

## DOMESTIC VIOLENCE AND HUMAN RIGHTS VIOLATIONS IN NIGERIA

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### **Abstract**

*The rampant but vexatious phenomenon of Gender based violence (GBV) is against human rights globally though most cases are not reported or are under reported in most developing countries. The challenge though has received international attention through conventions and protocol yet it is unabating. This study examines its predominance in Nigeria, and celebrated the effort of the Lagos state government through Lagos State Protection against Domestic Violence Law (PADVL). The study noted that there is no nationally conceived legislation against GBV thus recommends the federal government of Nigeria needs to come up a specific laws which should carry grave punishments for offenders to deter them from committing the crime. More so, the government should strive for gender equality goal like the SDG goal 5.*

**Key words: Human rights violations, SDGs, Gender, Gender based Violence, Nigeria.**

### **Introduction**

Domestic violence is a term which covers all types of violence such as physical violence, emotional violence, psychological violence and economic violence that occurs in the home or between people who have lived together, or in a relationship such as boyfriend and girlfriend, children, domestic staff and employers; and have negative impacts on the individual or individuals to whom the attack is perpetrated against (Adeniyi, 2017). Domestic violence is a problem faced by people all around the world. It is an issue that concerns every human being, although it is widely known to be prevalent among the female gender.

Violent situations no matter where it occurs usually leads to physical and sometimes emotional harm to the victim. As such, one could assume that such situations should not be found ideally in the home; a place where one should feel safe and relaxed. Unfortunately, this is not the reality; violence occurs at home, which is the reason for the term; domestic violence; the violence that occurs within the home (or in a family). Domestic violence literarily has to do with any form of abusive action aimed at inflicting physical or emotional harm or injury on a person by another person(s) within the confine of a home or a family (Akinyosoye, 2017).

In recent times, domestic violence has gained a lot of attention in Nigeria; this is as a result of the frequency at which it occurs in various parts of the country (Agene, 2017). In Nigeria, there is no general law that provides protection of persons especially women against domestic violence or gender-based violence except in Lagos state. Lagos state law provide protection against domestic violence and for connected purposes also known as the Protection against Domestic Violence Law 2015 (PADVL). The PADVL is a law which was enacted by the Lagos State House of Assembly on the 18<sup>th</sup> of May 2007 to provide protection for victims of domestic violence within the state. The law is not only to protect women who are most times the target of domestic violence, but also to safeguard the interests of men, children, servants/maids, and everyone who may be victims of domestic violence (DSVRT, 2016).

A similar law which is the Violence against Persons Prohibition Act (VAPP) was enacted by the National Assembly on the 25<sup>th</sup> of May, 2015, but this Act is only applicable to the Federal Capital Territory, Abuja. Cases of domestic violence are rampant in Nigeria, although there is no sufficient data to accurately represent the damage this social vice has caused in the home front and the society. Domestic violence is partly blamed on the deep rooted cultural beliefs and values in Africa which place the male gender above the female, and presents the former as demi-gods in the home front. Between January and September 2017, a total of 852 cases of domestic violence and related cases were recorded in Lagos State (Domestic and Sexual Violence Response Team, 2017).

Domestic violence is not new to the Nigerian society. Domestic violence happens across all sectors of society. It cuts across the educated and the illiterate, the religious and the freethinkers, classes of career women and stay-at-home wives, the married and the single as well as all ages. In other words, violence in the home could be deadly, and it is not restricted to a particular class of people, nor is it a respecter of marital status or religious beliefs. In the past, when domestic violence is mentioned, what comes to mind is a man mistreating his wife. However, in recent times, we hear about women mal-treating their men; this explains why Ezeajugh and Anijah (2017) stated that domestic violence is a problem that has shown itself in many areas of the people's lives.

Despite the fact that many studies report that violence is being perpetrated by men against women other studies suggest that domestic violence is carried out by both men and women alike. This is to say that women are also violently dealing with their husbands these days in Nigeria. Intimate partner violence (or domestic violence) involves physical, sexual and emotional violence by an intimate partner or ex-partner. Although males can also be victims, intimate partner violence disproportionately affects females. It commonly occurs against girls within child marriages and early/forced marriages. Among romantically involved but unmarried adolescents it is sometimes called "dating violence. That is to say, both genders could be victims of this domestic violence. However, violence against women is more common in comparison to violence against men and apart from causing physical harm on the woman; the violence could be psychological/emotional (Uwameiye and Iserameiya, 2013).

The European Institute of Gender Equality (EIGE) (2019) supported noted that both women and men experience gender-based violence but the majority of victims are women and girls. But, Akinyosoye (2017) clarified that women are the more victims, with exceptions where men

are also violated. Instances abound of under age or early marriage, sexual violence (rape), verbal abuse (emotional).

Violence against women goes beyond inflicting bodily or physical harm on her, according to the World Health Organization (1996). Violence against women had been defined as any act of gender based violence that results in, or is likely to result in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty". Thus, gender based violence is not limited to causing bodily harm on the female; it could be emotional or psychological Bakare, et al (2010).

It is against this background that this study considers the female gender as victims of domestic violence. Focusing on nature of Gender Based Violence (GBV) in Nigeria such as rape, wife battering, early marriage (forced marriage) etc. It also, suggests possible solutions using the Lagos Model of curbing GBV and examines the stand of the Sustainable Development Goals (SDG) on GBV. This paper is divided into four (4) parts; the first is this introductory aspects, it gives an insight into domestic violence and how its cuts across different levels and segments of social life. This part is followed by a brief review of literature on Gender Based Violence (GBV), then the challenges of combating domestic violence in Nigeria. The last part is the concluding remarks.

### **Conceptualizing Gender Based Violence (GBV)**

Gender based violence is a worldwide problem for the women folk, according to the World Bank Group (2019) gender-based violence (GBV) or violence against women and girls (VAWG), is a global pandemic that affects about 1 in 3 women in their lifetime. In support of this point Oyekanmi, (2004) asserted that gender violence is a profound health problem for women across the globe.

A world Development Report in 1993 identified rape and domestic violence as significant cause of disability and death among women of productive age in both the industrial and developing world. The European Institute of Gender Equality (EIGE) (2019) also noted that gender-based violence is a phenomenon deeply rooted in gender inequality, and continues to be one of the most notable human rights violations within all societies and is violence directed against a person because of their gender. This is to say, violence against women/girl child because of their 'gender' does not happen only in Nigeria, it happens across the world and contributes a great deal to the rate of disabilities and deaths among women around the world. About 15% to 71% of women are reported to experience some kind of intimate partner violence in their life time (Yount et al, 2014). Consequently, Aihie as cited in Utoh-Ezeajugh and Anijah (2017) asserted that domestic violence is the intentional and persistent abuse of anyone in the home in a way that causes pain, distress or injury. It refers to any abusive treatment of one family member by another, thus violating the law of basic human rights. It includes battering of intimate partners and others, sexual abuse of children, marital rape and traditional practices that are harmful to the partner.

The above assertion apart from clarifying domestic violence as a premeditated abusive treatment of a family member includes marital rape and cultural practices that are demeaning to any individual as forms of this violence. It assertion also brings attention to traditional practices; which are cultural behaviours that encourages act of violence on women.

In Africa, culture has been identified as a major triggering factor of violence against women; this is the culture that encourages the male gender domination over the female (Oyekanmi, 2004) (Enemu, 2008). In the words of Umahi (2012) because the male marries the female and brings her into his home, he has a feeling of 'ownership' which then enhances the tendencies of abuse. Following the idea behind an African adage that States; 'e ni to ba ni eru ni oni eru' meaning literally; the owner of a slave owns the slave's property. That is to say; the one who owns an item can do as he/she pleases with the item. The idea that a man owns his wife, projects the wife as a subordinate whose being belongs to the man. And this snowballs into the idea that he can do as he pleases with her. To support this view, Bakare, et al (2010) opined that most African family structures are patriarchal and give leading roles to the men, putting women in a subordinate position. The man as the owner of his wife, owns her, as such, she is inferior to him and subjected to his will and command. If not she could be corrected through one form of punishment or the other which is generally abuse of the woman, also known as violence against the woman.

As culture is a major contributory factor to gender based violence in Africa, Nigeria is not left out. Nigeria as a heterogeneous country with over 300 ethnic groups has three major ethnic groups namely; Hausa, Igbo and Yoruba. The culture of these groups including the others which are minority groups only place subordinate roles on the female. According to Bakare, et al (2010), the Nigerian traditional cultural practices embrace the belief in the inherent superiority of males over females. The customs of marriage in this society which involves bride price and dowry usually paid on women promote the values that give men proprietary rights over women and girls and encourage polygamy. The culture of dowry (bride price) gives the impression that a woman is to be acquired as a wife (Benebo, et al, 2018), and as long as a man can afford the price of a bride, he can marry as many as he can. A marriage system termed polygamy. And because the women are acquired, they get to be treated anyhow the man pleases. After all, they are his acquisitions.

### **Interrogating female domestic violence in Nigeria**

The domesticated gender based violence, otherwise known as domestic violence which is targeted at the female gender has been gaining prominence in Nigeria in recent time. This violence comes in form of verbal abuse, rape, etc. According to Uwameiye and Iserameiya (2013) gender based violence against women in Nigeria occur in many areas but more of domestic violence within the family. They include rape, women being beaten up by their husbands, verbal abuse, incest, female genital mutilation, forced marriage, child marriage, denial of right to choose spouse, denial of the right to own a property, refusal to permit women to work or to control their own income, refusing the girl child to go to school, all forms of cruelty for example degrading a woman by treating her as if she were a child, refusing her any affection or sexual satisfaction. It also include restricting a woman's relationship with the wide community such as friends colleagues or relatives, seeing women as incompetent, worthless or inferior to men, girls trafficking with the intention of using them as commercial sex workers. Others are physical assaults imposed on widows indirectly regarded as widow's rites.

Violence against the female in the home covers all aspects of a woman's or girl child's existence in a home that are degrading of a person and infringes on her rights. And she is sometimes stigmatized for experiencing and or reporting her experiences. For instance,

intimate partner violence (rape, battering, etc.) are considered family (domestic) issues that should be resolved within the confine of a family. To buttress this point, World Bank (2019) observed that intimate partner violence despite the high prevalence of wife beating, emotional and economic abuse, and marital rape, many Nigerians consider intimate partner violence to be a private issue about which the community should not intervene. Thus, holding perpetrators of domestic violence accountable becomes difficult. Nnadi (2012) as cited by Okai, (2017) opined that:

Women who are victims of gender-based violence often have little recourse because many states agencies like the police and prisons are themselves guilty of gender bias and discriminatory practices. Many women opt not to report cases of violence to authorities because they fear being ostracised and shamed by communities that are too often quick to blame victims of violence for the abuse they have suffered.

Apart from the percentage of women who support the justifications for wife beating, victims who would like redress and seek for justice are most times discourage from doing so because the agencies that are supposed to help them get justice are themselves not free of gender biases (Ojigho, 2009). But a World Bank study reveals that wife battering has come to be almost an acceptable norm, as one in three surveyed women agree that a man is justified in beating his wife in some cases, including if she burns the food, argues with him, goes out without telling him, neglects the children, or refuses to have sexual intercourse with (World Bank, 2019). That is to say that some women see nothing wrong in being mal-treated by the husband due to the mentioned reasons.

Magnifying the place of culture in domestic violence against women, Oyediran and Isiugo-Abanihe (2005) averred that violence against women by male partners is widely condoned by many Nigerian societies, where the belief that a husband may chastise his wife by beating her is deeply embedded in the culture. Be that as it may, one can then say that a lot of these human right violations committed by husbands against wives will go unreported let alone punished. Wife beating in some culture is a show of affection. Among the Tiv-speaking people of Nigeria, wife beating is regarded as a sign of love, which women have been socialised to accept and sometimes encourage it (Oyediran and Isiugo-Abanihe, 2005). Women from parts of Nigeria where culture allows a man to beat his wife, whatever the wife does to stop her husband from hitting her will be against the custom and norm of such society. As such in order not to be identified as going against the tradition of the land, the wife suffers in silence. According to Chris (2018) Nigeria has the largest number of child bride in Africa and one of the highest prevalence rates in the world. About 23 million girls and women were married as children. Nigeria also accounts for third highest number of women and girls who have undergone female genital mutilation, reported at 25 per cent prevalence. This goes to show the extent of the abuse of the female child in Nigerian homes.

Violence against the female in the home could lead to hospitalization of the victim, broken home in cases where victims are bold enough to leave the abusive relationship and death in the worst case scenario (Akinyosoye, 2017). However, efforts have been made to curb the menace of domestic violence against women. Some of such efforts are Agreements on GBV

and sexual exploitation and abuse adopted at the federal level; they are shown below as derived from the World Bank (2019).

### **Efforts at curbing GBV**

Domestic violence been a concern to the international community has had a host of conventions and protocols adopted to curb the menace, examples among these are: The Convention on Elimination of Discrimination Against Women (CEDAW, 1981), The African Charter on Human and Peoples Rights (ACHPR, 1986) (domesticated), The African Protocol on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol, 2003).

Apart from these efforts to curb domestic violence in national and state levels in Nigeria as mentioned above, there are other such as efforts in the international system to curball forms to detrimental behaviours against the female gender. One of such is the fifth goal of the Sustainable Development Goal (SDG). The SDG, under the UN Women initiative has stepped up actions aimed at ensuring gender equality across the world. The initiative is working with the Sustainable Development Goals (SDG 5), and it is aimed at achieving gender equality and empowering all women and girls. The SDG 5 has the following as targets according to UN Women (2018):

- i. End all forms of discrimination against all women and girls everywhere.
- ii. Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation.
- iii. Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation.
- iv. Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate.
- v. Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.
- vi. Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences.
- vii. Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws.
- viii. Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women.
- ix. Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

The points above highlighted the objectives of the SDG as regards ensuring the elimination of all forms of discrimination and violence against female and equal representation of both genders. These targets the SDG aims to have actualized by 2030 across the world. In assessing the progress of the mentioned targets of the SDG 5, according to the SDG, (2019) 'Progress of Goal 5 in 2019' the following are the progresses so far:

- i. Recent data from 106 countries show that 18 per cent of ever-partnered women and girls aged 15 to 49 have experienced physical and/or sexual partner violence

- in the previous 12 months. The prevalence is highest in least developed countries, at 24 per cent.
- ii. The practice of child marriage has continued to decline around the world, largely driven by progress in South Asia, where a girl's risk of marrying in childhood decreased by about one quarter between 2013 and 2018. In sub-Saharan Africa, levels of child marriage have declined at a more modest rate.
  - iii. At least 200 million girls and women have been subjected to female genital mutilation, based on data from 30 countries where the practice is concentrated and where nationally representative prevalence data is available. In these countries, the prevalence of this harmful practice declined by one quarter between approximately 2000 and 2018.
  - iv. According to recent data from some 90 countries, women devote on average roughly three times more hours a day to unpaid care and domestic work than men, limiting the time available for paid work, education and leisure and further reinforcing gender-based socioeconomic disadvantages.
  - v. Women continue to be underrepresented at all levels of political leadership. As at 1 January 2019, women's representation in national Parliaments ranged from 0 to 61.3 per cent, with the average standing at 24.2 per cent, an increase from 19 per cent in 2010. At the local level, data from 99 countries and areas show that women's representation in elected deliberative bodies varies from less than 1 per cent to 48 per cent, with the median of the distribution at 26 per cent. When legislated gender quotas are adopted, significantly higher proportions of women are elected at both national and local levels.
  - vi. While women represented 39 per cent of world employment, only 27 per cent of managerial positions in the world were occupied by women in 2018, up only marginally from 26 per cent in 2015. The proportion of women in management has increased since 2000 in all regions except in least developed countries.
  - vii. In 51 countries with data on the subject, only 57 per cent of women aged 15 to 49, married or in union, make their own decisions about sexual relations and the use of contraceptives and health services.
  - viii. Over the past 25 years, there has been progress in reforming laws towards improving gender equality, yet discriminatory laws and gaps in legal protection remain in many countries. On the basis of data collected across four areas of law in 2018 from 53 countries, almost a third have legal gaps in the area of overarching legal frameworks and public life (e.g., constitutions, antidiscrimination laws, quotas, legal aid); more than a quarter have legal gaps in the area of violence against women; and 29 per cent and 24 per cent have legal gaps in the employment and economic benefits area and in the marriage and family area, respectively.
  - ix. Despite progress in implementing gender-responsive budgeting globally, gaps remain in country efforts to establish comprehensive and transparent tracking systems. Based on 2018 data from 69 countries, 13 countries fully met the criteria of having in place a tracking system that measures and makes publicly available gender budget data, and 41 countries approached the requirements.

The points above highlight the journey so far as regards the actualization of SDG 5. When progress are being achieved a number of aspect of ensuring women are safe from harm across

the world including Nigeria. It is still a work in progress as a lot still needs to be done for the actualization of the SDG 5.

The various agreements at the international stage were adopted and ratified by Nigeria from 1979 to 2003 and with all these agreements to enhance the existence of the female gender in Nigeria, the country is yet struggling with discrimination against women and domestic violence is still in frequent occurrence. Thus, Johnson (2015) noted that as at 2015 Nigeria was yet to enact a gender sensitive and specific legislation on domestic violence (DV), at its national level. Although, there is no specific law that outlaws DV, the Violence against Persons Prohibition Act (VAPPA) was enacted in 2015. However, there are has been efforts at state level to enact gender specific legislation; an example is the 2007 Lagos State Protection against Domestic Violence Law (PADVL).

### **Lagos State Protection against Domestic Violence Law (PADVL)**

The Lagos State House of Assembly on the May, 18 2007 adopted an act into law to ensure the Protection against domestic violence and for connected purposes. This law made any form of violence against anyone in Lagos State as a result of their gender a culpable offence. According to the law as from the commencement of this Law “no person shall commit any act of domestic violence against any person” (Protection Against Domestic Violence Law 2007). This law is meant to prohibit domestic violence in the State. To ensure the effectiveness of this law that victims get justice, the stipulated that notwithstanding the provisions of any other law, the application, may be brought on behalf of the complainant by any other person; including a counsellor, health service provider, member of the Nigeria Police Force, social worker, organization or teacher, who has an interest in the wellbeing of the complainant, except in circumstances where the complainant is:

- a) a minor;
- b) mentally retarded;
- c) unconscious;
- d) incapable to consent for fear of refusal; or
- e) a person whom the court is satisfied unable to provide the required consent(Protection Against Domestic Violence law 2007).

The law takes into consideration the fact victims themselves may not be able to report their ordeal themselves for whatever reasons which could be hospitalization as a result of the violence fear of stigmatization, etc. the law provided that anyone who has interest in the wellbeing of the victim can report the case. In as much as this law does not particularly mention the female gender, it detailed specific domestic abuses that makes it useful tool for female victims of domestic violence to get redress.

According to Ojigbo, (2009), though the PADVL is not the first state law to prohibit domestic violence in Nigeria, it is however the most detailed that provides a strong platform for a model law at national level. Although the PADVL does not mention women as the primary beneficiary of the law, it provides a wide definition of domestic violence that makes it a very useful mechanism for protecting women who suffer abuse and at the same time provides relief for the smaller proportion of men who also suffer domestic violence.

In 2014, the administration of Babatunde Raji Fashola the former governor of Lagos State identified Alimosho, Kosofe, Agege and Oshodi-Isolo local governments as the areas with the highest cases of sexual and gender based violence in the state. As a way of curbing the excesses of this trend in such areas the state government established a Sex Offender's Register, which is also known as Mandatory Reporting Policy, where cases of violence, sexual abuse, rape and other forms of violence and the violators are to be reported and documented. The Lagos state Sex Offender's Register is open and maintained by the Ministry of Justice in partnership with the Lagos State Judiciary, the Nigerian Prisons and the Nigeria Police.

The Lagos State government has also come up with other initiatives ranging from the provision of legal aid, shelter and psychological counselling services to assist women victims. The former governor of the state, Mr. Akinwunmi Ambode continuing from where Fashola left off mobilized men in 2016 to the streets of Lagos, to denounce all forms of violence against women. It was tagged "walk campaign" against sexual abuses, and social violence. Another reason for the march was that over 700 rapes, domestic violence and related cases were pending in different courts in Lagos between 2015 and 2016. The governor condemns the act and he charged the Lagos Domestic and Sexual Violence Response Team (DSRVT), non-governmental organizations and other bodies connected to the fight to present evidence against offenders to aid the course of justice. The State Government observed that community engagement and awareness is an essential part of working to prevent and respond to all forms of gender based violence and most especially violence against women.

### **Concluding Remarks**

Considering the rate of domestic violence on women in homes in Nigeria, the federal government of Nigeria needs to enact a gender specific law. The law should carry grave punishments for offenders to deter them from committing the crime. The government should strive for gender equality goal like the SDG goal 5.

Agencies like the police force which are to enforce enacted law should be purge of gender biases, such that cases reported are trivialized and regarded as a strictly family affair. Every case should be well managed and accused brought to book if found guilty. When victims trust they will not be taken lightly and ridiculed when they report, they will be encouraged to do so.

There should be sensitisations on the demoralizing effects of domestic violence on the woman and even the children. As such cultures that encourage the act of violence against the woman should be discouraged. More so, gender equality should be taught to children from primary school so they do not grow with the notion of one gender better than the other.

We have here examined domestic violence and human rights violations in Nigeria and from the observable, domestic violence in Nigeria is highly rooted in cultures and traditions that subjugates women and gives her husband right to own her. As such he feels like he could do as he pleases with her. The government have not done enough to curb the menace of domestic violence as there is yet to be a gender specific legislation to that effect. However, the Lagos State's enactment on gender based violence is a welcome development.

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