¹

2.5. Legal Framework on Domestic Violence in Nigeria

Domestic violence is regulated through a combination of constitutional provisions, statutory enactments, and international legal instruments that collectively aim to protect human dignity and prevent abuse.

2.5.1. Constitutional Provisions on Human Rights Protection

The Constitution of the Federal Republic of Nigeria guarantees fundamental rights that indirectly protect individuals from domestic violence, particularly the right to dignity of the human person ¹²Section 34 prohibits torture, inhuman or degrading treatment, which has been interpreted to include acts of domestic abuse. The courts have consistently held that fundamental rights are enforceable against both state and private actors where life and dignity are threatened *Fawehinmi v Abacha* ¹³The Supreme Court in that case affirmed that once an international human rights treaty is domesticated, it becomes enforceable law in Nigeria. This position strengthens constitutional protection for victims of domestic.

2.5.2. The Violence against Persons (Prohibition) Act, 2015 (VAPP Act)

It is the most comprehensive legislation addressing domestic violence in Nigeria. ¹⁴ The Act criminalizes physical, sexual, psychological, and economic abuse within domestic and public spaces. It specifically

¹¹ Ibid

¹²Federal Republic of Nigeria, Constitution of the Federal Republic of Nigeria 1999 (as amended), Cap C23, Laws of the Federation of Nigeria 2004, Abuja: Government Printer

¹³*Fawehinmi v Abacha* (2000) 6 NWLR (Pt. 660) 228

¹⁴Ibid

prohibits spousal battery, harmful widowhood practices, and forced isolation of victims. Section 19 of the Act provides penalties for battery, including imprisonment or fines depending on the severity of the offence. The Act also introduces protection orders, which allow courts to restrain offenders from further contact with victims. Judicial interpretation has shown that courts are willing to apply protective provisions where credible evidence of abuse exists.

2.5.3. Criminal Code Act and Penal Code Provisions

The Criminal Code Act applicable in Southern Nigeria criminalizes assault, grievous harm, and unlawful violence against another person¹⁵ Similarly, the Penal Code applicable in Northern Nigeria provides for offences such as assault and causing bodily injury.¹⁶ The court held that any intentional application of force resulting in harm constitutes assault under criminal law principles. Nigerian courts have consistently applied these provisions in domestic violence-related cases where physical injury is proven beyond reasonable doubt. These older statutes are limited because they do not fully recognize emotional, economic, or psychological abuse as actionable forms of domestic violence.

2.5.4. Child Rights Act and Protection of Minors

The Child Rights Act 2003 provides legal protection for children against all forms of abuse, neglect, and exploitation, including domestic violence It guarantees the right of the child to dignity, survival, and protection from inhuman treatment¹⁷ In *A.G. Lagos State v A.G. Federation* the Supreme Court emphasized that child welfare

¹⁵Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004

¹⁶ Federal Republic of Nigeria, Penal Code (Northern States) Federal Provisions Act, Cap P3, Laws of the Federation of Nigeria 2004, Abuja: Government Printer. In *R v S.O.* (1959) 4 FSC 1

¹⁷ Federal Republic of Nigeria, Child Rights Act, 2003, Act No. 26, Laws of the Federation of Nigeria, Abuja: Federal Government Press

laws fall within both federal and state legislative competence, thereby reinforcing enforcement structures.¹⁸ The Act has been domesticated by many Nigerian states, although some northern states have yet to fully adopt it, limiting uniform protection. Courts have applied the Act to protect minors in custody and abuse cases where evidence of harm is established.

2.5.5. State-Level Laws on Domestic Violence (Adoption and Variations)

Several Nigerian states have enacted domestic violence laws similar to the VAPP Act to address regional challenges. Lagos State remains one of the earliest jurisdictions to criminalize domestic abuse and provide protection orders for victims.¹⁹ Courts in Lagos have enforced restraining orders in cases where continued contact posed a danger to victims, showing judicial willingness to intervene in private relationships. However, inconsistency exists across states due to varying levels of domestication of federal laws. This uneven legal landscape creates unequal protection for victims depending on their state of residence.

2.5.6. Role of International Instruments (CEDAW, African Charter on Human and Peoples' Rights)

Nigeria is a signatory to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which obligates states to eliminate violence against women in both public and private life.²⁰ The African Charter on Human and Peoples' Rights, domesticated in Nigeria, guarantees the right to dignity and freedom

¹⁸ A.G. Lagos State v A.G. Federation (2004) 18 NWLR (Pt. 904) 1

¹⁹ Lagos State Government, Domestic Violence Law of Lagos State 2007, Lagos: Lagos State Government Printer, 2007

²⁰United Nations General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted 18 December 1979, entered into force 3 September 1981, 1249 UNTS 13.

from degrading treatment²¹ In *Abacha v Fawehinmi*, the Supreme Court held that domesticated treaties have the force of law in Nigeria and are enforceable by courts This decision significantly strengthened the applicability of international human rights norms in domestic violence cases These instruments collectively impose obligations on Nigeria to protect victims and prosecute offenders effectively.

The legal framework on domestic violence in Nigeria is multifaceted, combining constitutional guarantees, statutory laws, and international obligations aimed at protecting victims²²

3.0. INSTITUTIONAL MECHANISMS FOR PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE IN NIGERIA

It consists of law enforcement agencies, judicial bodies, administrative institutions, and civil society structures.

3.0.1. Nigeria Police Force and Domestic Violence Units

It is constitutionally empowered to maintain public order and prevent the commission of offences, including acts of domestic violence²³ The establishment of Gender Units within the Nigeria Police Force represents an administrative reform aimed at improving response to domestic and gender-based violence complaints²⁴ However, judicial criticism has been expressed regarding police reluctance to intervene in “private domestic matters” where criminal liability is evident

²¹Organization of African Unity (now African Union), African Charter on Human and Peoples’ Rights, adopted 27 June 1981, entered into force 21 October 1986, 1520 UNTS 217

²²United Nations Children’s Fund (UNICEF), Violence Against Children in Nigeria: Findings from a National Survey (Abuja: UNICEF Nigeria Country Office, 2018)

²³ Federal Republic of Nigeria, Police Act, 2020, Act No. 16, Laws of the Federation of Nigeria 2020 (Abuja: Federal Government Press, 2020)

²⁴Nigeria Police Force, Operational Guidelines for the Handling of Gender-Based Violence and Domestic Violence Cases (Abuja: Nigeria Police Force Headquarters, 2019)

Oshodi v State ²⁵The Supreme Court in that case held that where bodily harm is established, the police have a duty to investigate and prosecute regardless of domestic relationship between parties The Violence Against Persons (Prohibition) Act further mandates law enforcement agencies to treat domestic violence complaints as criminal offences rather than private disputes ²⁶

3.0.2. Family Courts and Magistrate Courts

They play a vital role in adjudicating domestic violence matters and issuing protective reliefs under statutory authority (Child Rights Act, 2003; VAPP Act, 2015). These courts are empowered to grant protection orders restraining perpetrators from further acts of violence or contact with victims. In *Alabi v Alabi*,²⁷ the Court of Appeal emphasized that courts must prioritize the protection of vulnerable parties in domestic disputes. The court further held that where evidence of a threat to life exists, protective orders should be granted to prevent irreparable harm.

3.0.3. National Agency for the Prohibition of Trafficking in Persons (NAPTIP)

It is statutorily established to combat human trafficking, forced labor, and related exploitation, including domestic servitude ²⁸ While its primary mandate is trafficking prevention, NAPTIP also intervenes in cases where domestic violence overlaps with exploitation and forced domestic labor The agency has successfully prosecuted cases involving domestic servitude where victims were subjected to

²⁵Oshodi v State (2006) 12 NWLR (Pt. 993) 483 SC

²⁶Federal Republic of Nigeria, Violence Against Persons (Prohibition) Act, 2015, Act No. 4, Laws of the Federation of Nigeria 2015 (Abuja: Federal Government Press, 2015)

²⁷Alabi v Alabi (2018) LPELR-45236(CA)

²⁸ National Agency for the Prohibition of Trafficking in Persons (NAPTIP Act, 2015)

inhuman treatment contrary to constitutional protections²⁹In *FRN v Onochie* the court held that exploitation involving coercion and deprivation of liberty constitutes a punishable offence under Nigerian law³⁰ This judicial position supports NAPTIP's intervention in domestic abuse cases with elements of trafficking or forced labor.

3.0.4. Ministry of Women Affairs and Social Development

It is a key governmental institution responsible for policy formulation and implementation on gender equality and the protection of women and children³¹The Ministry operates shelters, rehabilitation centers, and referral services for victims of domestic violence across several states. It collaborates with law enforcement and the judiciary to ensure coordinated response mechanisms for survivors of abuse. Although the Ministry does not exercise prosecutorial powers, it supports victims and advocates for legislative reforms. Its effectiveness is often limited by inadequate funding and infrastructural deficits.

3.0.5. Non-Governmental Organizations (NGOs) and Advocacy Groups

It plays a complementary role in addressing domestic violence through advocacy. Organizations such as the Women's Rights Advancement and Protection Alternative (WRAPA) and Legal Aid Council assist victims in accessing justice and legal representation³²Nigerian courts have recognized the importance of NGO-supported litigation in advancing human rights protection *SERAP v Federal Republic of Nigeria*³³. The ECOWAS Court in that case held that states have a

²⁹ Ibid

³⁰ *FRN v Onochie* (2016) 13 NWLR (Pt. 1530) 1

³¹ Federal Ministry of Women Affairs and Social Development, National Gender Policy (Abuja: Federal Ministry of Women Affairs and Social Development, 2006)

³² Federal Republic of Nigeria, Legal Aid Act, 2011, Act No. 17, Laws of the Federation of Nigeria 2011 (Abuja: Federal Government Press, 2011)

³³ *SERAP v Federal Republic of Nigeria* 2014 (ECW/CCJ/JUD/16/14)

duty to ensure access to justice and effective remedies for human rights violations. NGOs also play a significant role in public sensitization and reporting domestic violence cases, thereby bridging the gap between victims and formal justice institutions.

3.1. Remedies and Legal Protections Available to Victims of Domestic Violence

Victims of domestic violence in Nigeria are entitled to several legal remedies aimed at providing protection, compensation, and rehabilitation.

3.1.1. Protection Orders and Restraining Orders

Protection orders are judicial directives issued to prevent an abuser from contacting or approaching the victim. These orders are designed to ensure immediate safety and prevent further harm where there is credible evidence of abuse.³⁴ In *Eze v Eze*³⁵ the Court upheld the principle that courts must prioritize the safety of victims over procedural delays when issuing protective reliefs. The court further held that restraining orders are preventive rather than punitive and may be granted on a balance of probabilities.

3.1.2. Criminal Prosecution of Offenders

Domestic violence offences are prosecutable under criminal statutes.³⁶ The burden of proof in criminal prosecution remains beyond reasonable doubt in *Oteki v State*. The Supreme Court held that where

³⁴Federal Republic of Nigeria, Violence Against Persons (Prohibition) Act, 2015, Act No. 4, Laws of the Federation of Nigeria 2015 (Abuja: Federal Government Press, 2015)

³⁵ *Eze v Eze* (2019) LPELR-47295(CA)

³⁶ Federal Republic of Nigeria, Criminal Code Act, Cap C38, Laws of the Federation of Nigeria 2004 (Abuja: Government Printer, 2004); Federal Republic of Nigeria, Violence Against Persons (Prohibition) Act, 2015, Act No. 4, Laws of the Federation of Nigeria 2015 (Abuja: Federal Government Press, 2015)

medical and testimonial evidence establish assault, conviction is justified. Prosecutorial authorities are required to ensure diligent prosecution of offenders to serve as a deterrent. Underreporting and withdrawal of cases by victims often hinder successful prosecution.

3.1.3. Civil Remedies and Damages

Victims of domestic violence may also seek civil remedies, including damages for assault, battery, emotional distress, and violation of constitutional rights. Nigerian courts have awarded damages in cases involving infringement of fundamental rights under the Fundamental Rights (Enforcement Procedure) Rules 2009. In *Bala v University of Ilorin*³⁷, the court held that violation of dignity attracts compensatory damages.

3.1.4. Shelter and Rehabilitation Services

It provides temporary safe accommodation for victims escaping abusive environments. Rehabilitation programs include medical treatment, trauma counselling, and reintegration support. These services are often provided through government agencies and NGOs working in collaboration.³⁸ The absence of adequate shelters in many Nigerian states remains a significant gap in victim protection infrastructure. International best practice under CEDAW encourages states to establish accessible shelters for survivors of domestic violence.

3.1.5. Counselling and Psychological Support Mechanisms:

Psychological support is essential for the recovery of victims of domestic violence, particularly those suffering from trauma and emotional abuse. Counselling services are provided through hospitals, NGOs, and social welfare agencies to assist victims in coping with

³⁷*Bala v University of Ilorin* (2014) 14 NWLR (Pt. 1422) 1

³⁸Ministry of Women Affairs Policy Framework, 2006

long-term psychological effects the courts have increasingly recognized psychological harm as a compensable injury in civil claims. The Supreme Court in that case emphasized the need for equity and fairness in addressing harm arising from family disputes *Ukeje v Ukeje*³⁹ Psychological rehabilitation is therefore a critical component of holistic domestic violence response mechanisms.

The institutional and remedial frameworks for domestic violence in Nigeria demonstrate significant legal advancement but remain constrained by enforcement gaps, institutional weaknesses, and socio-cultural barriers.

3.2. CHALLENGES IN ADDRESSING DOMESTIC VIOLENCE IN NIGERIA

Despite the existence of statutory frameworks and institutional mechanisms, the enforcement of domestic violence laws in Nigeria continues to face significant structural and socio-legal challenges that undermine the effective protection of victims⁴⁰

3.2.1. Cultural and Religious Barriers

One of the most persistent challenges to combating domestic violence in Nigeria is the deeply rooted cultural perception that domestic issues are private family matters not subject to external intervention⁴¹ In many communities, wife battery is still wrongly interpreted as a form of discipline rather than a criminal offence, thereby normalizing abuse

³⁹*Ukeje v Ukeje* (2014) 11 NWLR (Pt. 1418) 384

⁴⁰ D. Arowolo, *Gender-Based Violence and Legal Enforcement in Nigeria: Challenges and Prospects* (Lagos: Nigerian Institute of Advanced Legal Studies, 2020)

⁴¹I. Eze-Anaba, 'Domestic Violence and Legal Responses in Nigeria' (2007) 5(2) *International Journal of Law and Society* 45–67

⁴²Religious interpretations in some contexts have also been misapplied to justify male dominance within the household, thereby discouraging victims from seeking legal redress ⁴³The Court of Appeal in *Odogwu v Odogwu* ⁴⁴ recognized that customary beliefs cannot override constitutional rights to dignity and personal liberty. The persistence of such socio-cultural norms continues to frustrate the implementation of protective legislation despite legal reforms ⁴⁵

3.2.2. Weak Enforcement of Laws

Weak enforcement of domestic violence laws remains a major obstacle in Nigeria's justice system, largely due to institutional inefficiencies and lack of political will. Law enforcement agencies often fail to investigate complaints promptly or treat them with the urgency required by law, leading to low conviction rates. The Supreme Court in *Okoye v State* ⁴⁶ emphasized that the failure of investigative authorities to act diligently can result in a miscarriage of justice. Many domestic violence cases are dismissed or settled informally without prosecution.

3.3.3. Fear of Stigma and Underreporting

A significant number of domestic violence cases in Nigeria go unreported due to fear of social stigma, ridicule, and economic dependency on perpetrators. Victims often fear being blamed for "breaking the home" or losing custody of their children if they report

⁴² M. Byron, *Cultural Norms and Gender-Based Violence in Africa* (London: Routledge, 2018)

⁴³ A. Diala, *Religion, Custom and Human Rights in Africa* (Abuja: African Human Rights Law Series, 2024).

⁴⁴ *Odogwu v Odogwu* (1992) 2 NWLR (Pt. 225) 539

⁴⁵ J. Obagboye, and B. Feoshi, 'Legal Literacy and Access to Justice in Nigeria' (2020) 12(1) *Journal of Nigerian Law and Practice* 88–102

⁴⁶ *Okoye v State* (2016) 9 NWLR (Pt. 1517) 127

abuse In *Nwosu v State* ⁴⁷ the court acknowledged that evidential silence in domestic crimes often arises from fear and intimidation rather than absence of offence. Cultural pressure to preserve family honor further discourages victims from seeking judicial remedies.

3.3.4. Limited Awareness of Legal Rights

Another critical challenge is the widespread lack of awareness among citizens, particularly in rural communities, about available legal protections under domestic violence laws. Many victims are unaware that acts such as emotional abuse, economic deprivation, and marital rape constitute legal offences under Nigerian law. The Court in *DPP v Chike Obi* ⁴⁸ stressed that ignorance of the law is not a defense, yet awareness remains essential for access to justice. Poor legal literacy prevents victims from utilizing available remedies.

3.3.5. Judicial Delays and Systemic Inefficiencies

Judicial delays constitute a major barrier to timely justice in domestic violence due to Court congestion, procedural technicalities, and adjournments prolonging litigation, discouraging victims from pursuing justice ⁴⁹ In *A.G. Federation v Punch (Nig.) Ltd* ⁵⁰ the Supreme Court criticized procedural delays that frustrate the right to fair hearing within a reasonable time. Many victims abandon cases due to prolonged trial processes and financial constraints. Additionally, inadequate specialized training for judicial officers handling gender-based violence cases further contributes to inconsistent rulings.

⁴⁷*Nwosu v State* (1998) 8 NWLR (Pt. 562) 433

⁴⁸*DPP v Chike Obi* 1961 1 All NLR 186

⁴⁹I. Eze-Anaba, 'Domestic Violence and Legal Responses in Nigeria' (2007) 5(2) *International Journal of Law and Society* 45–67

⁵⁰*A.G. Federation v Punch (Nig.) Ltd* 2001 16 NWLR (Pt. 739) 610,

4.0. COMPARATIVE ANALYSIS

4.1. Domestic Violence Laws in Selected Jurisdictions (UK, USA, South Africa):

In the United Kingdom, domestic violence is addressed through the Domestic Abuse Act 2021, which provides comprehensive protection orders and recognizes coercive control as a criminal offence⁵¹. In the United States, the Violence Against Women Act⁵² established federal protection mechanisms, funding shelters and prosecution support for victims in South Africa, the Domestic Violence Act 116 of 1998 provides strong enforcement mechanisms, including immediate protection orders and mandatory police response duties⁵³. The Constitutional Court of South Africa in *S v Baloyi*⁵⁴ held that domestic violence violates constitutional rights to dignity and equality. These jurisdictions demonstrate stronger enforcement compared to Nigeria.

4.2. Lessons for Nigeria

Nigeria can draw significant lessons from comparative jurisdictions, particularly in strengthening enforcement mechanisms and expanding victim protection services. The recognition of coercive control as a criminal offence in the UK provides a useful model for Nigeria to expand legal definitions beyond physical abuse similarly, the South African model demonstrates the importance of immediate judicial intervention through fast-track protection orders. The United States model highlights the importance of federal funding for shelters and victim support programs. Adoption of these reforms would

⁵¹United Kingdom Parliament, Domestic Abuse Act 2021 (London: Her Majesty's Stationery Office, 2021)

⁵²United States Congress, Violence Against Women Act of 1994, Public Law 103–322, Washington D.C.: U.S. Government Printing Office, 1994

⁵³ Republic of South Africa, Domestic Violence Act 116 of 1998 (Pretoria: Government Printer, 1998)

⁵⁴ *S v Baloyi* (2000) 1 BCLR 86 (CC)

significantly enhance Nigeria's domestic violence response system. Comparative legal systems demonstrate that effective protection requires not only legislation but also strong implementation mechanisms, judicial efficiency, and societal reorientation.

5.0. MECHANISMS FOR THE PREVENTION AND CONTROL OF DOMESTIC VIOLENCE LAWS.

5.1. Strengthening Legal Enforcement Mechanisms:

A fundamental weakness in Nigeria's response to domestic violence is the gap between law and enforcement, where legal provisions exist but are not consistently applied by relevant authorities. Strengthening enforcement requires ensuring that police officers, prosecutors, and judicial officers treat domestic violence as a serious criminal offence rather than a private or reconciliatory matter. In *Oshodi v State*⁵⁵, the Supreme Court emphasized that once an offence involving bodily harm is established, law enforcement agencies are duty-bound to investigate and prosecute without bias or compromise. In *Okoye v State*⁵⁶, the Court of Appeal held that the failure of investigative authorities to diligently pursue criminal complaints undermines justice and amounts to miscarriage of justice. Accordingly, enforcement agencies must adopt a zero-tolerance approach to domestic violence cases.

5.2. Public Awareness and Education Campaigns:

Public awareness remains a critical tool in combating domestic violence, particularly in communities where cultural misconceptions still normalize abusive conduct. Legal literacy campaigns should be intensified to educate citizens that domestic violence constitutes a criminal offence and not a private family issue. In *DPP v Chike Obi*

⁵⁵ *Oshodi v State* (2006) 12 NWLR (Pt. 993) 483

⁵⁶ *Okoye v State* (2016) 9 NWLR (Pt. 1517) 127

⁵⁷the court reiterated the principle that ignorance of law is not a defense, yet the ruling also highlights the importance of legal awareness in ensuring compliance and prevention of offences. Expanding civic education through schools, religious institutions, and media platforms will bridge the gap between law and societal understanding. Additionally, courts have recognized the importance of awareness in human rights enforcement, as seen in *Nwosu v State* ⁵⁸where the court acknowledged that social pressure and ignorance often contribute to silence in domestic abuse cases.

5.3. Capacity Building for Law Enforcement Agencies:

Effective handling of domestic violence cases requires specialized training for law enforcement officers, prosecutors, and judicial personnel. In *A.G. Federation v Punch (Nig.) Ltd*⁵⁹, the Supreme Court stressed the importance of efficiency in justice administration and condemned procedural inefficiencies that delay justice delivery. This judicial stance underscores the need for professional competence in handling sensitive cases such as domestic violence. In *Alabi v Alabi*⁶⁰, the Court of Appeal highlighted the necessity of judicial responsiveness in cases involving personal safety and protection.

5.4. Expansion of Support Services for Victims:

Victims of domestic violence require holistic support systems that include shelter, medical care, legal assistance, and psychological rehabilitation. The absence of adequate shelters and support infrastructure often forces victims to return to abusive environments. The principle of humane treatment in *Oteki v State* ⁶¹supports the need

⁵⁷*DPP v Chike Obi* (1961) 1 All NLR 186

⁵⁸*Nwosu v State* (1998) 8 NWLR (Pt. 562) 433

⁵⁹*A.G. Federation v Punch (Nig.) Ltd* (2001) 16 NWLR (Pt. 739) 610

⁶⁰*Alabi v Alabi* (2018) LPELR-45236(CA)

⁶¹ *Oteki v State* (2006) 18 NWLR (Pt. 1013) 611

for victim-centered justice approaches that go beyond punishment of offenders to rehabilitation of victims. Government agencies, in collaboration with NGOs, should establish accessible shelters in all geopolitical zones, ensure free legal aid services, and integrate counselling services into primary healthcare systems. These measures will ensure comprehensive recovery for survivors of domestic violence.

5.5. Legislative Reforms and Policy Improvements

Nigeria has enacted several laws addressing domestic violence; legislative gaps and inconsistent implementation remain significant challenges. There is a need to harmonize federal and state laws to ensure uniform protection across all jurisdictions. In *Odogwu v Odogwu*⁶² the Court of Appeal held that customary practices cannot override constitutional rights, reinforcing the need for uniform statutory protection against domestic abuse. Legislative reforms should also expand the definition of domestic violence to explicitly include coercive control, psychological abuse, and economic deprivation. Furthermore, in *Ukeje v Ukeje*⁶³, the Supreme Court reaffirmed equality and non-discrimination within family relations. The eradication of domestic violence in Nigeria requires a multidimensional approach combining legal enforcement, public education, institutional capacity, victim support, and legislative reform. A holistic implementation of these recommendations will significantly strengthen Nigeria's domestic violence response framework and align it with constitutional and international human rights standards.

6.0. CONCLUSION

Domestic violence in Nigeria remains a deeply entrenched social and legal problem that persists despite the existence of robust

⁶² *Odogwu v Odogwu* (1992) 2 NWLR (Pt. 225) 539

⁶³ *Ukeje v Ukeje* (2014) 11 NWLR (Pt. 1418) 384

constitutional provisions, statutory frameworks, and institutional mechanisms designed to combat it. This study has demonstrated that the Nigerian legal system, while progressive in its normative content, still suffers from significant enforcement gaps, institutional weaknesses, and socio-cultural resistance that undermine effective protection of victims. The persistence of domestic violence is therefore not primarily a failure of law, but a failure of implementation, awareness, and societal transformation.

Judicial pronouncements in Nigeria consistently affirm that domestic violence is not a private family matter but a violation of fundamental rights deserving of legal sanction. As seen in *Odogwu v Odogwu*⁶⁴ the Court of Appeal firmly rejected cultural justifications for practices that violate constitutional rights, reinforcing the supremacy of constitutional protections over customary norms. Similarly, in *Oshodi v State*⁶⁵ the Supreme Court emphasized that law enforcement agencies have a mandatory duty to investigate and prosecute acts of violence once evidence of harm is established, regardless of the domestic relationship between parties. These judicial positions underscore the evolving recognition of domestic violence as a serious criminal and human rights violation.

In *Okoye v State*⁶⁶ (Court of Appeal) and *Attorney-General of the Federation v Punch (Nig.) Ltd*⁶⁷ (Supreme Court) The principles are particularly relevant in domestic violence cases, where delay often exposes victims to continued harm and psychological trauma.

Despite these judicial safeguards, the reality on the ground reveals that victims still face stigma, fear of reporting, limited access to justice,

⁶⁴*Odogwu v Odogwu* (1992) 2 NWLR (Pt. 225) 539

⁶⁵*Oshodi v State* (2006) 12 NWLR (Pt. 993) 483

⁶⁶*Okoye v State* (2016) 9 NWLR (Pt. 1517) 127

⁶⁷*Attorney-General of the Federation v Punch (Nig.) Ltd* (2001) 16 NWLR (Pt. 739)

and weak institutional response mechanisms. The comparative analysis undertaken in this study further demonstrates that jurisdictions such as the United Kingdom, United States, and South Africa have developed more victim-centered approaches, including coercive control legislation, emergency protection orders, and well-funded support systems. These models provide valuable lessons for Nigeria in strengthening its legal frameworks.

In conclusion, addressing domestic violence in Nigeria requires a holistic and coordinated approach that combines effective enforcement of existing laws, judicial efficiency, public enlightenment, and strong institutional support systems. Legal reforms must be accompanied by cultural reorientation and sustained advocacy to ensure that victims are protected and offenders are held accountable.