DOMESTIC VIOLENCE: ASSESSING THE DILEMMA OF ENFORCEMENT IN NIGERIA

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ABSTRACT

Domestic violence in Nigeria is a problem as in several African countries. It is widespread amongst various tribes in Nigerian with no sign of been curtailed. In May 2015, the outgoing President of Nigeria signed into law the Violence Against Persons (Prohibition) Act, a landmark legislation for prohibition and punishment of acts of violence in private and public life. This Act elaborates on what constitute violence against persons and provides remedies for victims. Again, in a more recent Goal 16 of the United Nations 2030 Agenda, member states are to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, build effective, accountable institutions at all levels, and significantly reduce all forms of violence, and end abuse, exploitation, and trafficking.Rather, the widespread domestic violence as a significant human rights violation suggest that governments in Africa, especially Nigeria, have shown little commitment to the protection of rights of its citizens. Whether human rights provisions will change the culture of domestic violation in Nigeria depend on state implementation of the obligation imposed by these instruments, and ratification of other international treaties. This article advocates for adequate enforcement of laws against domestic violence by all enforcement agencies irrespective of the cultural belief of the victim or family sentiments that may be presented.

KEYWORDS: Nigeria; Domestic Violence; Human dignity; Human rights; Implementation; Africa

1.0 Introduction

Most often, domestic violence in Nigeria is unreported and unnoticed as the majority of it are covered up and treated at the family level. The reason for such undeserved cover up may be attributed to victims' wrongly perceived traditional or cultural values where family and societal sentiments are paramount. Even in occasions where reports are eventually made to the law enforcement agents and the judiciary, same factors play a deciding role in the outcome and decision of such complaints. This worrisome practice has overtime encouraged the reoccurrence of domestic violence within the

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Nigerian domain. Today, domestic violence is gradually being grasped as a way of life amongst many Nigerian tribes, culture, and gender.

Over the past decades, rather than reduce, domestic violence has been on the increase in Nigeria. In a research carried out by Nigeria Stability and Reconciliation Programme on violence affecting women and girls in 2015, it was noted that there is a terrific increase in incidents of violence affecting women and girls who have experienced physical, sexual, and domestic violence.[1] Although this research was carried out in 8 out of the 36 states that make up Nigeria, the findings can nevertheless be said to be an indicative of levels of domestic violence across Nigeria as a whole. With the confirmation of the Nigerian economy slipping into recession which increases frustration and anger in many homes, insurgency and counter-insurgency violence in Northern Nigeria, and strong religious inclinations, one would expect increase in incidents and fatalities.

In further emphasising on the alarming increase of domestic violence, Amnesty International noted that at least one out of every three women worldwide has been beaten, coerced sex, or otherwise abused in her lifetime.[2]And in Nigeria,with up to 50% of women experiencing domestic abuse from their partners, an alarming 97% of them are not contemplating making a formal report to law enforcement agents for reasons bordering on culture, the wrong idea of having nowhere to go to, the lack of trust in the Nigeria Police Force, and the perceived endurance that comes with marriage.[3]Regrettably, Nigeria, government, cannot claim to have a close to accurate data on domestic violence incidents even though there are pockets of record of such practice and a legislative provision for such data collection in the Violence Against Persons (Prohibition) Act 2015.

2.0 Domestic Violence: What is, and Against Who?

According to the United Kingdom government, domestic violence is defined as "any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or

[1]Nigeria Stability and Reconciliation Programme, *Violence Affecting Women and Girls in the Eight NSRP Target States* (2015) available at >http://www.nsrp-nigeria.org/wp-content/uploads/2015/08/VAWG-Monthly-Memo-June-2015_FINAL.pdf< accessed 29 June 2016.

[2] Amnesty International, violence against women, (2015) available at >http://www.amnestyusa.org/our-work/issues/women-s-rights/violence-against-women< accessed 29 June 2016.

[3]Funmilola Alokan, 'Domestic violence against women: A family menace' (2013) Conference paper presented at 1st Annual Interdisciplinary Conference, Portugal .

family members, regardless of gender or sexuality."[4] This definition suggests that domestic violence can happen to anyone regardless of gender, race, age, or sexual orientation.

Domestic violence has further been described as 'emotional abuse, physical abuse, or sexual abuse among people who have at some time had an intimate or family relationship.'[5]Furthermore, C. J. Newton admits that domestic violence goes beyond just hitting, or fighting, or an occasional mean argument, to a chronic abuse of power whereby the abuser tortures and controls the victim by calculated threats, intimidation, and physical violence.[6]Human dignity is the foundation of all human rights and would continue to be a central element in any legal argument on human rights.[7]As most of us are aware, domestic violence affects children and young adults directly or indirectly as there exists a strong correlation between domestic violence and child abuse. Women and children are more subjected to different forms of violence in Nigeria due to their vulnerability and dependence on their abusers.

Drawing on the Nigerian phenomenon, domestic violence can be experienced in the following forms: intimate partner violence, sexual offences, child maltreatment, elder abuse, youth violence, stalking, controlling behaviour, physical violence, marital violence and violence against women and children. Apart from the physical, psychological, emotional, and social disorder that victims go through, the destructive consequences of domestic violence in Nigeria also leaves the victims dehumanised, rejected and depressed.[8] However, many of these forms of domestic abuse have attracted support from some cultural values over time as religiously or socially acceptable. For example, early forced marriage, marital sexual abuses across various tribes, marital battering and physical torture for disobedience, girl child genital mutilation, and physical and psychological torture associated with widowhood and inheritance.

It is no more doubtful that domestic violence constitutes violations of acceptable internationally human rights such as the right to life, prohibition of torture and inhuman or degrading treatment, right not to be discriminated against, freedom of

[4] Domestic violence London, available at >http://www.domesticviolencelondon.nhs.uk/1-what-is-domestic-violence-/1-definition.html< accessed 23 June 2016; see also Section 76 of UK Serious Crime Act 2015.

[5]C. J. Newton, 'Domestic violence: An overview' available at >http://www.aaets.org/article145.htm< accessed 23 June 2016.

[6]*Ibid*

[7] David Turner, 'Understanding human rights' (Review publication edited by Christopher McCrudden) (2015) 17 E. L. J. 364.

[8]HadizaIza Bazza, 'Domestic violence and women's rights in Nigeria' (2009) 4 Societies Without Borders 175.

expression and right to family and private life and, in some circumstances, it could constitute a criminal act.

In Africa, the normative provisions that protect these rights can be found in the African Charter on Human and Peoples' Rights; the African Charter on the Rights and Welfare of a Child; and the African Charter on the Rights of Women. Also, this ugly trend of human rights violation is also protected in the Nigerian domain by the 1999 Constitution of the Federal Republic of Nigeria; the Violence Against Persons (Prohibition) Act 2015; and, the Criminal and Justice Act of Nigeria 2015. Together and independently, they can be invoked to address various forms of domestic violence in Nigeria. Based on this preceding fact, the relevant monitoring and implementation bodies provided in these instruments such as the African Commission on Human and Peoples' Rights; the African Court on Human and Peoples' Rights; the African Committee on the Right and Welfare of the Child; and, all other relevant law enforcement agencies in Nigeria are saddled with monitoring State compliance with these instruments that prohibits domestic abuse of victims. While the Nigeria police force and other law enforcement agents are responsible for the arrest, prosecution and trial of offenders, the Nigeria judiciary ensures that the offenders are punished. All these bodies deal directly or indirectly with communications, reports, and cases.
It can be debated that the impact of the African Charter has been minimally felt in some African nations like Nigeria. Unfortunately, under Nigerian law, an international instrument, signed and ratified by Nigeria, cannot be enforced in a Nigerian court unless it has been domesticated by being re-enacted into domestic law.[9] Except for the African Charter on Human and Peoples' Rights which has been domesticated as chapter A9, Laws of the Federation of Nigeria, 2004,[10] the other regional human rights instruments have not been domesticated.

3.0 Domestic Violence vs Human Dignity

In all, there is a key issue when one considers domestic violence as a violation of human rights. Human dignity has been operating as a central organising principle of the international human rights law since 1948.[11]Dignity has played a crucial role in enabling differing human rights views to put aside the perceived ideological differences and focus on specific practices of human rights abuses that should be prohibited for everyone to believe that human rights are founded on human

[9] This principle is enunciated in *Fawehinmi V. Abacha* (2000) 6 NWLR (pt 660) 228; Eghosa Ekhator, 'The impact of the African charter on human and peoples' rights on demotic law: a case study of Nigeria' (2015) 41 (2) Commonwealth law bulletin 253.

[10]*Inspector General of Police V. All Nigeria Peoples Party and Others* (2007) 18 NWLR 469 at 500, paras B-C.

[11] Roberto Andorno, 'Human dignity and human rights' (2013) Handbook of Global Bioethics 45.

dignity.[12]Article 1 of the Universal Declaration of Human Rights (UDHR) provides that: 'all human beings are born free and equal in dignity and rights.'[13]Furthermore, both preambles to the International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESER)buttress the fact that human rights are derived from the dignity of the human person.[14]On the basis of the above instruments, the enjoyment of human rights has an underlying attribute for the protection of the human dignity.

Human dignity occupies a prominent position in the evolution of human rights. While analysing the term 'human dignity' as used by the U.S. Supreme Court and State courts around the globe, Neomi Rao agreed that courts have different conceptions of dignity which they base on how they balance individual rights with the demands of social policy and community values.[15]An examination of the concept shows that contemporary human rights law lack harmony as dictated from the radical difference in the understanding of diverse religious and cultural blocks, and governments on certain debates that border on human dignity.[16]Ariel Zylberman noted that human dignity has often served as a tool for both governments and religious bodies in the debates for justifying a position on controversial issues such as under-age marriage, gay rights, and abortion. It logically follows that human dignity has proved more difficult in generating a unanimity respect by all human family and governments across the globe.[17]

The human dignity debate would incubate raising questions that impede the essence of human rights goals and foundations such as: What kind of beings are we? How do we express our species of being? Are some beings more protected or given more advantage than others because of circumstances beyond their control such as birth, sex, family background, and nationality? Any disagreement on this concept promotes the awareness that some human beings may be denied their dignity and fundamental rights on circumstances and conditions by the sort of person they are.[18]This approach would lead to inconsistency as to the true meaning actualisation of the concept of human dignity.

[12]Christopher McCrudden, 'Human dignity and judicial interpretation of human rights' (2008) 19 E. J. I. L. 655.

[13] Universal Declaration of Human Rights.

[14] Jeremy Waldron, 'Is dignity the foundation of human rights?' (2013) New York University Public Law and Legal Theory Working Paper 374.

[15]Neomi Rao, 'Three concepts of dignity in constitutional law' (2011) 86 Notre Dame Law Review 183.

[16] Mark Movsesian, 'Of human rights' (2016) 19 Notre Dame Law Review 4.

[17] Ariel Zylberman, 'Human dignity' (2016) 11(4) Philosophy Compass 201.

[18] Jeremy Waldron, *Dignity, rank and rights* (Oxford university press, England, 2012) 58.

The fundamental objectives and directive principles of State policy of the 1999 Nigerian Constitutionprovide: 'the state shall protect, preserve and promote the Nigerian cultures which enhance human dignity and are consistent with the fundamental objectives as provided in this Chapter.'[19]Furthermore, the fundamental rights chapter of the same constitution provides thus: 'every individual is entitled to respect for the dignity of his person, and accordingly - (a) no person shall be subject to torture or inhuman or degrading treatment; (b) no person shall he held in slavery or servitude; and (c) no person shall be required to perform forced or compulsory labour'.[20]It is in a comparative supreme court case of*Attorney-General of Ondo State vs. Attorney-General of the Federation & 35 others*[21]that the held that the human rights section of the constitution imposes a solemn duty on all organs of government,and on private individuals as well.A judicial interpretation such as this mirror the burden on private individuals to respect the dignity of the human rights. Dignity enables the human family to engage in the activities that embody what we wish to become despites the nature of our birth and notwithstanding any incidents of lifestyle.[22]Commitment to human dignity is essential to avoid discrimination and domestic violence.

4.0 Domestic Violence as a Core Human Rights Concern

We have seen how the need to protect the dignity of the human family contributed to the development of human rights law. The background of human rights law is not complex. The relevant human rights provisions are not only those concerning the protection of the individual. Rather, every human rights provision is relevant as the directly or indirectly affect the dignity of the human family. The UDHR, technically non-binding but widely recognised and accepted as the foundational human rights instrument, invoked provisions that flaws domestic violence. This has invoked the inclusion and enactment of several of legal instruments against domestic violence.

As with the term 'domestic violence', the United Nations Convention on the Elimination of All Forms of Violence against Women (CEDAW)[23] makes no express provision on the prohibition of domestic violence except for the statement in the General Recommendation 19 of 1992[24] by CEDAW Committee. This CEDAW Committee thereupon interpreted CEDAW as prohibiting violence against women in

[19]Constitution of Federal Republic of Nigeria 1999 as amended Section 21 (a)

[20] *Ibid* Section 34 (1)

[21](2002)9 NWLR (pt 772)222 S.C., See especially the judgment of Uwaifo, J.S.C. at 381.

[22] Edwin Cameron, 'Dignity and disgrace- Moral citizenship and constitutional protection' In Hugh Corder, Veronica Federico, and Romano Orru (eds) *The quest for constitutionalism: South Africa since 1994*(Routledge, New York, 2016) 100.

[23] United Nations Convention on the Elimination of All forms of Violence against Women (CEDAW) 1979.

[24] CEDAW Committee, General Recommendation 19, UN Doc A/47/38 (1992), available at >http://hrlibrary.umn.edu//gencomm/generl19.htm< accessed 29 June 2016.

both the public and private context. The CEDAW Committee interpretation ignited a reasonable number of complaints from individuals relating to domestic violence against women taken under the Optional Protocol to CEDAW.[25]In 1979, Nigeria signed the Convention on the Elimination of Discrimination against Women (CEDAW) and later ratified the Convention without reservation in 1985.
In 1993, the United Nations General Assembly issued a Declaration on the Elimination of Violence against Women. Under this declaration, states are instructed to exercise due diligence to prevent acts of violence whether by a state authority or private persons against women.[26]

In comparison with the protection available in Europe, the Committee of Ministers of the Council of Europe adopted Recommendation (2002)5 on the Protection of Women against Violence. [27] This recommendation affirms that violence against women violates their enjoyment of human rights and fundamental freedoms and also their physical, psychological and sexual integrity which runs counter to the establishment of equality and peace and constitutes a major obstacle to citizens' security and democracy in Europe. However, to ensure strict compliance of this Recommendation by the Member States of the EU, a monitoring framework was established in 2005. A strong stance in the application of human rights provisions in Europe has been the European Court of Human Rights. Ronagh McQuigg noted that the European Court of Human Rights has built up a substantial body of jurisprudence on cases relating to domestic violence through which it has established the principle that domestic violence falls within the ambit of Article 3 and 14 of the ECHR. He further argued that the fundamental cause of domestic violence rest in the obvious inequalities within the society.[28]

The famous African Charter on Human and Peoples' Rights as the primary human rights instrument in Africa also protect rights that lead to domestic violence. The Charter promotes an array of human rights such as civil and political rights, socio-economic and cultural rights, and group and collective rights. Interestingly, the African Charter does not contain any derogation provision as visibly provided for in some international and regional human rights treaties.[29]Reaffirming the commitment

[25] Optional Protocol to CEDAW 1999.
[26] Declaration on the Elimination of Violence against Women, UN General Resolution 48/104, available at >http://www.un.org/documents/ga/res/48/a48r104.htm< accessed 29 June 2016.
[27]Recommendation (2002)5 available at >http://www.coe.int/t/dghl/standardsetting/victims/rec_2002_5E.pdf< accessed 10 June 2016.
[28]Ronagh McQuigg, 'Domestic violence as a human rights issue *Rumor V Italy*' (2015) 26 E. J. I. L. 1009 .
[29] See generally article 4 of ICCPR and article 15 of ECHR.

of this provision, the African Commission on *Media Rights Agenda V. Nigeria*[30] posited that the absence of such derogatory clause in the African Charter signifies that no such limitations on the rights provided for in the Charter shall be justified by any emergencies or special circumstances.[31]

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa defined violence against women as encompassing all acts perpetrated against women which cause or could cause them physical, sexual, psychological, and economic harm, including the threat to take such acts.[32]Women are more at risk from domestic violence than men in Africa, and more especially in Nigeria because of the differential access to power, control of material resources, prestige, and denial of freedom to obtain knowledge.[33]

The OAU (now AU) further drafted the African Charter on the Right and Welfare of the Child to provide special rights for the child. Defining a child as every human being below the age of 18 years,[34] the Charter explicitly prohibited any form of child labour,[35] child abuse, and torture.[36]The charter mandates state parties to take specific legislative, administrative, social and educational measures to protect the child from inhuman or degrading treatment and especially physical or mental abuse or injury, neglect or maltreatment including sexual abuse.[37]Further provisions in the charter include state parties' responsibilities to take appropriate measures to eliminate harmful social and cultural practices that affect the welfare, dignity, normal growth and development of the child, and also prohibit child marriage and betrothal of persons less than 18 years.[38]

Taking closer look at the Nigerian human rights instruments, the 1999 constitution outlaws several acts that may constitute domestic violence. These acts constitute a

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[30] Media Rights Agenda V. Nigeria, Communication No. 222/98, available at >http://www.achpr.org/files/sessions/28th/comunications/224.98/achpr28_224_98_eng.pdf< accessed 06 May, 2016.

[31] Ibid; see also *Sudan Human Rights Organisation and Centre on Housing Rights and Evictions V. Sudan*, Communication No. 279/03-296/05, available at >http://www.achpr.org/files/sessions/45th/comunications/279.03-296.05/achpr45_279.03_296.05_eng.pdf< accessed 06 May, 2016.

[32] Article 1 (b.)

[33]HadizaIzaBazza, 'Domestic violence and women's rights in Nigeria' (2009) 4 Societies without borders 175.

[34] Article 2 of the Charter.

[35]*Ibid* Article 15 .

[36]*Ibid* Article 16 .

[37]*Ibid* Article 16 (1).

[38]*Ibid* Article 21

violation of human rights such as the right to expression,[39] the right to association,[40] the right to life[41], the right to dignity of the person,[42] and right not to be discriminated against. As we have seen, domestic violence against persons constitutes a clear violation of internationally accepted human rights norms and some of the fundamental rights provided in the Nigerian constitution.

5.0 Domestic Violence in Nigeria

Domestic violence has become a phenomenon in many societies across Nigeria. It has been part of the fabrics of many cultures making up the Nigerian community. Although it is a commonplace that majority of the practices of domestic violations go unnoticed, the effect of such continuous devastating practices to victims call is an issue to be worried about.

The numerous headlines on the front pages of various national newspaper dailies is a clear indication that domestic violence is on the increase in Nigeria.[43]The statistics about domestic violence in Nigeria is daunting. For example: 'Husband kills wife,' 'wife stabs husband,' 'neighbour stabs neighbour,' a woman kills maid,' 'man baths girlfriend with acid,' 'man stabbed to death by angry wife,' are a few of the headlines culled from different newspapers in 2016 alone.[44]Taken literally, such headlines are the beginning of endless stories of pain and sorrow of these victims whose physical, psychological and emotional wellbeing are shattered.

It hardly needs saying that every human has human rights protected by both international and domestic law. This domestic violence issue, are dealt with not only by human rights instruments in Nigeria but by its Criminal Law Code and Penal Code. The pertinent question is why the alarming increase of domestic violence in Nigeria. Funmilola Alokan identified different theories as to the causes of domestic violence to include jealousy, social learning, psychological, social stress, power and

[39] 1999 Constitution*op. cit*. Section 39

[40]*Ibid* Section 40

[41]*Ibid* Section 33

[42] *Ibid* Section 34

[43]This day newspaper, 'The menace of domestic violence, May 6, 2016, available at >http://www.thisdaylive.com/index.php/2016/05/06/the-menace-of-domestic-violence/< accessed 29 June 2016; Daily Times Newspaper, 'Increasing domestic violence in Nigeria' 2 June 2016, available at >http://dailytimes.ng/increasing-domestic-violence-nigeria/<accessed 29 June 2016: The Guardian Newspaper, 'Why domestic violence is on the rise' 13 February 2016, available at >http://guardian.ng/guardian-woman/why-domestic-violence-is-on-the-rise/< accessed 29 June 2016; Punch Newspaper, 'Religion, culture and the plague of domestic violence' 12 May 2016, available at >http://punchng.com/religion-culture-plague-domestic-violence/< accessed 29 June 2016.

[44] Ibid; cases of domestic violence in Nigeria, available at >http://nigeriavillagesquare.com/forum/lounge/78599-cases-domestic-violence-nigeria.html< accessed 18 August 2016

control.[45]The evaluation of the above causes' theory is however advanced, cannot be considered essential to deter the promotion of the rights and prosecution of abusers.
M. Shija noted that no fewer than 300 women are killed yearly by their husbands, partners, boyfriends, male relations or acquaintances in Nigeria with most often covered up as family matters without anyone being prosecuted.[46] The inherent philosophy of silence by the victims of domestic violence promotes such demeaning and inhuman practices. According to a UNICEF analysis of violence conducted in Nigeria, the following findings revealed that the existing types of violence against children are physical, psychological, sexual, gender and health based violence. Breaking it down further, it equally includes physical violence (85%) and psychological violence (50%), gender–based violence (5%), sexual violence (4%) and health-related violence (1%).[47]

What is worrisome is that the cultural acceptance of some forms of domestic violence makes some Nigerians not to consider it a violation of rights or even a crime. The reality is that the act has received little attention due to cultural, legal, and misinterpreted religious endorsements on it[48]even when it is not in doubt that some of these beliefs and practices are repugnant to natural justice, equity, and good conscience. Sadly, some of the few cases that make it to court in Nigeria are usually stagnant, influenced or thrown out. For instance, the death of one of the wives of a traditional king of Akure which was caused by physical and bodily injuries inflicted by the traditional king himself in 2010, instead of full criminal prosecution of the monarch, the court in 2012 dismissed the case and dethroned the monarch.[49]

6.0 Domestic Violence and Concept of Criminal Responsibility in Nigeria
As you will know, the concept of criminal responsibly will not apply in Nigeria if the act or omission of such act is not embedded in any written law in Nigeria, if the person committing the act is below a certain age,[50] and if such person lacks the

[45]Funmilola Alokan, 'Domestic violence against women: A family menace' (2013) Conference paper presented at 1st Annual Interdisciplinary Conference, Portugal.
[46] M. T. Shija, 'Domestic violence and its impact on women's rights', (2004) Paper presented at a Consultative Forum of stakeholders to discuss the Domestic Violence Draft Bill in Benue State - Nigeria.
[47]Unicef, *Assessment of violence against children at the basic education in Nigeria* (2007) available at >http://www.unicef.org/nigeria/ng_publications_Violence_reportOAU.pdf< accessed 30 June 2016
[48]Adetunji Olujide, 'Violence and cruelty against Nigerian women in the context of John 7:53-8:7' (2015) Journal of social sciences and humanities 283.
[49] Premium Times Newspaper, 'Court dismisses suit filed by fighting, dethroned monarch, Deji of Akure' December 2, 2012, available at >http://www.premiumtimesng.com/regional/ssouth-west/109549-court-dismisses-suit-filed-by-fighting-dethroned-monarch-deji-of-akure.html< accessed 30 June 2016
[50] The age of seven and twelve

capacity to know that he ought not to do the act or make the omission.[51]To be criminally responsible, a person must have a mental knowledge of his action.

The Nigeria Criminal Code Act of 1990 specifies that: 'any person who unlawfully and indecently assaults any male person is guilty of a felony and is liable to imprisonment for three years'.[52] Further, the same Act provides: 'any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour and is liable to imprisonment for two years.'[53]Also, the 2015 Violence Against Persons Act with its objective to eliminate violence in private and public life, provided for maximum protection and remedies for victims of abuse. This recent legislative framework prohibits and further criminalises the act of rape,[54] genital mutilation,[55] emotional, verbal or psychological abuse,[56] harmful widowhood practices,[57] battery and harmful traditional practices.[58]

Though the drafters of the Violence Against Persons Act did not define domestic violence, some other significant provisions of this Act is the expansion of the most aggravated form of sexual violence, rape, to cover penetration of the vagina, anus or mouth of another person, be it male or female.[59]This vast meaning of rape protects males as against the usual protection of only females in rape cases. Other perceive acts of domestic violence protected by the Act include inflicting physical injuries on a person; willfully placing a person in fear of physical injury; female circumcision or genital mutilation; forceful ejection from home; depriving a person of his/her liberty; forceful isolation or separation from family; emotional, verbal or psychological abuse;spousal battery; harmful traditional practices;intimidation; attack with harmful substance, and incest. This Act makes it legally possible to hold abusers criminally responsible for their acts whereas victims can seek for remedies therein contained.

Notwithstanding the good intentions of the provisions of the legal instruments which abhor acts that constitute domestic violence, some provisions of the Penal Code applicable in the Northern Nigeria specifically encourages domestic violence such as the beating of a wife for the purpose of correction.[60]This appears to be a uniquely peculiar phenomenon with the culture (religion) of the vast populace of the Northern

[51]Section 28, 29 of the criminal Code Act ,
[52]*Ibid* Section 353
[53]Nigeria Criminal Code Act.*Op.cit* Section 354
[54] Section 1 of the Violence against Persons Act 2015.
[55] *Ibid* Section 6
[56]*Ibid* Section 14
[57]*Ibid* Section 15
[58]*Ibid* section 20
[59]*Ibid* Section 1
[60]Section 55 (1) (d) of the Penal Code.

part of Nigeria which is admixed with a degree of dominance and subordination. In this manner, cultural practices dominate the relevance and priorities of people and may stir sentiments.

7.0 Conclusion

The challenge of implementation remains the core hindrance to tackling domestic violence menace. If the law enforcement agents and the Nigeria criminal justice system does not re-strategized in a socially desirable manner to brace up with peculiar problems related to domestic violence, it will remain a story that never ends. The courts in Nigeria must adopt a substantial positive level of creativity to expand the Nigeria legal jurisprudence.

The paper discusses domestic violence challenges in Nigeria, a tiny but explosive subset of human rights and criminal law concerns that Nigerians ignore from time to time. Therefore, there is an urgent need for a rigorous awareness campaign of these laws to the large ignorant population of the Nigerian society. One would agree that the problem does not solely rest on the application of these laws, it is more problematic when sentiments with religious or cultural connotationare applied because victims are unaware of the remedies available to them.Such punishments and remedies are readily available in the form of fine and imprisonment against the abuser, and appropriate compensation to the victim as the court may deem fit.