

ASCERTAINING THE CHALLENGES IN THE ENFORCEMENT OF THE ABUSE OF WOMEN'S RIGHTS IN NIGERIA*

Abstract

The abuse of women's right entails all forms of discriminations and relegation that women face in spite of being entitled to all categories of human rights. Achieving equality between women and men requires a comprehensive understanding of the ways in which women experience discrimination and are denied equality so as to develop appropriate strategies to eliminate such discrimination. As the saying goes "women's rights are human rights", yet almost everywhere around the world women and girls are still denied their rights because of their gender. These abuses which are manifested in physical, economic, psychological and sexual form, is a sensitive issue anchored in inequality of rights in the society. Although Nigeria has legislations combating these abuses, they are often not respected in practice. Moreover, there is also the matter of the extant laws and customs which is often exhibited in cultural and patriarchal antecedent of the Nigerian society. The aim of this paper is to analyze ineptly the different forms of abuse, the underlying factors responsible for women's rights infringement, the lack of enforcement of the laws protecting women from being the object of abuse and identifying the impediments restricting the enforcement of such rights. The findings of this study revealed the seemingly absence of political will to guarantee protection of these rights, this also presents formidable obstacles to joining the world wide movement towards interdependence and interrelatedness of women's rights. This paper recommends that the increased representation of women within the police and the judicial system as well as mainstreaming gender within the judiciary can also improve their responsiveness to gender issues and make it easier for women to seek assistance or report their cases.

Keywords: Human Rights, Women's Right, Abuse, Enforcement

1. Introduction

Women's rights are fundamental human rights that were enshrined by the United Nations for every human being on the planet. These rights include the right to live free from violence, slavery, discrimination, to be educated, to own property, to political participation, health, dignity and to earn fair and equal wage.¹ The United Nations has a long history of addressing women's human rights and much progress has been made in securing women's rights across the world in recent decades. However, important gaps remain and women's realities are constantly changing, with new manifestations of discrimination against them regularly emerging. Some groups of women face additional forms of discrimination based on their age, ethnicity, nationality, religion, health status, marital status, education, disability and socio economic status, among other grounds. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women. These intersecting forms of discrimination must be taken into account when developing measures and responses to combat discrimination against women. In spite of the efforts to engender human rights in human history, the status of women and slavery remain precarious in the development of human rights. Fundamental human rights, such as respect for dignity of persons, property rights, rights to vote and be voted for are all denied women even in the advanced societies.

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¹ United Nations Centre for Social Development and Humanitarian Affairs (UNCSDHA), Strategies of Confronting Domestic Violence; A Resource Manual, (New York: United Nations Press (1993), p 73.

2. Meaning and Concept of Abuse

While the definition of abuse is simple, the meaning of abuse isn't so clear. Abuse is defined as any action that intentionally harms or injures another person. Someone who purposefully harms another in any way is committing abuse. Yes, abuse is when one person purposefully hurts another, but that is a common occurrence in life and most of us are guilty of engaging in that from time to time.² In the most general sense, the term 'abuse' describes a particular type of relationship between two things. The United Nations defines the term as "An act of gender based violence that result in or is likely to result in physical, social or psychological harm or suffering to women including threats of acts, coercion or public or private."³ Abusive actions one person makes towards another are generally intended to control the victim, or to make the victim submit to the power of that abuser. Such actions are abusive, because it is against the notion of equality of human worth to say that one person should be able to control another against the victim's will.

Abuse of rights refers to the concept that the malicious or antisocial exercise of otherwise legitimate rights can give rise to civil liability.⁴ In general terms, the doctrine of abuse of rights provides that 'fault' in the delictual sense.⁵ It may be imposed upon a party who has exercised a right in a manner that has caused injury to another. At least one of four conditions is required to invoke the doctrine: (1) the predominant motive for exercising the right is to cause harm; (2) no serious or legitimate motive exists for exercising the right; (3) the exercise of the right is against moral rules, good faith, or elementary fairness; or (4) the right is exercised for a purpose other than that for which it was granted.

Unfortunately, many types of abuse are all too common in adult relationships.⁶ Forms of abuse often are seen in domestic partnerships but abuse is also common between elders and their adult children. No matter the age, gender, socio-economic status, education or ethnicity, anyone can become a victim of abuse.⁷ There are many kinds of abuse encountered by adults, including: physical abuse, psychological abuse, rape, sexual assault, verbal abuse, elder abuse, financial abuse, spiritual abuse, emotional abuse.

However, the underlying factors responsible for women's rights infringement include the following – inherent discrimination- women do not enjoy equality with men in the society, Unequal access of women and girls to education, harmful traditional practices, inadequate access to economic resources, unequal access to political participation, various forms of violence experienced specifically by women and girls (SGBV) amongst others.

² N Tracy, What is Abuse? Abuse Definition, Healthy Place. (2021, December 17). Retrieved on Oct 4th 2022, from <https://www.healthyplace.com/abuse/abuse-information/what-is-abuse-abuse-definition>

³ United Nations Centre for Social Development and Humanitarian Affairs (UNCSDHA), Strategies of Confronting Domestic Violence; A Resource Manual, (New York: United Nations Press (1993), p 73.

⁴ A noted French critic of this terminology, wrote, "[t]his new doctrine is based entirely on language insufficiently studied; its formula 'abusive use of rights' is a logomachy, for if I use my right, my act is licit; and when it is illicit it is because I exceed my right and act without right, injuria..."² Marcel Planiol, Treatise on The Civil law 871 (La. St. L. Inst. trans. 1959) (1939). He preferred the term "abusive acts." Id. at 872.

⁵ US Legal 'Abuse of Rights', <https://definitions.uslegal.com/a/abuse-of-rights>. Retrieved 04th October 2022.

⁶ Lucia, 'Women against Abuse: Types of Abuse' <https://www.womenagainstabuse.org/education-resources/learn-about-abuse/types-of-domestic-violence>. Retrieved 16th October 2022.

⁷ N Tracy, 'Types of Abuse: What are the Different Forms of Abuse?' by *Healthy Place (17th December 2021)*. from <https://www.healthyplace.com/abuse/abuse-information/types-of-abuse-what-are-the-different-forms-of-abuse>. Retrieved 04th October 2022.

3. Various Forms of Abuse of Women's Rights

In Nigeria, women continue to be discriminated against in virtually all aspects of life, particularly in the exercise of political power, seeking redress through the legal system, finding jobs with adequate remuneration, establishing property rights, access to education, exercising reproductive rights, discrimination against women rights in family property inheritance, domestic violence, traditional practices that inflict pain on women are still rampant.

3.1 Abuse of Widowhood rights

Widows face maltreatment that includes domestic violence, sexual assault, forced marriage, trafficking, property grabbing, conversion of property, forced evictions, as well as discrimination against women in regard to marriage, its dissolution and divorce, property and land rights, children and inheritance. Legislation should broadly define discrimination against women as “any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”⁸

Legislation should also recognize that widows are entitled to freedom of movement, to access to social, educational or health services, to choose her residence, diet, attire and lifestyle, as well as equality with men in terms of citizenship.⁹ In many cultures, widowhood in women is considered a stigma, and widows as inauspicious. The Onitsha native law and custom postulates that a married woman, on the death of her husband without a male issue, with the concurrence of her husband's family may deal with the deceased property. Her dealings must receive the consent of the family. The consent may be actual or implied from the circumstances of the case, but she cannot assume ownership of the property or alienate it. She cannot by effluxion of time claim the property to be her own. If the family does not give her consent, she cannot deal with the property.

Whereas in some other cultures, the widow is not allowed to see the corpse of her husband or eat the food cooked for the burial rites of her husband. Many have diverse beliefs that the rites as passed down from generation to assist with the movement of the husband's spirits and protect the living from further harm. As painful as it is, these obnoxious practices are perpetrated on the widow by women called 'Umuada' which are daughters of the deceased immediate and extended families married to other families.¹⁰

3.2 Abuse of Inheritance Rights

Property rights are rights to own or possess something and to be able to dispose of it as one chooses. It is synonymous with exclusive right to ownership. The property rights give the owner or right owner the ability to do with the property whatever he wishes to do with it.

Across Nigeria by custom and religion, women are treated and perceived to be lesser than men, by men and even some women themselves. Women and girls are often treated as mere articles, property and tools for satisfaction of men. Hence, women are expected to have no dreams, vision and even religion, because they will be only what their fathers/husbands declare them to be or permit them to do; present day slavery. Obviously, one who is treated as a property cannot own a property, hence this is basis,

⁸ See Article 1 Convention on the Elimination of All Forms of Discrimination against Women.

⁹ See Article 4 Model Charter for the Rights of Widows.

¹⁰ M O Nwogu, 'The legal anatomy of cultural widowhood practices in southern eastern Nigeria: The need for a panacea'. *Global Journal of Politics and Law Research* (2015) Vol 3. NO 1. pp 79-90 www.eajournals.org

most women, wives, widows and girls are denied inheritance by tradition and religion. Women's property rights are property and inheritance rights enjoyed by women. The property may be hereditary/ancestral, self-acquired land, developed house or matrimonial property. Most customary laws in Nigeria are patriarchal, and as a patriarchal society, properties are vested in the name of the male. Customary laws of several communities impose conditions that make women's access to land only through male relations. More often, women are even regarded as property and therefore cannot own property themselves.

In Igboland, a woman married under the customary law can only inherit her husband's estate if the husband made a valid will and the property is not family property. However, her male children can inherit the man's property where he dies intestate. If, however, the woman is childless or has only female children, then neither she nor her children can inherit anything at all. This principle was illustrated in the case of *Nezianya v Okagbue*¹¹ where the court held by native law and custom, possession of land by the widow can never be adverse to the rights of her husband's family so as to enable her acquire an absolute right to possession of it against the husband's family. This being so the plaintiff could not acquire any rights to the land through the widow.

3.3 Abuse of the Sexual and Reproductive Rights of Women

Women and girls worldwide face a wide range of violations to their sexual and reproductive rights, such as lack of access to contraception and safe abortion, female genital mutilation (FGM), and sexual violence. Moreover, when accessing sexual and reproductive healthcare services women and girls encounter low-quality, often negligent and abusive care and treatment. These human rights violations often involve tremendous physical and psychological pain and arguably rise to the level of torture or cruel, inhuman, or degrading treatment, but historically they have not been recognized as such.

Section 221 of the Criminal Code, which deals with defilement of girls less than 16 years, stipulates that a person cannot be convicted of the offence of unlawful carnal knowledge of a girl being of or above thirteen years and under sixteen years of age; or knowing a woman or girl to be an idiot or imbecile, has or attempts to have unlawful carnal knowledge of her, upon the uncorroborated testimony of one witness. The Criminal Code discriminates against women on the issue of punishment against personal assaults. If you assault a man, it is a felony (serious offense). If you assault a woman, it is a misdemeanor (less serious offense). Section 353 of the Criminal Code provides that 'Any person who unlawfully and indecently assaults any male person is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant.' Conversely, Section 360 provides that 'Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanor, and is liable to imprisonment for two years.'

3.4 Abuse of right to Education

One of the most significant tools to empower girls within their family and community is education. Education is recognized as a fundamental human right. Gender inequality in education however remains a huge concern. Despite several national and international legal instruments many girls still face challenges preventing them from access to education. This article focuses on the theme of girls' education in Nigeria: the challenges and importance thereof. Education is a tool for girls and women to claim their rights, helps to realize potential in economic, political and social aspects, and is the most

¹¹ *Nezianya v Okagbue* (1963) JELR 41066 (SC).

powerful way to raise people out of poverty.¹² For the girl child, it is one of the first steps in participating in society and freeing herself from economic exploitation and patriarchal oppression.¹³

Education is an instrument that is capable of correcting inequality in any society. The exclusion of girls from education denies them the opportunity to develop their potential and to play a crucial role in their families, country and the world at large. Providing more education for girls will increase the involvement of women in the political process and further the spread of information on several health threats including female circumcision, early pregnancy and sexually transmitted diseases.¹⁴ Educated girls may also result in a decrease of infant and maternal mortality, domestic and sexual violence and child marriages. In order to achieve more gender equity within its education system, Nigeria has established several policies in the past few years. However, many of these policies have not been able to achieve the desired results. To ensure the elimination of gender inequality, traditional practices which create such disparities, should be discouraged at all education levels. The government should support girls' education by providing financial aid through scholarships as well as establishing a quota system to ensure equal admission of boys and girls. Although legislation concerning child marriage exists, its enforcement should be improved to ensure the rights and safety of the girl child.

4. Abuse of Women's Rights in Nigeria

While the Nigerian Constitution provides for gender equality and nondiscrimination, women continue to suffer injustices and marginalization.¹⁵ This is often as a result of discriminatory laws, religious and cultural norms, gender stereotypes, low levels of education, and the disproportionate effect of poverty on women.

In Nigeria, an average of 300–350 women are killed every year by their husbands, former partners, boyfriends, or male relations. Most times the incidences are considered family feuds, which should be treated within the family. Most police refuse to intervene and advice the victims to go back home and settle "family matters".¹⁶

Domestic violence affects women in Nigeria irrespective of age, class, educational level and place of residence. Nigerian law and custom categorizes a woman as an object who is not quite human. Gender-based violence is perhaps one of the most terrifying illustrations of inequality between male and female. Women are more at risk from violence than men in all sectors of the society. This is because of the differential access to prestige, power, control of materials resources, freedom to obtain knowledge and other basic needs of life among the gender. Violence against women is entrenched in the family, institutionalized by the social structure and driven by patriarchal arrangement, or class/gender

¹² U Aja-Okorie, 'Women Education in Nigeria: Problems and Implications for Family Role and Stability' (2013) 9(28) *European Scientific Journal* <<https://ejournal.org/index.php/esj/article/view/1897>> accessed 10th October 2022.

¹³ C Velez, 'Nigeria: Women's Education and the Role of Patriarchy', University of San Francisco (2018) <<https://www.researchgate.net/publication/327034649NigeriaWomen'sEducationandtheRoleofPatriarchy>> accessed 10th October 2022.

¹⁴ 'Educating Girls: A Central Key To Nigeria's Development' (*Women2*, 4 March 2019) <<https://women2.com/2019/03/04/educatinggirlscentraltonigeriasdevelopment/>> accessed 10th October 2022.

¹⁵ N O Odiaka, 'The Concept of Gender Justice and Women's Rights in Nigeria: Addressing the Missing Link', *Afe Babalola University: Journal of Sustainable Development Law and Policy*, (2013) Vol. 2 Iss. 1 pp. 190-205.

¹⁶ M T Shija, 'Domestic Violence and its Impact on Women's rights', Paper presented at a consultative Forum of stakeholders to discuss the Domestic Violence Draft Bill in Benue State – Nigeria, (2004) p 23.

stratification.¹⁷ The family which has been regarded as the ideal basic unit of the society where there is support, love, understanding and care, has turned out to be and can be the most oppressive institution for serious violence, hostility and conflicts. Women rights are therefore the rights that pertain to women as special creatures, with specific characteristics. Some of these women rights include, the family inheritance, right to procreation, right not to be raped or battered, right to associate freely and express themselves. In the UDHR all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in the spirit of brotherhood. Fourteen distinct rights are guaranteed under article 2 of the UDHR.¹⁸ They include, the right to life, liberty and security of person, from slavery and servitude, freedom from torture or cruel, inhuman or degrading treatment or punishment, equality before the law, right not be subjected to arbitrary arrest, detention or exile, freedom of movement and residence, nationality, the right to marriage and found a family, freedom of thought, conscience and religion, peaceful assembly and association, freedom to work and be educated.

Yet, the law still ignores the gravity of the problem.¹⁹ Domestic violence constitutes a violation of women's human rights. It contravenes the fundamental rights provisions contained in the constitution: for instance, the right to life and all the basic civil and political freedoms including freedom of association, assembly, expression and worship and freedom from discrimination.²⁰

5. Causes of the Abuses of Rights of Women in Nigeria

Gender inequality is a social problem to the female gender and in many countries, it remains enshrined in their laws.²¹ The lives of women in the traditional African society is not any better than their western counterparts. Women in Africa are subjected to unequal treatment and are denied access or unequal access to economic opportunities, status, power and privileges in society.²² The inequality women face in Africa and indeed Nigeria is exacerbated by many factors such as the various cultures found among the many ethnic groups that exist, social practices, patriarchy and religion.

a) Culture:

The Nigerian cultural system has designed and organized the society based on gender which prescribes that men are heads of families and women are subordinate to them and must respect and obey their leadership. Roles and responsibilities have been created based on this division with men responsible for the financial upkeep of the family and women for taking care of the children and domestic work. When individuals deviate from these societal ascribed roles, culture is used as an instrument to subjugate, intimidate and ensure compliance.²³ Cultural practices such as male gender preference and early marriages encourage and enhance the discrimination of women while denial of inheritance rights impact on their economic opportunities. Cultural myths about violence, gender

¹⁷ R E Dobash and R P Dobash, *Violence against Wives: A Case against Patriarchy* (1979); In V B Haselt, et al., (eds). *Handbook of Family Violence*. New York: Plenum Press (1988); M O Odey, 2005, 'Violence against women in Nigeria: A causal analysis of domestic violence'. (2005); O O Okpe, 'Culture and the gender question in Nigeria', *Makurdi journal of arts and Culture* 2002 3, 110–115.

¹⁸ Universal Declaration of Human Rights (hereinafter known as UDHR) 1948.

¹⁹ O Nwankwo, *Female Genital Mutilation*. IRDOC Publication Education series No. 15 Enugu. Fourth Dimension Pub. Co. Ltd., 2002, p 1-15.

²⁰ The Constitution of the Federal Republic of Nigeria 1999.

²¹ S Fredman, 'Anti-discrimination Laws and Work in the Developing World: A Thematic Overview', Background paper for the World Development Report.

²² A G Kangiwa 'Gender discrimination and feminism in Nigeria', *International Journal of Economics, Commerce and Management*, (2015) 3(7): 752–768.

²³ R Uchem, *Overcoming Women's Subordination in the Igbo African Culture and in the Catholic Church: Envisioning an Inclusive Theology with Reference to Women*. (Irvine, CA: Universal Publishers).

scripts and roles, sexual scripts and roles, and male entitlements are represented at the individual level as attitudes and gender schemas. Culturally sanctioned beliefs about the rights and privileges of husbands have historically legitimized a man's domination over his wife and warranted his use of violence to control her. Sexually aggressive men more strongly endorse a set of attitudes that are supportive of rape than do nonaggressive men, including myths about rape and the use of interpersonal violence as a strategy for resolving conflict.²⁴ Beliefs and myths about rape may serve as rationalizations for those who commit violent acts. For example, incarcerated rapists often rationalize that their victim either desired or deserved to experience forced sexual acts.

b) Patriarchy:

This is another factor that exacerbates the inequality of the female gender in Nigeria. Nigeria operates a patriarchal system of stratification that ascribes power to men as heads and leaders in society and families. It provides material advantages to men in terms of inheritance rights and ownership of land thereby economically empowering a man and deprives women resources making them economically dependent on men.²⁵ Makama argues that gender differentials in inheritance rights and legal adulthood sets the framework for structural gender inequality in families and society where men are trained for leadership activities and women are constrained to domestic activities which affect their self-worth and confidence later in their adult life and career. Patriarchal system normalizes the fact that men are leaders in the homes and society and therefore there is a tendency that anywhere a man is seen in a position of power and leadership, it will be viewed as normal while the opposite will be an anomaly.

c) Religion:

In addition to culture and patriarchy, religion is another factor that impacts on inequality women face in Nigeria. The predominant religions in Nigeria hold that God created men leaders in families and society and as a result, women are expected to be subordinate and submit to their leadership. Individuals are indoctrinated with these religious views through socialization and education to accept them as natural and a divine order from God. Boys are therefore raised to believe that God has ordained them to be heads in their homes and girls are raised and trained to be good and virtuous wives and to learn to submit to their husbands. Religion was found to be a major factor in defining the responsibility of men and the association of men to leadership.²⁶

Due to this dominance of religion in an African's life, it has been used as an effective tool for subordination of women. The predominant religions in Nigeria hold that God created men leaders in families and society and as a result, women are expected to be subordinate and submit to their leadership.

d) Psychopathology and Personality Traits:

A number of studies have found a high incidence of psychopathology and personality disorders, most frequently antisocial personality disorder, borderline personality organization, or posttraumatic stress syndrome, among men who assault their wives.²⁷ A wide variety of psychiatric

²⁴ N M Malamuth, R J Sockloskie, MP Koss & JS Tanaka 'Characteristics of aggressors against women: Testing a model using a national sample of college students'. *Journal of Consulting and Clinical Psychology*, (1991). 59(5), 670–681. <https://doi.org/10.1037/0022-006X.59.5.670>

²⁵ G A Makama, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward', *European Scientific Journal* 9(17): 115–144.

²⁶ Christian Aid 'Masculinity and Religion in Nigeria: Findings from Qualitative Research'. Part of the Land march Research Report. (2015).

²⁷ L K Hamberger & JE Hastings 'Personality correlates of men who abuse their partners: A cross-validation study'. *Journal of Family Violence*, 1(4), 323–341. <https://doi.org/10.1007/BF00978276>.

and personality disorders have also been diagnosed among sexual offenders, most frequently some type of antisocial personality disorder.²⁸

6. Consequences of the Abuse on Women

Violence against women and girls has important health and wellbeing consequences. It has recently drawn attention as a leading cause of preventable morbidity and mortality. In the past two decades' research has begun to document the grave repercussions of violence on the health of abused women, and that of their children. Many studies conducted worldwide now show that abused women and their dependents have significantly worse physical and mental health than non-abused women.²⁹ Because of the health burden of violence, these findings have expanded the focus beyond a human rights perspective to include a public health approach.

A single incident of physical or sexual violence can have both immediate and long-term physical as well as psychological health consequences. It also explains that when a woman experiences chronic physical, sexual, or psychological abuse that violence becomes increasingly likely to have long-lasting impact on her health even after the abuse or relationship has ended.³⁰ The long-term health consequences of abuse are well documented and vary by the form and severity of abuse, and by exposure to multiple types of abuse (physical, sexual, psychological) that co-occur and recur across the lifespan. In extreme cases this violence can lead to severe disability or even death, but even in less severe cases violence impacts on the everyday lives of women. Some of the consequences are:

- i. **Physical Health Consequences:** Injuries arising from physical abuse are the most obvious health impact of violence. The injuries sustained may be up to an extent of being extremely serious and may require medical treatment ranging from minor bruises, welts, burns, cuts, wounds, swelling, contusions, and fractures to spleen or liver trauma and chronic disabilities. Often the women also have tufts of hair pulled out, split ear drums, black eyes, broken noses and fractures of the jaw.³¹ *Plichta* found that facial injuries were sustained by 81 per cent and abuse injuries by 94 per cent of women. Another direct health impact of violence with severe long-term consequences is traumatic brain injury.³² *Banks* reviewed the link between traumatic brain injury (e.g. concussions) and partner violence and reported that abuse victims can often suffer repeated 'mild' brain injury that can have a lifelong impact.³³ Potential consequences of traumatic brain injury include sleep

²⁸ R A Knight & R A Prentky, 'Classifying Sexual Offenders'. In WL Marshall, DL Laws, & HE Barbaree (Eds.), *Handbook of Sexual Assault* (1990) (pp. 23-52). Berlin: Springer. https://doi.org/10.1007/978-1-4899-0915-2_3

²⁹ L Heise, J Pitanguy & A Germain, 'Violence Against Women: the hidden health burden', Retrieved from <http://documents.worldbank.org/curated/en/1994/07/442273/violence-against-women-hiddenhealth-burden> on 14.09.14; L Heise, M Ellsberg & M Gottemoeller, *Ending Violence Against Women*, Retrieved from http://www.vawnet.org/sexualviolence/summary.php?doc_id=272&find_type=web_desc_GC; C García-Moreno, H Jansen, L Heise & C Watts, *WHO Multi-country Study on Women's Health and Domestic Violence Against Women*, Retrieved from http://www.who.int/gender/violence/who_multicountry_study/en/WHO (2005), 'Integrating poverty and gender into health programmes: a sourcebook for health professionals'. Module on gender-based violence', Retrieved from http://www.wpro.who.int/publications/PUB_9290611944/en/ on 08.10.14.

³⁰ Center for Research on Violence against Women, 'What are the most significant long-term health consequences of chronic sexual or physical violence?' Top Ten Things Advocates Need to Know. Retrieved from https://opsvaw.as.uky.edu/sites/default/files/06_Health_Issues.pdf Retrieved 26th November 2022.

³¹ M Eliasson, 'Men's violence against women', Stockholm: Natur & Kultur, 1997.

³² S B Plichta, 'Intimate Partner Violence and Physical Health Consequences: Policy and Practice Implications'. *Journal of Interpersonal Violence*, Vol.19, No.11, 2004, pp. 1296-1323.

³³ M E Banks, 'Overlooked but Critical: Traumatic brain injury as a consequence of interpersonal violence'. *Trauma, Violence, & Abuse*, Vol.8, No.3, 2007, pp. 290-298.

disturbances, headaches, dizziness, depression, irritability and anxiety, changes in social or sexual behaviour, speech problems, cognitive impairment, and memory issues.³⁴ In addition to specific associations between violence and longer-term illnesses, there is evidence that abused women remain less healthy over time.³⁵ It has been suggested that abused women's increased vulnerability to illness may partly be due to lowered immunity because of stress resulting from the abuse.³⁶

- ii. **Gynecological and Reproductive Health Consequences:** According to *Campbell*, “gynecological problems are the most consistent, long lasting and largest health difference between battered and non-battered women.”³⁷ Plichta and Abraham found that violence tripled the odds of receiving a diagnosis of a gynecological problem.³⁸ This may include immune system problems and increased risk of bacterial infection, external or internal vaginal or anal injuries, sexually transmitted infections (STIs), fibroids, sexual dysfunction, decreased sexual desire, genital irritation, pain on intercourse, chronic pelvic pain, vaginal bleeding or infection and urinary tract infections.³⁹ While unintended pregnancies carried to term have been associated with health risk to mothers and infants, illegal and unsafe abortions place women’s health at even greater risk. Violence before and during pregnancy has been found to have serious health consequences for both mother and their unborn fetus. The main health effect specific to abuse during pregnancy is the risk of death of the mother, fetus, or both from trauma.⁴⁰
- iii. **Mental and Emotional Health Consequences:** There is a positive association between mental health problems and violence. Women who are subjected to abuse state, that the psychological outcome has a more prolonged effect than physical outcome. Scars on the body heal more easily while scars on the soul take much longer to fade. International research finds that female victims of abuse have a significantly higher rate of common health problems, even after abuse ends, compared to women who have never been abused.⁴¹ Researchers show that women who are subjected to violence experience multi-trauma. They often apply for medical care based on symptoms such as sleeping problems, anxiety, paranoia, a negative self-image, low self-confidence and depression quite a long time after the violence has ended without realizing the connection between her experience of violence and her mental health problems.⁴² In one study in León, Nicaragua, after controlling for other factors, researchers found that abused women were six times more likely to

³⁴ A L Coker, P H Smith, L Bethea, M R King, & R E McKeown, ‘Physical Health Consequences of Physical and Psychological Intimate Partner Violence’. *Archives of Family Medicine*, Vol.9, No. 35, 2000, pp.451-457; H Jackson, E Philp, R L Nuttall, & L Diller, ‘Traumatic Brain Injury: A Hidden Consequence for Battered Women’. *Professional Psychology: Research and Practice*, Vol.33, No.1, 2002, pp.39-45.

³⁵ J Campbell, A S Jones, J Dienemann, A C Gielen & C Wynne, *Intimate partner violence and physical health consequences*, *Archives of Internal Medicine*, Vol.162, No.10, 2002, pp.1157-1163.

³⁶ N Rajani, K Ferhana, & G Rani, ‘Combating Domestic Violence against Women’, Retrieved from www.ipedr.com/vol5/no2/7-H10071.pdf. on 24th November 2022.

³⁷ J C Campbell, ‘Health consequences of intimate partner violence’, *The Lancet*, Vol.359, No.9314, 2002, pp. 1331-1336.

³⁸ S B Plichta & C Abraham, ‘Violence and Gynaecologic Health in Women Less than 50 years old’, *American Journal of Obstetrics and Gynecology*, Vol.174, No.3, 1996, pp.903-907.

³⁹ J McCauley, D E Kern, K Kolodner & A F Schroeder, op.cit; S B Plichta, op.cit; J M Golding, Sexual-assault history and long-term physical health problems: Evidence from clinical and population epidemiology, *Current Directions in Psychological Science*, Vol.8, No.6, 1999, pp.191-194; A. L. Coker, Smith, P. H. Bethea, L., King, M R, & R E McKeown op.cit; M S Sommers, Defining patterns of genital injury from sexual assault, *Trauma, Violence, and Abuse*, Vol. 8, No.3, 2007, pp. 270-280.

⁴⁰ S J Jejeebhoy, ‘Associations between wife-beating and fetal and infant death: Impressions from a survey in rural India’. *Studies in Family Planning*, Vol.29, No. 3, 1998, pp.300-08.

⁴¹ J Campbell, *Ibid*

⁴² M Eliasson, ‘Men’s violence against women’, Stockholm: Natur & Kultur, 1997.

report experience mental distress than non-abused women.⁴³ Other effects of violence and abuse may include women consuming more prescription drugs, especially tranquillizers and anti-depressives. They may engage in health damaging behaviors such as unsafe sex, alcohol and drug misuse, smoking and eating disorders⁴⁴ and develop some short-term physical and emotional problems, such as suicidal tendencies, preoccupation with the violence, emotional withdrawal, irritability, feelings of hopelessness or an inability to adequately respond to the needs of their children.⁴⁵

- iv. **Children's Health and Wellbeing Consequences:** The impact of violence is not limited to women's physical and psychological health. This violence is insidious and affects both the health and development of all family members, particularly children. Women's experience of violence also has consequences for children's health and nutrition status as well as their educational achievement and development. Violence can reduce women's control over resources, and ability to participate in decision making within the family. This can reduce women's capacity to direct family resources towards childcare and can have negative health implications for family members. An analysis of data from the National Family Health Survey-3 suggests that the prevalence of violence within the home reduced the likelihood of children being fully immunized.⁴⁶ Children of mothers who experience violence also have an increased risk of experiencing wasting or stunting, are more likely to be severely underweight for their age, or to have a low body mass index for their age. Maternal stress has also been shown to cause children to be born prematurely or with low birth weight as a women's capacity to adequately care for her child can be significantly hindered by depression, anxiety and other mental health illnesses.⁴⁷ Children whose mothers experience violence may be at increased risk of emotional and behavioral problems, such as anxiety, depression and violence towards their peers.

Abused women say that their children become nervous, irritable and fearful, do poorly in school, and are often physically abused by the father or by the women themselves. Today, children who witness violence are also considered to be “battered children”, since they exhibit the same psychological symptoms as do those who are the direct victims of abuse.⁴⁸ Children in violent families may themselves be victims of abuse. Frequently, children are injured while trying to defend their mothers. In one study of abused women Bogotá, Colombia, 49 per cent reported that their children had also been beaten.⁴⁹

⁴³ M Ellsberg, T Caldera, A Herra, A Winkvist & G Kullgren, ‘Domestic violence and emotional distress among Nicaraguan women: results from a population-based study’, *American psychologist*, Vol.54, No.1, 1999, pp.30-36.

⁴⁴ J M Golding, op.cit; J C Campbell & K L Soeken, ‘Women’s responses to battering over time: An analysis of change’, *Journal of Interpersonal Violence*, Vol. 14, No.1, 1999, pp. 21–40.

⁴⁵ Z D’Ambrosio, ‘Advocating for Comprehensive Assessments on Domestic Violence cases’, *Family Court Review- An Interdisciplinary Journal*, Vol. 46, No. 4, 2008, pp.654-669.

⁴⁶ S Jejeebhoy *Ibid*

⁴⁷ M A Koenig, R Stephenson, R Acharya, L Barrick, S Ahmed & ors, ‘Domestic violence and early childhood mortality in rural India: Evidence from prospective data’, <http://ije.oxfordjournals.org/content/39/3/825.full.pdf>. Retrieved on the 27th November 2022.

⁴⁸ P Jaffe, D Wolfe, S Wilson & L Zak, ‘Similarities in behavioral and Social Maladjustment among Child Victims and Witnesses to Family Violence’, *American Journal of Orthopsychiatry*, Vol. 56, No. 1, 1986, pp. 142-146.

⁴⁹ WHO (1997). Violence against women: Health consequences, www.who.int/gender/violence/v8.pdf 1997. Retrieved on 27th November 2022.

7. Impediments of the Implementation of Legislation and Institutions in Combating the Abuse of Women's Right in Nigeria

Law as an instrument of change is definitely an indispensable weapon in the hands of legislators and policymakers in Nigeria. There have been clamor for an extensive reform of the laws discriminating against women in Nigeria. Arguably, the Nigerian government did introduce some reforms to improve the status of the Nigerian woman. Some of these reforms include the signing and ratification of the Convention on the Elimination of all Forms of Discrimination against Women,⁵⁰ adoption of a National Gender Policy, the enactment of the Child Rights Act 2003 (this law domesticated the Convention of the Rights of the Child in Nigeria), the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 and establishment of Women Development centers in all the states in Nigeria amongst others.⁵¹ Notwithstanding the development of these reforms by the Nigerian government, women still face many state sanctioned discriminatory practices and laws. Thus, the recent enactment of the Violence against Persons (Prohibition) Act (VAPP) can be argued to be a tool and an instrument for social reform or social engineering in the country. Hence, existing laws should reflect 'the changing realities of societal needs'.⁵²

Until recently, there was no explicit national legislation protecting women from violence in Nigeria.⁵³ Provisions in criminal law that are used to deal with cases of violence against women have proved inadequate in Nigeria.⁵⁴ Furthermore, the activism of civil society groups has impacted positively on the development of laws in Nigeria by 'utilizing the opportunities presented by a federal system of government, gender-related laws have been enacted by the Houses of Assembly in some states in Nigeria'.⁵⁵

Despite the provisions of the protocol recognizing and guaranteeing rights and the obligation of the Nigeria government, the lives of Nigerian women is yet to attain a commensurate level of improvement. Women rank lower than men in all indices of development in the country. Some of the impediments of the abuse of women's rights in Nigeria are:

- a. The patriarchal structure of Nigerian society;
- b. Failure of the National Assembly to pass the Abolition of All Forms of Discrimination against Women in Nigeria and Other Related Matters Bill and failure to pass a national bill prohibiting violence against women.
- c. Failure of the government to domesticate the protocol or enact appropriate legislation necessary for bringing to pass its obligations and undertakings under the protocol is worrying.

⁵⁰ *Ibid* (CEDAW)

⁵¹ A Odejide, 'What should Women Want?' 30th Anniversary Keynote Address (2017), p. 3, https://ias-ibadan.org/images/news/2017/october/2017-10-17-WORDOC_30th_Anniversary_Keynote_Address_Prof_Abiola_Odejide.pdf (Accessed 30th November, 2022).

⁵² D Musdapher, *Law Reform in Nigeria: Challenges and Opportunities*, a public lecture delivered at Federal University, Dutse, Jigawa State, Nigeria, 2014, p. 3.

⁵³ J C Madu, 'Domestic Violence Legislation for Development, Peace and Security in Nigeria', in 24(3) African Security Review (2015), pp. 279, 282.
Security Review (2015), pp. 279, 282.

⁵⁴ E Ekhaton, *Protecting and Promoting Women's Rights in Nigeria: Constraints and Prospects*, Women and Minority Rights Law: African Approaches and Perspectives to Inclusive Development, Publisher: Eleven International Publishing, Netherlands. (2009) pp.17-35.

⁵⁵ Madu, supra note 19, p. 283; E Ekhaton, 'The Impact of the African Charter on Human and Peoples Rights on Domestic Law: A Case Study of Nigeria', in 41(2) Commonwealth Law Bulletin (2015), p. 253.

Conclusion

Women's abuse as an aspect of domestic violence is a threat to the life, value, and dignity of womanhood.⁵⁶ Its persistence in contemporary Nigerian society is an anomalous situation that stifles national development as well as the attainment of sustainable development goals as it concerns gender and education.⁵⁷

It is maintained that gender or sex stereotypes continues to be reinforced in Nigeria as agents of socialization such as the family, schools, churches, mosques and the media have become custodians as well as disseminators of gender roles, stereotypes, prejudices, and discriminatory practices. There is an emphasis on male superiority over female with a patriarchal structure. It is noted that these kinds of gender stereotypes are reinforced by lack of national legislations aimed at disabusing the mind of people of such stereotypes and specifying punishment for offenders.⁵⁸ The indisputable truth is that the subordination of women which lays the foundation for these kinds of abuses are unnecessary and uncalled for. The human race is made up of the male and female species and thus would be a true assertion to say that they are accepted to have their fair and equal treatment in both equity and equality.

In Nigeria like some other African countries, gender relation has remained patriarchal in nature and the Nigeria society has been suffocated with stereotype and gender insensitive laws. Therefore the problem of stereotype and patriarchy must be urgently attended to. Thus, the Nigerian society must undergo some reformation and re-engineering in order to address and confront these factors that has encouraged the abuse of the rights of women. Although there is to a large extent success in some cases encouraging the fight against the abuse of women's right in Nigeria but this is too little compared to the percentage of cases which is presently still on the increase of the perpetuation of these inhumane acts. Furthermore, it is common knowledge that one who does not say where it hurts him/her may die in silence, hence the need for the women to speak out for a solution. To overcome the barriers preventing societal reform, it will be necessary to enable women to break out of traditionally engrained gender roles and expectations. With an increased sense of status, Nigerian women will no longer be bound to expected roles acquiescence. Given a voice, women will be able to challenge the established differences in status between men and women.

In conclusion, the treatment of women and females in Nigeria generally need to be fair and well considered as opposed to being ignored or trampled on. Despite the provisions of the protocol recognizing and guaranteeing rights and the obligation of the Nigeria government, the lives of Nigerian women are yet to attain a commensurate level of improvement. Women still rank lower than men in all indices of development in the country. The eradication of the abuse of women's right should be given priority by everybody including women themselves as it fosters individual development, achievement of sustainable development goals, and contribute meaningfully to the national development of a nation.

⁵⁶ Cleen Foundation (2013). Public presentation of findings of the national crime victimization and safety survey. Retrieved from <https://ngfrepository.org.ng:8443/jspui/bitstream/123456789/1302/1>. Retrieved 2nd December 2022.

⁵⁷ A Popoola, R Oguntayo, R Opayemi, & F Omolara, 'Spousal Violence in the Era of Covid-19 Lockdown: The Implications of Socio-economic distress and contextual factors'. (2020). Retrieved from <https://www.researchgate.net/publication/344235736-spousal-violence-in-theera-of-covid-19>. Retrieved 2nd December 2022.

⁵⁸ U O Umzurike, *The African Charter on Human and People's Rights*, The Hague Boston/London: Martinus Nyhoff Publishers, (1997).