

# Gendered Violence in Intimate Relationships in the Context of Law, Culture and Religion in Nigeria

JC Diala\*

Online ISSN  
1727-3781

**P·E·R**

Pioneer in peer-reviewed,  
open access online law publications

## Author

Jane Diala

## Affiliation

Stellenbosch University,  
South Africa

## Email

[jcdiala@sun.ac.za](mailto:jcdiala@sun.ac.za)

## Date Submitted

22 January 2024

## Date Revised

29 February 2024

## Date Accepted

29 February 2024

## Date Published

25 November 2024

## Guest Editor

Prof BM Mupangavanhu

## Journal Editor

Prof C Rautenbach

## How to cite this contribution

Diala JC "Gendered Violence in Intimate Relationships in the Context of Law, Culture and Religion in Nigeria" *PER / PELJ* 2024(27) - DOI <http://dx.doi.org/10.17159/1727-3781/2024/v27i0a17746>

## Copyright



## DOI

<http://dx.doi.org/10.17159/1727-3781/2024/v27i0a17746>

## Abstract

Gender-based violence (GBV) is a serious human rights violation whose resilience against comprehensive laws calls for a reappraisal of the interplay of the key factors that influence its persistence. What is the link between the resilience of GBV and socio-economic forces such as religion, culture and tradition? This paper is inspired by the death of a popular Nigerian gospel singer, Mrs Osinachi Nwachukwu, on 8 April 2022. Although the real cause of her death was not confirmed through an official autopsy, there was widespread speculation that her death arose from intimate partner violence (IPV). It sparked a heated debate among Nigerians, especially the Christian community, on the issue of GBV, especially the role of religious authorities in combatting IPV. Her death also raised concerns about the institution of marriage, bridewealth, women's marginalisation, and the role of the law. Using a literature review and drawing from the best legislative and institutional practices from Kenya, South Africa, and Rwanda, this paper highlights challenges in the legal framework and its implementation, as well as harmful norms and religious beliefs that prompt and perpetuate IPV in Nigeria.

## Keywords

Intimate partner violence; bridewealth; religion; marriage; culture.

.....

## 1 Introduction

This paper investigates the link between the resilience of gender-based violence (GBV) and socio-economic forces such as religion, culture, and tradition. The result of this investigation is significant for policymakers given the influence of these forces on the persistence of GBV and the effectiveness of GBV laws. GBV manifests within structural gender dynamics and is reinforced by cultural norms.<sup>1</sup> Studies have shown that GBV affects both men and women alike, but disproportionately affects women and girls, for several reasons.<sup>2</sup> These reasons range from patriarchy, toxic masculinities and lack of economic resources to harmful gender and cultural norms.<sup>3</sup> GBV includes sexual harassment, rape, child, early or forced marriage, IPV, and female genital mutilation among other things.<sup>4</sup>

GBV as a human rights violation has spurred global interventions in the form of treaties and conventions which provide a legal framework for the fight for its eradication. According to Article 3 of the *Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women* of 1994, "every woman has the right to be free from violence in both the public and private spheres." This establishes freedom from violence as a fundamental human right.<sup>5</sup> By obliging member states in Articles 3, 5, 7 and 11 to take appropriate measures to eliminate discrimination against women in both the private and the public domains, the *Convention on the Elimination of Discrimination of Violence against Women*, 1979 (CEDAW) targets powerful socioeconomic forces such as harmful social norms that sustain and influence gender roles and perceptions of GBV. Article 4 of the *Declaration on the Elimination of Violence against Women*, 1993 (DEVAW) obliges states to:

condemn violence against women and ... not [to] invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination.

Significantly Article 4 of DEVAW ensures that culture and religion are not used as an excuse to abuse women. Section D (chapter 4) of the *Beijing Declaration and Platform of Action* (1995) provides strategies for the

---

\* Jane C Diala. PhD (Public Law) LLM (Comparative Law in Africa (UCT)) LLB (Madonna University, Nigeria). Postdoctoral Research Fellow, Department of Private Law, Stellenbosch University, South Africa. Email: jcdiala@sun.ac.za. ORCID: <https://orcid.org/0000-0002-1413-0725>.

<sup>1</sup> Mshweshwe 2020 *Heliyon* 2.

<sup>2</sup> Scott-Storey, O'Donnell and Ford-Gilboe 2022 *TVA* 858-860.

<sup>3</sup> Oladepo, Yusuf and Arulogun 2011 *AJRH* 84.

<sup>4</sup> Oyediran and Isiugo-Abanihe 2005 *AJRH* 39.

<sup>5</sup> See the preamble to the *UN Declaration on the Elimination of Violence against Women* (1993) (DEVAW).

elimination and prevention of gender-based violence. These include the development of a

holistic and multidisciplinary approach to the challenging task of promoting families, training of all officials in humanitarian and human rights law and the punishment of perpetrators of violent acts against women.<sup>6</sup>

Regionally, Article 3(4) of the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women*, 2003 (the Maputo Protocol) provides that women shall be protected against all forms of violence. Article 4 of the Maputo Protocol enjoins all states to enact laws that prohibit all forms of violence against women. Nationally, sections 33(1), 34(1) and 42(2) of the 1999 *Constitution of the Federal Republic of Nigeria* (the 1999 Constitution) guarantee gender equality and respect for human dignity. The 1999 Constitution does not expressly provide for the right to security and freedom from violence in the same manner that this is stipulated in section 12 of the South African Constitution and sections 25(a) and 29(d) of the Kenyan Constitution. It merely provides in section 14(2) that the people's security and welfare shall be the government's primary purpose and in section 34(a) that no person shall be subjected "to torture or inhumane or degrading treatment".<sup>7</sup> Rwanda's Constitution of 2003 (amended in 2015) has a provision similar to section 34(a) of the 1999 Constitution of Nigeria, except that it added "physical abuse".

The enumeration of the legal interventions cited above is significant to show the extensive work that has been done to create viable legal guidelines to support the fight against GBV. Although Nigeria has ratified and domesticated most of these international treaties, GBV/IPV persists.<sup>8</sup> To some extent this persistence is sustained by cultural, religious, traditional and gender-inequitable attitudes, values, beliefs and norms.<sup>9</sup> This paper highlights challenges to the legal framework and its implementation, as well as harmful norms and religious beliefs that prompt and perpetuate GBV, particularly IPV, in Nigeria.

Over time the spate of acts of IPV in Nigeria has grown to the point of an alarming rise in the number of recorded deaths and bodily harm to women and girls.<sup>10</sup> The alleged death via IPV of a popular Nigerian gospel singer,

---

<sup>6</sup> For more information on the Beijing Platform of Action 1995, see UN 1995 <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>.

<sup>7</sup> The government has faltered since no strict measures have been taken against the drivers of violence and insecurity.

<sup>8</sup> Nigeria ratified the *Convention on the Elimination of Discrimination of Violence against Women* (1979) (CEDAW) in 1985, and the *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa* (2003) (Maputo Protocol) in 2004. As Nigeria is a state party, DEVAW is applicable, but it has no binding force. Nigeria adopted the Beijing Platform of Action in 1995.

<sup>9</sup> Mshweshwe 2020 *Heliyon* 1-2.

<sup>10</sup> Fawole, Okedare, and Reed 2021 *BMC Women's Health* 1.

Mrs Osinachi Nwachukwu, sparked a heated debate among Nigerians on IPV, especially in the Christian community.<sup>11</sup> The shock of her death raised serious concerns about bridewealth payment, gender inequality and the role of the family, the church and the law in protecting women from violence. Given that family roles and stereotypes are socially ascribed according to gender identity and given how the nexus between patriarchy and IPV affects women, this paper seeks to examine how religious values, the existence of loopholes in the law and its poor implementation influence women's agency and sustain violent attitudes against women. As almost 96% of Nigerians identify as religious, religious orientation is significant in how women negotiate blame, stigma and struggles against IPV.<sup>12</sup>

The paper's methodology relies on a literature review and critical analysis of legislation. It argues that the underlying factors fuelling IPV go beyond patriarchy to include religion and weak legal frameworks, and that religious orientation both enhances and undermines women's agency. The paper proceeds in six parts. Following this introduction, part two critically examines IPV at the intersection of law and culture. It presents law and culture as a complex mixture of human practices, social networks and structures that sustain and undermine [mis]conceptions of IPV. Part three examines how religious beliefs construct behaviours around GBV/IPV. This analysis involves biblical references and their corresponding impact on women's agency.<sup>13</sup> Part three thus aims to demonstrate the role of religious culture in sustaining IPV. Part four shows the gendered implications of the interaction of law, culture and religion for IPV. Part five very briefly examines and draws from the best practices of countries such as Kenya, Rwanda, and South Africa to offer recommendations on solving issues related to GBV in the Nigerian context.<sup>14</sup> Part six calls for legislative action and strong institutions for effective and sustained implementation.

## 2 What have law and culture got to do with IPV?

IPV is a consequence of the intersection of structural systems or factors – legal, social, cultural or political.<sup>15</sup> These systems have structures that undermine and sustain [mis]conceptions of IPV and so influence women's

---

<sup>11</sup> Nwokocha 2023 *Unizik Journal of Culture and Civilization* 47; Olaoluwa 2022 <https://www.bbc.com/news/world-africa-61067247>.

<sup>12</sup> Simister and Kowalewska 2016 *Psychology* 1634.

<sup>13</sup> Because this paper was inspired by an incident which exemplifies GBV/IPV in the context of a Christian marriage involving Mrs Nwachukwu as already highlighted above, it is natural that the paper should examine GBV/IPV in the context of the Christian religion.

<sup>14</sup> These three countries, like Nigeria, have a multiplicity of laws influenced by colonisation, and most people in the countries in question are Christian.

<sup>15</sup> Uthman, Lawoko, and Moradi 2009 *BMC International Health and Human Rights* 12.

ability to exercise their rights.<sup>16</sup> While state laws recognise and guarantee these rights for the most part, other semi-autonomous fields such as custom, family and religion also play significant roles. These fields "whose boundaries are recognised by a processual characteristic, ... can generate rules and coerce or induce compliance to them."<sup>17</sup>

IPV is deeply embedded in traditional practices which form part of the semi-autonomous fields<sup>18</sup> referred to in the paragraph above. Most of these semi-autonomous fields are yet to keep up with changing times.<sup>19</sup> They include practices such as wife battery, forced/early/child marriages, female genital mutilation, bridewealth payment and women's disinheritance, most of which are sustained by patriarchal ideologies.<sup>20</sup> Nigeria, Africa's most populous state, which is made up of 36 states, is home to about 374 ethnic groups. The diverse social norms and cultural practices of these ethnic groups influence their perceptions of IPV.<sup>21</sup> It is beyond the scope of this paper to discuss the ethnic groups and their perceptions of IPV. Only a few examples of these practices will be selected and linked to the major ethnic groups, the Ibos, the Yorubas and the Hausas.<sup>22</sup>

### **2.1 IPV and culture – distortion of bridewealth payment**

Nigeria has strong patriarchal social structures that give men more power than women, which enables men to dominate women in both the private and the public domains.<sup>23</sup> This patriarchal system thrives on unequal power relations that are socially constructed.<sup>24</sup> Unequal power relations and IPV are further exacerbated by the payment of bridewealth,<sup>25</sup> which is a widespread practice that formally legitimises marriage in most traditional societies in sub-Saharan Africa.<sup>26</sup> However, the meaning and significance of this practice have been greatly transformed due to its commercialisation with the introduction of the cash economy.<sup>27</sup>

Notably, bridewealth varies from society to society, both in form and in size,<sup>28</sup> which are based on factors such as the woman's degree of beauty, her education and her marital history.<sup>29</sup> For instance, in the past the Fulanis

---

<sup>16</sup> Ajayi, Chantler and Radford 2022 *Violence against Women* 465-466.

<sup>17</sup> Moore *Law as Process* 57.

<sup>18</sup> Chadambuka and Warriia 2019 *Social Work* 303-304.

<sup>19</sup> Msuya 2019 *JAAS* 1149-1150.

<sup>20</sup> Matthew 2022 *IFE Psychologia: IJ* 29.

<sup>21</sup> Linos *et al* 2013 *AJPH* 152-153.

<sup>22</sup> Nwabunike and Tenkorang 2017 *JIV* 2753.

<sup>23</sup> Jaiyeola 2020 *Journal of Research on Women and Gender* 5-7.

<sup>24</sup> Sultana 2010 *Arts Faculty Journal* 2-3.

<sup>25</sup> Diala 2021 *LDD* 24.

<sup>26</sup> Isiugo-Abanihe 1995 *Genus* 152.

<sup>27</sup> Isiugo-Abanihe 1995 *Genus* 152.

<sup>28</sup> Ogbu 1978 *American Ethnologist* 246.

<sup>29</sup> Such as whether she's been divorced, separated, widowed or never married.

accepted cattle, dresses and other items as bridewealth.<sup>30</sup> However, due to the influence of globalisation these items have largely been replaced by cash. Similarly, the Yorubas have mostly replaced traditional labour services with cash and other items such as clothes and foodstuffs.<sup>31</sup> In south-east Nigeria, for instance, the bridewealth sum differs based on the level of education, the marital history, etc.<sup>32</sup> The categorisation of women is disconcerting because it impacts on their human dignity and their right to equal treatment.<sup>33</sup> In addition there is the issue of the normative constraints (for example on women's sexual reproductive rights) brought about by the obligations that accompany bridewealth payments.<sup>34</sup> As noted by Enemo:

A wife, on whose head bride price has been paid, does not take part in important family decisions, and these include decisions even concerning her. In the area of reproductive health, she has no say, yet she has rights. She has no say on when and when not to engage in sexual intercourse with her husband. She will not participate in any decision about childbearing; neither can she negotiate the use of contraceptives.<sup>35</sup>

Arguably the respective rights and obligations acquired by men and women from the payment of bridewealth have important implications for their social relations.<sup>36</sup> As stated earlier, the distortion of bridewealth payment that led to its commercialisation and demand for high sums has made most men think that women are their property.<sup>37</sup> One of the research participants in Ajayi, Chantler and Radford's study on how cultural beliefs, norms, and practices such as the payment of bridewealth contribute to sexual abuse and violence among Nigerian women in the diaspora notes that:

Even when you are not comfortable having like sex or whatever, he will force you to do it because he will say, I got married to you ... you need to have children. I [must] have sex with you anytime I want, you are my property, which now that am here, I find ... that ... abusive, but when we are back home, we took it [like] that, that is what tradition expects us to do.<sup>38</sup>

Since the payment of bridewealth legalises marriage, a return of bridewealth dissolves or shows the dissolution of marriage. Where the bridewealth is not returned, the wives are forced to endure abuse and violence in the marriage.<sup>39</sup> It is against this notion that the Ugandan courts outlawed the

---

<sup>30</sup> Ali, Al-Yasa'U and Wushishi 2018 *IJELS* 35. The Fulanis are a tribe in Northern Nigeria dominated by the Hausas.

<sup>31</sup> Eniola and Aremo 2020 *JLPG* 27.

<sup>32</sup> Isiugo-Abanihe, 1995 *Genus* 152. The southeastern region is generally made up of Igbo speakers.

<sup>33</sup> Vengesayi 2018 *Pretoria Student Law Review* 113.

<sup>34</sup> Dodoo, Horne and Dodoo 2020 *Social Problems* 77-78.

<sup>35</sup> Enemo "Legal Implications of 'Bride Price' or 'Dowry'" 35.

<sup>36</sup> Fuseini and Francis *I Bought You* 3.

<sup>37</sup> Akurugu, Domapielle and Jatoe 2021 *JAAS* 8-9.

<sup>38</sup> Ajayi, Chantler and Radford 2022 *Violence against Women* 472.

<sup>39</sup> Falana 2019 *IJHSSE* 137.

return of bridewealth upon divorce to enable women to leave abusive relationships.<sup>40</sup> This practice is worthy of replication in Nigeria.

Arguably, IPV predominantly occurs because women are culturally conditioned to accept and endure abusive behaviour.<sup>41</sup> Their conditioning starts from childhood and extends to mate selection and bridewealth negotiation/payment.<sup>42</sup> For instance, during the process of negotiating the bridewealth payment the groom is allowed to participate in the negotiation, whereas the bride is excluded.<sup>43</sup> This exclusion constrains her ability to express her views on matters that concern her.<sup>44</sup>

The distortion of bridewealth, family orientation and cultural values all contribute to women remaining in abusive marriages, and enable oppression by men.<sup>45</sup> This should change and could be changing. Women are beginning to use different agentic tools such as education and urbanisation to navigate their cultural constraints and reclaim their rights.<sup>46</sup> Since bridewealth payment persists because of the cultural right and identity it bestows on its observers, many parents have employed the token practice.<sup>47</sup> In this regard the parents of the bride ask for the stipulated amount in the marriage list but take only a small part of it as a token, and return the rest to the groom.<sup>48</sup> The purpose is to validate the marriage and show that their daughter is not for sale (de-commercialising the bridewealth practice).<sup>49</sup> For example, the people of Galole Orma in Kenya have seen a decline in bridewealth payment brought about by the increasing bargaining power of young men and women.<sup>50</sup> There seems to be no reason why such a practice cannot be replicated in Nigeria and indeed in other African traditional societies. Many scholars argue that the cultural significance of bridewealth payment is overrated, that it promotes violence, and that it discriminates against women.<sup>51</sup> As Vengesayi says:

---

<sup>40</sup> Biryabarema 2015 <https://www.reuters.com/article/us-uganda-judgement-idUSKCN0QB29420150806>.

<sup>41</sup> The payment of large sums of money as bridewealth does not always lead to IPV or necessarily make women endure DV.

<sup>42</sup> Oyediran and Isiugo-Abanihe 2005 *AJRH* 39.

<sup>43</sup> Diala *Interplay of Structure and Agency* 143, 170.

<sup>44</sup> Kaye, Mirembe and Johansson 2005 *African Health Sciences* 301-302.

<sup>45</sup> Fernández 2006 *Annals of the New York Academy of Sciences* 250-251.

<sup>46</sup> Alabi and Olonade "Complexities, Dynamism, and Changes" 100.

<sup>47</sup> Diala *Interplay of Structure and Agency* 106.

<sup>48</sup> Marriage list is a customary list that contains the formal requirements for traditional marriage. It also contains the required sum for the bridewealth itself.

<sup>49</sup> Onyanga 2016 *Priscilla Papers* 1-4.

<sup>50</sup> Ensminger and Knight 1997 *Current Anthropology* 12.

<sup>51</sup> Vengesayi 2018 *Pretoria Student Law Review* 126; Akurugu, Dery, and Domanban. 2022 *EHS* 6.

As long as the lobola system exists (as it is), women will never be free and equal members of society because men will not regard them as such.<sup>52</sup>

The above statement holds true for the degree of change the world has undergone. The idea that the payment of bridewealth is a token indicating the great value of the bride accords with the notion of gender equality and should therefore be encouraged.

## **2.2 IPV and culture – women's purity and wife beating**

Without putting all the blame on bridewealth payment, an understanding of the extent to which other traditional practices encourage women's tolerance of IPV is important. In most communities such as the Muslim community in northern Nigeria and the Urhobo community in the south, women are expected to be chaste before marriage and to have sexual relations only with their husbands.<sup>53</sup> The fact that only women are penalised for promiscuity is significant.<sup>54</sup> This practice is further supported by a contextual misinterpretation of the biblical provisions in Deuteronomy 22 vs 13-21, which stipulate that a woman proven to have lost her virginity before marriage is to be stoned to death. The disgrace or stigma that accompanies discovery of their loss of their virginity forces women to endure abuse or violence from their partners.

Given that particular social roles are socially ascribed to men and women, the gatekeepers of these norms make it a point of duty to preserve the sanctity of marriage – family. They often blame the woman for failing to uphold her responsibilities of maintaining familial harmony.<sup>55</sup> Contrariwise, they applaud the man who is assigned an aggressive and dominant nature for how he uses it.<sup>56</sup> Consequently, individuals who identify with patriarchal cultural values seemingly tolerate IPV and face strong societal pressures to avoid the stigma that accompanies divorce.<sup>57</sup> This is the case with wife beating, which is common in Nigeria.<sup>58</sup> Studies show that most women have accepted battery as a facet of their culture and as a way of being disciplined.<sup>59</sup> A study by Awolaran, OlaOlorun, and Asuzu on the prevalence of women's experiences of IPV shows that a great number of women

---

<sup>52</sup> Vengesayi 2018 *Pretoria Student Law Review* 135.

<sup>53</sup> Agha 2009 *Archives of Sexual Behavior* 900; *Interights v Nigeria* (Communication No 269/2003) [2005] ACHPR 67 (11 May 2005).

<sup>54</sup> Ottuh 2019 *Scriptura*1-3.

<sup>55</sup> Perrin, Marsh and Clough 2019 *Conflict and Health* 9.

<sup>56</sup> Murnen, Wright and Kaluzny 2002 *Sex Roles* 360-361.

<sup>57</sup> Ntoimo and Isiugo-Abanihe 2014 *Journal of Family Issues* 1980-1982.

<sup>58</sup> A study showed that 35.1% of Igbo women and 34.3% of Hausa-Fulani women had been physically abused. See Oladepo, Yusuf and Arulogun 2011 *AJRH* 84.

<sup>59</sup> Linos *et al* 2013 *AJPH* 153; Oyediran and Feyisetan 2017 *African Population Studies* 3465.



especially in rural areas justify and accept wife beating as being customary.<sup>60</sup> This acceptance reinforces GBV-IPV and gender inequality.

### **2.3 IPV in the context of law and politics**

Arguably, the basic structures of society are "susceptible to conscious human control" and the tool for such control is the law.<sup>61</sup> However, many scholars have argued that it is society that controls the law.<sup>62</sup> Irrespective, the importance of law cannot be overemphasised. In terms of the protection of women and the promotion of their rights, Nigeria's poor legal framework and implementation of the relevant laws have resulted in a failure to respond effectively to gender-related issues such as IPV.<sup>63</sup>

Before offering any further analysis, it would be proper to contextualise women's political position in Nigeria. This is because women's participation in politics will contribute to diversity and objectivity when enacting gender-responsive legislation.<sup>64</sup>

#### **2.3.1 Politics and IPV**

Women make up nearly half of the population of Nigeria.<sup>65</sup> A survey report published in February 2022 by Statista Research Department on the Gender representation in Nigeria's Parliament from 1993-2019 shows that the extent of women's participation in politics is meagre.<sup>66</sup> According to the report, only 7 out of the 109 senators and 22 out of the 360 House of Representatives members are women (i.e., 29 out of 469 in total). This is appalling, especially for a country that commits to equality and fairness.<sup>67</sup> As Nigeria is a patriarchal society, masculine ideologies have found their way into Nigeria's legislative body.<sup>68</sup> Consequently, gender-responsive laws are at risk.

Early in 2022 68 bills were tabled before Parliament, of which 5 sought to secure more opportunities for women in political parties and governance

---

<sup>60</sup> Awolaran, OlaOlorun, and Asuzu 2021 *AJRH* 114.

<sup>61</sup> Moore 1973 *Law and Society Review* 719.

<sup>62</sup> Allott 1977 *JAL* 6.

<sup>63</sup> Okongwu 2021 *IJDL* 26-27.

<sup>64</sup> Of course, given the existence of the institutionalised resistance to gender equity and the fact that the women politicians have been conditioned by their members of a patriarchal society, it cannot be assumed that women in politics are concerned with or will attempt to promote gender equity.

<sup>65</sup> Obiezue 2022 <https://www.voanews.com/a/nigerian-women-demand-greater-representation-in-parliaments-/6467256.html>.

<sup>66</sup> Statista 2022 <https://www.statista.com/statistics/1261110/gender-representation-in-national-parliament-in-Nigeria/>.

<sup>67</sup> See s 17(1) of the *Constitution of the Federal Republic of Nigeria, 1999* (the 1999 Constitution).

<sup>68</sup> Evidence of this will be shown as the paper proceeds.

and to create special seats for women in National and State Assemblies.<sup>69</sup> All of these bills were rejected. Their rejection led to protests by women calling for Parliament to pass the rejected bills.<sup>70</sup> They asked that 35% of the seats be allocated to women, up from 4%. One may argue that 35% of the seats would not be sufficient to get women actively involved in politics. It would obviate the need to competing with men for some seats, however.<sup>71</sup> It would also create an avenue to deal with underlying barriers such as the "lack of trust among women, the fear of success or rejection, fear of popularity, violence inherent in politics and importantly, the entrenched, obnoxious socio-cultural structures and patriarchy" that women face during election campaigns.<sup>72</sup>

Would getting women actively involved in politics enhance their rights and improve gender-responsive policy and law-making? The answer is yes. It would certainly create room for diverse and new ideas. It would improve women's negotiation skills and confidence and impact positively on the economy.<sup>73</sup> The danger of eliciting a one-sided (male) opinion on policymaking cannot be overstressed. In 2016 the Gender and Equal Opportunities Bill, which sought to protect women's land rights, address violence against women and eliminate discrimination in politics, education, and employment was dismissed, the rejection being based mostly on religious and cultural grounds.<sup>74</sup> In 2019 the bill was tabled again, and once again failed to be passed for the same reasons. In explaining the reasons for their rejection of the bill, a senator noted that the bill contradicted Islamic canons. According to him:

When it comes to socio-cultural practices, it is wrong. If they say 'equity', it is okay, but equality, no. It infringes on the Islamic religion and for that reason, I do not support this bill.<sup>75</sup>

Likewise, another senator argued that the bill attempted to make women equal to men and contradicted Islamic tenets. The senator emphatically stated:

---

<sup>69</sup> Iroanusi 2022 <https://www.premiumtimesng.com/news/headlines/515664-gender-bills-nigerian-women-set-to-hold-mother-of-all-protests.html>.

<sup>70</sup> Awodipe 2022 <https://guardian.ng/news/women-groups-suspend-occupation-of-national-assembly-over-gender-bills/>.

<sup>71</sup> In the past election, only a few women declared their presidential intentions, which pales into insignificance when compared to the aspirations of their male counterparts.

<sup>72</sup> Agbalajobi 2021 <https://theconversation.com/nigerias-national-assembly-why-adding-seats-for-women-isnt-enough-161514>.

<sup>73</sup> Persson 2021 *Electoral Studies* 1-7.

<sup>74</sup> Guilbert 2016 <https://www.reuters.com/article/us-nigeria-women-lawmaking/failure-to-pass-equality-bill-betrays-nigerianwomen-activists-say-idUSKCN0WJ2L4>.

<sup>75</sup> Iroanusi 2021 <https://www.premiumtimesng.com/news/headlines/500980-again-gender-equality-bill-suffers-setback-at-senate.html>.

I will not support the passage of this unless the word 'equal' is removed. If we, have it as 'Gender Opportunities Bill', fine, but when you bring equality into it, it infringes [on] the practice of the Islamic religion.<sup>76</sup>

The approval of the National Gender Policy on 2 March 2022 may well be a necessary development and a step in the right direction. It presents a set of minimum standards expected of the Nigerian government in promote gender equality, accountability and social responsiveness to the needs of vulnerable groups.<sup>77</sup> The implementation of this policy, however, has yet to occur.

### 2.3.2 Law and IPV in Nigeria

The interplay of patriarchy, religious and cultural values and state laws reflects Nigeria's legally pluralistic condition.<sup>78</sup> This interplay creates conflict that affects women and limits their ability to exercise their rights. The conflict manifests in the choice, interpretation and application of laws. It is thus no surprise that efforts to promote gender equality are often frustrated. Furthermore, the absence of state laws on domestic violence except in Lagos and Abuja does not help in the eradication of IPV. Even where they exist, implementing such laws is challenging.<sup>79</sup> While the 1999 Constitution and legal policies discourage violence against women there are still other laws that encourage the practice. For instance, the Penal Code applicable in the North provides that:

Nothing is an offence which does not amount to infliction of grievous hurt upon any person which is done ... by a husband for the purpose of correcting his wife, such husband and wife being subject to any native law and custom under which such correction is lawful.<sup>80</sup>

The above empowers men to abuse their wives.<sup>81</sup> Generally GBV is a criminal offence in Nigeria.<sup>82</sup> Thus, victims of GBV can rely on the Criminal Code (CC).<sup>83</sup> However, the Criminal Code applies only to the southern region. Its provisions favour men rather than women. For instance, it describes a physical attack as a misdemeanour for which the offender is liable to one year of imprisonment.<sup>84</sup> Interestingly, section 353 of the CC specifically provides that any assault on a "male" is a "felony" for which the

---

<sup>76</sup> Iroanusi 2022 <https://www.premiumtimesng.com/news/headlines/515664-gender-bills-nigerian-women-set-to-hold-mother-of-all-protests.html>.

<sup>77</sup> Ailemen 2022 <https://businessday.ng/news/article/fec-approves-new-national-gender-policy-2021-2026/>.

<sup>78</sup> Chidozie and Orji 2022 *African Identities* 1-3.

<sup>79</sup> Diala "Legal Pluralism and Social Change" 155-157.

<sup>80</sup> Section 55(1)d) of the *Penal Code Law* 18 of 1959, CAP 89, Laws of Northern Nigeria, 1963.

<sup>81</sup> *Akinbuwa v. Akinbuwa* 7 NWLR (pt 556) 1998 66.

<sup>82</sup> *Criminal Code Act* CAP 77, Laws of the Federation of Nigeria, 1990.

<sup>83</sup> *Criminal Code Act* CAP 77, Laws of the Federation of Nigeria, 1990 (the Criminal Code).

<sup>84</sup> Section 351 of the Criminal Code.

offender is liable for three years of imprisonment. So for women a physical attack is a misdemeanour but for men it is a felony. This reflects the legislative injustice with respect to the treatment of the genders in Nigeria, which situation promotes the scourge of IPV.

### 2.3.3 *Current laws on domestic violence (DV)*

The overarching Act which offers legal protection from DV is the *Violence against Persons (Prohibition) Act (2015) (VAPPA)*. However, VAPPA is applicable only to offences committed in the Federal Capital Territory Abuja and is subject to adoption by other states. Of Nigeria's 36 states, only 13 have adopted the Act. Many of the 23 that have not adopted it are in northern Nigeria, which is governed by the penal code. Lagos State, one of the 13 states, is at the forefront of the fight against GBV.<sup>85</sup> It has one of the most all-encompassing, victim-centred, and punitive laws on domestic violence in the country, called the *Protection against Domestic Violence Law of Lagos State, 2007*. This law makes provision for active institutions such as women's refuge centres, a victim protection agency and a GBV specialist court.<sup>86</sup> The response team comprises the Ministry of Justice, doctors from the Ministry of Health, representatives from the Ministry of Youth, the Ministry of Women Affairs and the Nigerian Police. The aim is to provide a multisectoral approach to DV and to enhance the swift administration of justice.

In 2014 a sex offender's register maintained in terms of the Mandatory Reporting Policy was introduced in areas with the highest number of cases of GBV in Lagos State. The register, which is maintained by the Ministry of Justice, the Lagos State Judiciary, the Nigeria Correctional Services and the Nigeria Police, allows for the reporting and documenting of all cases of GBV. In 2016 a campaign tagged the "walk campaign" was organised by the then governor of Lagos State to create awareness of the dangers of GBV and to prompt courts to speedily dispense justice by adjudicating pending cases of GBV. The walk campaign was effective as a total of 852 cases of domestic violence and related cases were recorded in Lagos State in 2017.<sup>87</sup> Between May 2019 and August 2021 the state recorded 10,007 reported cases of domestic violence.<sup>88</sup> Other states are also working hard on adopting or passing relevant laws.<sup>89</sup> These include the *Ekiti State Gender-Based Violence Law*, the *Abia State Abolition of Widowhood*

---

<sup>85</sup> Yalley and Olutayo 2020 *Social Sciences and Humanities Open* 2.

<sup>86</sup> Lagos State Domestic Sexual and Violence Response Team. Also see s 3 of the *Protection against Domestic Violence Law of Lagos State, 2007*.

<sup>87</sup> Opakunbi 2021 *SGOJAHDS* 381.

<sup>88</sup> Adedigba 2022 <https://humanglemedia.com/nigeria-struggling-to-combat-gender-based-violence-despite-laws-govt-promises/>.

<sup>89</sup> These other 13 states are Oyo, Ogun, Lagos, Osun, Ekiti, Edo, Anambra, Enugu, Ebonyi, Benue, Cross River, Kaduna, FCT, and Plateau.

Practices Bill (2017), *Rivers State Prohibition of the Curtailment of Women's Right to Share in Family Property Law No 2 of 2022*, the *Edo State Law on Violence against Women, 2007*, the *Ogun State Violence against Persons Bill (2016)*, the *Ebonyi State Protection against Domestic Violence Law, 2007*, and the *Cross River Domestic Violence and Maltreatment of Widows' Prohibition Law, 2014*. Though the laws in these states are not as comprehensive as the laws of Lagos state, these developments show prospects of criminalising GBV. For instance, the Ekiti state GBV law provides for the creation of a specialised court in at least 3 Senatorial Districts of the state to hear cases of GBV. In June 2021 its Sexual Assault Referral Centre recorded 139 GBV cases of gender-based violence within one year of its establishment.<sup>90</sup> On the other hand, Zamfara State passed the Child Rights Bill into law on 16 August 2022.<sup>91</sup> The multi-faceted approach undertaken by Lagos State is a great model for the nation to emulate in terms of curbing GBV.

### 3 IPV and religious beliefs

Arguably IPV transcends socio-economic boundaries, law and religion. Nigeria is a religiously pluralistic state.<sup>92</sup> Religion plays a key role in sustaining or curbing GBV. Christianity and Islam are the two major religions in Nigeria,<sup>93</sup> but in exploring the complex and controversial relationship between religion and IPV and how this relationship influences behaviour around GBV this paper focusses primarily on Christianity.<sup>94</sup>

Religion is an institutional and personal reality for many Nigerians.<sup>95</sup> Therefore religious leaders influence and exercise real powers over their followers.<sup>96</sup> Their teachings may serve as a barrier against IPV or a source of strength for most women that experience such violence,<sup>97</sup> but many churches avoid challenging discriminatory social norms that undermine women's dignity, thereby providing a platform for violence against women.<sup>98</sup> Many biblical verses are misinterpreted or misconceived to reinforce GBV or IPV.

---

<sup>90</sup> Adedigba 2022 <https://humanglemedia.com/nigeria-struggling-to-combat-gender-based-violence-despite-laws-govt-promises/>.

<sup>91</sup> Ewepu 2019 <https://www.vanguardngr.com/2022/08/sci-hails-zamfara-assembly-over-bold-initiative-to-pass-the-child-protection-bill-into-law/>.

<sup>92</sup> Akpotor 2019 *IJISSHR* 41.

<sup>93</sup> Somefun 2019 *BMC Public Health* 3.

<sup>94</sup> Focussing primarily on Christianity means that this research lacks generalisability, but it could be expanded to include other religious groups.

<sup>95</sup> Gbadegesin and Adeyemi-Adejolu 2016 *JPCR* 26.

<sup>96</sup> Akinloye 2018 *STJ* 39.

<sup>97</sup> Akinloye 2018 *STJ* 39.

<sup>98</sup> Wood 2019 *HTS Theological Studies* 1-8.

### **3.1 Biblical misconceptions on IPV**

Many misinterpreted verses in the Bible are used to reinforce cultural and traditional practices that oppress women. For example, Ephesians 5: 22-24 says:

Wives, submit to your husbands as to the Lord, because the husband is the head of the wife as Christ is the head of the church. He is the Saviour of the body. Now as the church submits to Christ, so also wives are to submit to their husbands in everything.

Most religious leaders do not emphasise the provision of verse 25, which says "[h]usbands, love your wives, just as Christ loved the church and gave himself for her." Furthermore, I Corinthians 14:34-35 states:

[T]he women should be silent in the churches, for they are not permitted to speak, but are to submit themselves, as the law also says. If they want to learn something, let them ask their own husbands at home, since it is disgraceful for a woman to speak in the church.

But Ephesians 5:33 states: "[h]owever, each one of you also must love his wife as he loves himself and the wife must respect her husband." Because of the existence of this verse, many men argue that they are obliged only to love their wives and need not respect them. But it is illogical to love someone without respecting the person.

### **3.2 Biblical references that undermine GBV**

It is important to point out that the teachings of Jesus Christ found in the New Testament section of the Bible, plus the faith and belief of the followers in Christ the founder of the religion form the basis of Christianity. If Christian men emulate Christ's life, and love as Christ loved, then it is safe to say that the teachings of the Bible are misconstrued in most instances of GBV. The social setting during Jesus' time was strongly gendered, but his teachings spoke otherwise. As already explained, perpetrators or supporters of GBV read Bible verses only selectively. Ephesians 5:22-24 is not read with verse 25, and in conjunction with Colossians 3:19, which states "[h]usbands, love your wives and do not be harsh with them" and Psalm 11:5 that says, "[t]he Lord tests the righteous, but his soul hates the wicked and the one who loves violence". If the teachings of the Bible<sup>99</sup> are to be construed holistically, then it can be argued that Christian perpetrators of IPV do not obey God's word.

1 Timothy 2:11-12 states that: "[a] woman should learn in quietness and full submission. I do not permit a woman to teach or to assume authority over a man, she must be quiet." Yet the same Bible recorded the prowess of women as leaders over men such as Ruth, Deborah, Esther, Miriam,

---

<sup>99</sup> Which can be understood to be the religious practice manual for Christians.

Huldah, Lydia and Priscilla.<sup>100</sup> Indeed, Acts of the Apostles 2:17-18 refutes 1 Timothy 2:11-12 by stating that God will pour out His Spirit on all people, including men *and women*. A literal interpretation suggests that women are granted the right to “prophecy” and speak the Word of God in the church. If Psalms 11:5 and 7 are anything to go by, then it is safe to say that God abhors any form of violence.<sup>101</sup>

The Bible demonstrates that God is always on the side of the oppressed, and desires to transform society for those who are burdened, marginalised or unjustly treated.<sup>102</sup> Any discussion on Christian marital relationships must therefore embody biblical attitudes of love, self-sacrifice and mutual submission.<sup>103</sup> Men and women are equal before God (and the law) and have complementary roles to play.<sup>104</sup> When believers or religious leaders in their interpretations endorse traditions that foster uneven power relations, they must stop and ask themselves: "is this the will of God? Is this the truth?" The new and greatest command/law of Jesus per the Bible, which is considered the Christian religious manual, is to "love one another".<sup>105</sup>

The link between IPV and religion cannot be examined without discussing divorce. What is the position of the Bible on divorce? What advice are religious leaders giving on divorce? Some religious women are enduring abusive treatment because 1 Corinthians 7: 10-11 prohibits divorce and remarriage.<sup>106</sup> Furthermore, Malachi 2:16 states that "God hates divorce". However, the second part of the verse speaks about covering one's garment with violence. So, just as God hates divorce, he also hates violence and allows for separation from an abusive partner.<sup>107</sup> Although physical abuse is not emphatically stated as a ground for divorce,<sup>108</sup> it can be inferred from the scriptures below that Christians should not associate with an abusive or violent person.<sup>109</sup> 2 Timothy 3:1-5 enjoins Christians to dissociate themselves from an abusive person. Similarly, Proverbs 27:12; 22:3 advises a prudent man/woman to escape from danger. Generally, scripture urges Christians to love one another. If IPV is consistently not prioritised or glossed over by the church to maintain the social order of the faith, then the cycle of abuse will be reinforced across generations. Therefore, in the

---

<sup>100</sup> Judges 4: 5; Esther 5; Ruth 1: 15-18; Exodus 15:20; 2 Kings 22; Acts 16:14-15; Acts 18:26.

<sup>101</sup> Deuteronomy 22: 26-29.

<sup>102</sup> Psalm 56; Luke 4:18-21; Proverbs 14:31; Matthew 9:13; Mark 3:4-5, Ephesians 5:3.

<sup>103</sup> Ephesians 5:21.

<sup>104</sup> Section 42(1) and 17(1) of the 1999 Constitution; 1 Peter 2:5-9; Romans 2:11.

<sup>105</sup> John 13:34.

<sup>106</sup> Ademiluka 2019 *Verbum et Ecclesia* 1.

<sup>107</sup> Ephesians 5:3-7, 11-13.

<sup>108</sup> Adultery, hardness of heart, death and desertion are expressly stated as grounds for divorce. Matthew 19:9; 1 Corinthians 7:15; Mark 10:5-9; 1 Corinthians 7:39.

<sup>109</sup> Marriage is a good thing and should be regularly worked at; however, where safety is compromised, the godly choice is to flee and seek safety. 1 Corinthians 5:11.

discourse around GBV/IPV and the cultural factors that sustain it, the influence of religion/religious culture is significant.<sup>110</sup>

#### **4 Gendered implications of the interaction of law, culture, and religion for IPV**

What are the gendered effects of the interplay of law, culture and religion for IPV in Nigeria? This question is significant because society evolves. The interaction of law, religion and culture creates a complex and systemic environment that perpetuates normalised or institutionalised violence against women. First, religious and cultural beliefs are matters of opinion, experience and upbringing.<sup>111</sup> Second, the relationship between culture and religion is a complex one. On the one hand, culture expresses how an individual understands and perceives the world.<sup>112</sup> On the other hand, religion is the "symbolic expression" and response to that which people purposefully acknowledge as being of "unrestricted value to them".<sup>113</sup> As Abdullah puts it, the relationship between culture and religion influences the creation of societal norms and values.<sup>114</sup> Thirdly, culture is the scapegoat in many human rights violations.<sup>115</sup> Suffice it to say that the constitutional right to freedom of association shows the complex relationship between law, culture and religion.<sup>116</sup>

The prohibition of the federal and state governments from adopting a state religion under section 38 of the 1999 Constitution and the relegation of religious and cultural practices/beliefs to a private domain create complex power relations that blur the extent to which the state can interfere in the lives of its citizens, especially in the context of IPV.

Despite its serious nature there is a dearth of cases of GBV in Nigeria especially of IPV, for various reasons. First, people rarely report cases involving abuse in relationships. Second, most reported cases are not successfully prosecuted because they are regarded as reflecting a breakdown in family relationships.<sup>117</sup> This was the situation in *IHRDA and WARDC (on behalf of Mary Sunday) v The Federal Republic of Nigeria*,<sup>118</sup> a case that is developing jurisprudence on GBV in Nigeria. *The victim, Ms*

---

<sup>110</sup> Ross 2012 *Catalyst* 1.

<sup>111</sup> Knoblauch 2023 *Religion* 555.

<sup>112</sup> Abdulla 2018 *Review of Faith and International Affairs* 108.

<sup>113</sup> Hall, Pilgrim and Cavanagh *Religion* 11.

<sup>114</sup> Abdulla 2018 *Review of Faith and International Affairs* 107.

<sup>115</sup> Msuya 2019 *JAAS* 1152.

<sup>116</sup> Abdulla 2018 *Review of Faith and International Affairs* 102; see ss 38 and 40 of the 1999 Constitution.

<sup>117</sup> Izzu and Adielu 2021 *International Journal of Civil Law and Legal Research* 33.

<sup>118</sup> *IHRDA and WARDC (obo Mary Sunday) v The Federal Republic of Nigeria* (ECOWAS Community Court of Justice) case number ECW/CCJ/APP/26/15 of 17 May 2018 (hereafter the *Mary Sunday* case).



*Mary Sunday, and her fiancé, Corporal Gbanwuan, had an argument that resulted in physical injuries.*<sup>119</sup> *The Women Advocates Research Documentation Centre (WARDC) and the Institute for Human Rights and Development in Africa (IHRDA) instituted an action on behalf of Ms Sunday at the ECOWAS Community Court of Justice (the Court).*<sup>120</sup> *They alleged that since the attack the Nigerian authorities had failed to carry out an independent and impartial investigation into the allegations of severe domestic violence suffered by Ms Sunday.*<sup>121</sup>

*In the Mary Sunday case the court rejected the defence proffered, on the grounds that the private nature of an incident was not a justifiable reason for dismissing a case when it came to a victim's right to access justice and a legal remedy.*<sup>122</sup> *What this means is that even though the state's interference in private matters should be restricted to the barest minimum, cases of harm caused to another or violations of human rights should be an exception.*<sup>123</sup>

Since GBV is a criminal offence in Nigeria, the police have the primary responsibility of ensuring that offenders are brought to account.<sup>124</sup> When the police fail to carry out their duties of properly investigating GBV crimes, for example, this creates a loophole in the implementation of the law. Consequently, the offender is released back into society, with the risk of committing further offences. In *State v Akingbade Gabriel*, the accused was charged with the offence of raping a 20-year-old girl.<sup>125</sup> Even though he was found to have committed the offence, he was discharged and acquitted since there was no corroboration of the victim's statement.<sup>126</sup> According to the court,

I have no doubt that the accused took most improper liberties with the girl who was only anxious to get a job.... It (is however) difficult to discover the necessary corroborative evidence in this case. The girl's prompt report or complaint to her parents is certainly not corroborative evidence....

---

<sup>119</sup> The judgment of this case is in French (ECOWAS Community Court of Justice 2018 [http://www.courtecowas.org/wp-content/uploads/2019/02/ECW\\_CCJ\\_JUG\\_11\\_18.pdf](http://www.courtecowas.org/wp-content/uploads/2019/02/ECW_CCJ_JUG_11_18.pdf)) and I translated it into English online. The English text is available from the author. See the *Mary Sunday* case 2.

<sup>120</sup> Addazi-Koom 2019 *AHRLJ* 645.

<sup>121</sup> See the *Mary Sunday* case 3.

<sup>122</sup> See the *Mary Sunday* case 5.

<sup>123</sup> García-Del Moral and Dersnah 2014 *Citizenship Studies* 663.

<sup>124</sup> See the *Mary Sunday* case.

<sup>125</sup> *State v Akingbade Gabriel* (1971) All NLR 508 508.

<sup>126</sup> *State v Akingbade Gabriel* (1971) All NLR 508 510 para 2. The ruling in this case is appalling and illogical. Moreover, the requirement for corroboration in Nigeria is a cautionary requirement to circumvent doubt and ensure justice and fairness.

*These examples show societal attitudes toward domestic violence and the lack of commitment on the part of institutional bodies to fight GBV.*<sup>127</sup> Since the burden of proof rests with the prosecution in criminal matters, the police should be diligent in investigating and prosecuting cases of GBV.<sup>128</sup>

The third reason for the dearth of cases is that most cases of DV are adjudicated as grounds for divorce or judicial separation rather than as individual offences.<sup>129</sup> Thus, to escape an abusive marriage through divorce a woman must, under sections 15(2)(c) and 16(1)(e) of the *Matrimonial Causes Act* (MCA), prove that the marriage has broken down irretrievably such that she cannot reasonably be expected to live with the respondent.<sup>130</sup> According to section 16(1)(e)(i)(ii) of the MCA, divorce can be upheld if the petitioner satisfies the court that within a period of one year immediately preceding the date of the petition the respondent has been convicted of (i) having attempted to murder or unlawfully kill the petitioner, or (ii) having committed an offence involving the intentional infliction of grievous harm or grievous hurt on the petitioner, or the intent to do so. These provisions are preposterous, since victims can leave abusive partners only if they can secure convictions against the respondents for attempting to kill or inflict grave harm on them. For the first two reasons given above it is almost impossible to secure this conviction or to leave an abusive marriage.<sup>131</sup> This is a deficiency in the law that needs to be remedied, for it delays the dispensation of justice, contributes to the dearth of cases, and reflects the state's lack of commitment to the protection of women's rights.<sup>132</sup>

As a pluralistic state Nigeria should not have legal loopholes that encourage perpetrators of GBV. In terms of religion, for instance, religious leaders should speak more about IPV during marriage classes and in their sermons. Whereas the Church should be a safe place for the oppressed, it is often synonymous with abuse. The reason is that most religious women (and men) who avoid divorce or endure abuse from their partners do so because of the blame and stigma that is attached to it.<sup>133</sup> They endure violence because of the complex web of links between religion, violence, fear and family.<sup>134</sup> Interestingly, this blame and stigma come mostly from members

---

<sup>127</sup> Bazza 2009 *Societies without Borders* 175.

<sup>128</sup> In Nigeria, other than the Attorney-General of the Federation, the Police also have the power to prosecute criminal proceedings. See ss 4 and 23 of the *Police Act* CAP 359, Laws of the Federation of Nigeria, 1990 and s 214(b) of the 1999 Constitution.

<sup>129</sup> *LT Adeyinka A Bibilari (Rtd) v Ngozika B Aneke Bibilari* (2011) LPELR-4443(CA); *Charles Owologbo Ugbotor v Florence Mamuromu Ugbotor* (2006) LPELR-7612(CA).

<sup>130</sup> *Matrimonial Causes Act* CAP 220, Laws of the Federation of Nigeria, 1990.

<sup>131</sup> Godwin 2022 <https://guardian.ng/guardian-woman/why-sexual-gender-based-violence-victims-hardly-get-justice-in-nigeria/>.

<sup>132</sup> Bazza 2009 *Societies without Borders* 175.

<sup>133</sup> Ghafournia 2017 *Journal of Religion and Spirituality in Social Work* 147.

<sup>134</sup> Bazza 2009 *Societies without Borders* 175-176.

of the same faith community.<sup>135</sup> Religious leaders must as a matter of urgency show in their teachings the need to appreciate human life and preserve human dignity, thus shifting societal attitudes towards divorce and behaviours relating to violence against women.<sup>136</sup>

Since law is regarded as "the prophecies of what the courts will do in fact" (interpretation) according to Holmes Jr, the role of the courts in the administration of justice cannot be overemphasised.<sup>137</sup> GBV could be adequately dealt with if all stages of prevention, prosecution and the services provided to victims were secured. This includes the enactment and adoption of a state law that criminalises GBV of all forms, the empowerment of the police and medical practitioners to do their duty, and of the judiciary to dispense justice swiftly and create public awareness of the offence and its consequences.

## 5 Best African practices

The existing laws in Nigeria lack strict penalties on GBV. These laws include but are not limited to the MCA, the Constitution, and national law on GBV.<sup>138</sup> As an instrument of social change law is a useful weapon in the hands of legislators and policymakers to effect the much-needed shift in normative behaviour. Nigeria should as a matter of urgency put in place specific gender-based laws to deal with the rising number of cases of GBV. This is evident in the data collected by the Nigerian government from two-thirds of the states, which demonstrates a 149% increase in reports of GBV from March to April 2020.<sup>139</sup> Countries like South Africa have specific laws such as the *Domestic Violence Act* 116 of 1998 (hereafter the DVA) that cover all forms of abuse.<sup>140</sup> The DVA offers a civil remedy for domestic violence.<sup>141</sup> Additionally, the complainant can obtain a protection order against the abuser and can separately use criminal law to open a criminal case against the abuser simultaneously.<sup>142</sup> Even though South Africa has one of the highest rates of IPV in the world, it has an accessible reporting and response system, which is not true of Nigeria.<sup>143</sup> The fact that South Africa has the

---

<sup>135</sup> Le Roux 2015 [https://jilflc.com/wp-content/uploads/2015/10/Le-Roux\\_SGBVFaith-scoping-study\\_REPORT\\_30Sept15.pdf](https://jilflc.com/wp-content/uploads/2015/10/Le-Roux_SGBVFaith-scoping-study_REPORT_30Sept15.pdf) 48.

<sup>136</sup> Popescu and Drumm 2009 *Social Work and Christianity* 375-376.

<sup>137</sup> Holmes 1997 *Harv L Rev* 994.

<sup>138</sup> For national law on GBV, see section 2.3.3 of this paper.

<sup>139</sup> UN Women 2020 [https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis\\_The%20Shadow%20Pandemic.pdf](https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis_The%20Shadow%20Pandemic.pdf).

<sup>140</sup> Section 1 of the *Domestic Violence Act* 116 of 1998 (the DVA).

<sup>141</sup> See the preamble to the DVA.

<sup>142</sup> Sections 4, 7 and 8(6) of the DVA.

<sup>143</sup> Lopes 2016 *SAMJ* 967. Of course, there are still challenges in the process of reporting and responding to DV in South Africa – mainly policing issues. See *Naidoo v Minister of Police* 2015 4 All SA 609 (SCA).

highest rates of reported IPV, arguably due to the effective reporting systems, shows that the country has records of the cases, whilst cases of IPV go unreported in most Nigerian states. Having a functional data-collection system is important for the successful implementation of preventative measures and for providing better-informed responses.

Rwanda has taken critical steps towards eradicating GBV by enacting laws. For example, it passed the *Prevention and Punishment of Gender-Based Violence Law* in 2008.<sup>144</sup> The Law adopts zero tolerance towards GBV by making GBV a ground for divorce (article 6), providing redress, catering (in terms of protection and rehabilitation) for the victims/survivors of violence (article 10), and punishing the perpetrators of GBV (article 20). In terms of institutional and administrative intervention Rwanda has free hotlines and one-stop centres that provide services to victims/survivors of GBV.<sup>145</sup> The service providers are trained to investigate, address and deliver appropriate services.<sup>146</sup> The one-stop centres provide an immediate response to the needs of the survivors. These responses range from legal, psychosocial, police and medical services. An examination of the impact of these centres on violence against women and girls shows that the legal support provided led to 47% of perpetrators being arrested. 31% of this number were prosecuted, 25% imprisoned, and 13% divorced.<sup>147</sup> Just as in South Africa, these interventions are not without challenges. There are still challenges regarding the lack of forensic evidence to support cases in courts and the delayed reporting of cases by women due to the stigma of being labelled a divorcee.<sup>148</sup> However, the contribution of the legislative and regulatory interventions in criminalising and supporting victims/survivors of all forms of GBV cannot be ignored.

Kenya, on the other hand, has enacted laws such as the *Protection Against Domestic Violence Act* (PADV Act) that offer protection and relief for victims of GBV, especially those in intimate relationships.<sup>149</sup> The Act allows the court to offer such a civil remedy for domestic violence as it deems just and reasonable.<sup>150</sup> Other laws include the *Prohibition of Female Genital*

---

<sup>144</sup> *Law No 59/2008 on Prevention and Punishment of Gender-Based Violence.*

<sup>145</sup> Republic of Rwanda 2019 <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Rwanda.pdf>.

<sup>146</sup> Fraser and Ahlenback, 2022 <https://ww2preventvawg.org/sites/default/files/2022-11/Ending%20VAWC%20HD%20Report%2033%20VAWG%20in%20Rwanda.pdf>.

<sup>147</sup> The analysis was conducted from 2019-2022. Fraser and Ahlenback, 2022 <https://ww2preventvawg.org/sites/default/files/2022-11/Ending%20VAWC%20HD%20Report%2033%20VAWG%20in%20Rwanda.pdf>.

<sup>148</sup> Fraser and Ahlenback, 2022 <https://ww2preventvawg.org/sites/default/files/2022-11/Ending%20VAWC%20HD%20Report%2033%20VAWG%20in%20Rwanda.pdf>.

<sup>149</sup> *Protection against Domestic Violence Act 2 of 2015* (the PADV Act). See also s 4 of the PADV Act.

<sup>150</sup> Section 32 of the PADV Act.

*Mutilation Act*,<sup>151</sup> which protects the rights of women and girls against harmful cultural practices, and the *Sexual Offences Act*,<sup>152</sup> which prohibits and protects persons from all forms of sexual violence and abuse. The implementation of these policy frameworks is fraught with challenges such as cultural, and religious beliefs, a lack of resources (funding and administrative support), a lack of awareness in the rural areas, and the lack of a monitoring framework.<sup>153</sup> Kenya has also adopted a GBV indicator in the government's performance monitoring to ensure that the accountability and implementation of GBV laws are tracked.<sup>154</sup>

In terms of women's participation in governance, Rwanda and South Africa have used a proportional representation system to increase and ensure the numerical representation of women in the legislature.<sup>155</sup> In Rwanda and South Africa, 64% and 47% of political positions are held by women respectively.<sup>156</sup> Women's proportional representation in the political domain of these countries has helped to amplify women's voices and achieve "additional gender-focused policy initiatives".<sup>157</sup> Although there are still challenges and GBV persists in these countries despite the existing interventions, their legal and institutional interventions are worth replicating in all states in Nigeria.

## 6 Conclusion and recommendations

GBV and IPV involve a complex interplay of cultural, religious, legal and economic factors. Their resilient nature in Nigeria is evident in the prevalence of harmful practices with deep roots in religion and culture, which are sustained by weak legal frameworks and the poor implementation of laws.<sup>158</sup> On the one hand, cultural practices such as bridewealth payment (in its distorted form) and wife beating, *inter alia*, sustain GBV/IPV by their tendency to limit women's agency to choose or express their views in matters affecting them.<sup>159</sup> On the other hand, religion seemingly promotes the protection of its believers through its interpretation of biblical provisions in patriarchal ways. As shown in the article, patriarchal interpretations are given to religious teachings to accommodate the interest of men as the

---

<sup>151</sup> *Prohibition of Female Genital Mutilation Act* 32 of 2011.

<sup>152</sup> *Sexual Offences Act* 3 of 2006.

<sup>153</sup> John, Bukuluki and Casey 2023 *SRHM* 3-4.

<sup>154</sup> Equality Now 2021 [https://www.equalitynow.org/news\\_and\\_insights/kenya\\_just\\_committed\\_to\\_ending\\_gbv\\_in\\_5\\_years\\_here\\_s\\_how\\_they\\_plan\\_to\\_do\\_it/](https://www.equalitynow.org/news_and_insights/kenya_just_committed_to_ending_gbv_in_5_years_here_s_how_they_plan_to_do_it/).

<sup>155</sup> South Africa uses a voluntary rather than a legislated quota, but that seems effective. Some scholars may argue that this is not effective. The most important point to make is that there is a framework in place.

<sup>156</sup> Morojele *Women Political Leaders* 11.

<sup>157</sup> Burnet 2019 *Anthropology Faculty* 8.

<sup>158</sup> For GBV laws in Nigeria, see section 2.3.3 of this paper.

<sup>159</sup> See sections 2.1 and 2.2 of this paper.

dominant social group and reinforce the subordinate position of women. So, what needs to be done?

First, religion is a personal reality for most people in Nigeria and strongly influences their behaviour.<sup>160</sup> Indubitably the authority of religious leaders is persuasive, and the voice of such religious leaders is very influential and considered binding on the followers of the religion in some respects. Thus, religious leaders need to leverage their influence and condemn all forms of GBV in their teachings. Rather than attaching importance to saving abusive marriages or offering quick-fix solutions, religious groups should invest in training their clergies in positive/practical/helpful responses to GBV issues and creating various support groups for victims of GBV.

Second, the multiplicity of laws in Nigeria makes it difficult to regulate GBV/IPV due to the tensions that arise out of their interaction. The regulation of GBV is also difficult because most cases are treated as private matters. However, GBV/IPV has transcended the private domain. State governments should therefore create a strategy that involves communities both in the drafting and implementation of GBV laws. Their participation will expose community perceptions and the lived realities that perpetuate GBV/IPV.

Third, there are regulatory deficiencies that encourage GBV, discourage the reporting and prosecution of GBV, and delay the dispensation of justice in GBV trials. These deficiencies reflect the state's lack of commitment to the protection of women's rights. Laws such as the MCA need urgent amendment. For example, section 16(1) of the MCA provides that the victim or petitioner cannot leave an abusive relationship until a conviction of the respondent has been secured. This is not only unreasonable and illogical, but it also puts the petitioner's life at risk.<sup>161</sup> In line with best practices in South Africa and Kenya, the amendment of the MCA and the Criminal Code should allow DV in marriage to be instituted as an individual offence rather than as a ground for divorce or judicial separation.

Fourth, urgent legislative measures should be taken to provide punitive punishment for GBV. Lagos State has taken a critical step in this regard. Other states should be mandated to adopt VAPPA and capacitate implementation structures such as the police, the judiciary, the Social Welfare Department, and health officials. As service providers these stakeholders should also be trained to offer better psychological support in issues of GBV.

Finally, other than policy reforms and a victim-centred approach, there is also the need to raise the awareness of GBV as a negative social

---

<sup>160</sup> Gbadegesin and Adeyemi-Adejolu 2016 *JPCR* 26.

<sup>161</sup> Section 34 of the 1999 Constitution.

phenomenon. Awareness campaigns would inform the victims/survivors of GBV of their rights, the existing remedial laws and policies, and the available support services. They could also help to identify potential GBV by alerting couples about the signs of abusive behaviour. The issue of funding cannot be overemphasised in raising awareness. Funding helps community-based and civil society organisations to empower women, strengthen their voices, support survivors and promote gender equality.

## **Bibliography**

### **Literature**

Abdulla 2018 *Review of Faith and International Affairs*

Abdulla MR "Culture, Religion, and Freedom of Religion or Belief" 2018 *Review of Faith and International Affairs* 102-115

Addazi-Koom 2019 *AHRLJ*

Addazi-Koom ME "'He Beat Me, and the State Did Nothing about It': An African Perspective on the Due Diligence Standard and State Responsibility for Domestic Violence in International Law" 2019 *AHRLJ* 624-652

Ademiluka 2019 *Verbum et Ecclesia*

Ademiluka SO "Reading 1 Corinthians 7:10-11 in the Context of Intimate Partner Violence in Nigeria" 2019 *Verbum et Ecclesia* 1-11

Agha 2009 *Archives of Sexual Behavior*

Agha S "Changes in the Timing of Sexual Initiation among Young Muslim and Christian Women in Nigeria" 2009 *Archives of Sexual Behavior* 899-908

Ajayi, Chantler and Radford 2022 *Violence against Women*

Ajayi CE, Chantler K and Radford L "The Role of Cultural Beliefs, Norms, and Practices in Nigerian Women's Experiences of Sexual Abuse and Violence" 2022 *Violence against Women* 465-486

Akinloye 2018 *STJ*

Akinloye IA "Towards the Implementation of Sustainable Development Goals in Nigeria: Maximizing the Influence of Religious Leaders" 2018 *STJ* 39-60

Akpotor 2019 *IJISSHR*

Akpotor E "Is Nigeria a Religiously Pluralistic Society? A Critical View" 2019 *IJISSHR* 40-50

Akurugu, Domapielle and Jatoe 2021 *JAAS*

Akurugu CA, Domapielle MK and Jatoe MM "Bridewealth, Women's Subordination and Agency in Marriage: An Ethnographic Critique of Gender Activism in Rural North-Western Ghana" 2021 *JAAS* 1-15

Akurugu, Dery, and Domanban 2022 *EHS*

Akurugu CA, Dery I, and Domanban PB "Marriage, bridewealth and power: Critical reflections on women's autonomy across settings in Africa." 2022 *EHS* 1-15.

Alabi and Olonade "Complexities, Dynamism, and Changes"

Alabi OJ and Olonade OY "Complexities, Dynamism, and Changes in the Nigerian Contemporary Family Structure" in Fawole OA and Blair SL (eds) *Families in Nigeria: Understanding their Diversity, Adaptability, and Strengths* (Emerald Bingley 2022) 99-112

Ali, Al-Yasa'U and Wushishi 2018 *IJELS*

Ali HK, Al-Yasa'U M and Wushishi AA "An Investigation on the Forgotten Aspects of Cultures and Influence of Western Education among Communities in Niger State, Nigeria" 2018 *IJELS* 32-36

Allot 1977 *JAL*

Allott AN "The People as Law-Makers: Custom, Practice, and Public Opinion as Sources of Law in Africa and England" 1977 *JAL* 1-23

Awolaran, OlaOlorun and Asuzu 2021 *AJRH*

Awolaran O, OlaOlorun FM and Asuzu MC "Experience of Intimate Partner Violence among Rural Women in Southwest, Nigeria" 2021 *AJRH* 113-124

Bazza 2009 *Societies without Borders*

Bazza HI "Domestic Violence and Women's Rights in Nigeria" 2009 *Societies without Borders* 175-192

Burnet 2019 *Anthropology Faculty*

Burnet JE "Women's Political Representation in Rwanda" 2019 *Anthropology Faculty* 1-17

Chadambuka and Warriia 2019 *Social Work*

Chadambuka C and Warriia A "Hurt or Help? Understanding Intimate Partner Violence in the Context of Social Norms as Practised in Rural Areas" 2019 *Social Work* 301-310

Chidozie and Orji 2022 *African Identities*

Chidozie F and Orji M-C "Cultural Pluralism and Democratic Survival in Nigeria" 2022 *African Identities* 1-14

Diala "Legal Pluralism and Social Change"

Diala A "Legal Pluralism and Social Change: Insights from Matrimonial Property Rights in Nigeria" in Rautenbach C (ed) *In the Shade of an African Baobab: Tom Bennett's Legacy* (Juta Cape Town 2018) 155-174



Diala 2021 *LDD*

Diala J "'Talk to my Father': Re-Thinking Social Exclusion and Access to Justice in the Context of Bridewealth Negotiation" 2021 *LDD* 20-46

Diala *Interplay of Structure and Agency*

Diala J *The Interplay of Structure and Agency: The Negotiation Process of Bridewealth Payment in South-East Nigeria* (PhD-dissertation University of Cape Town 2019)

Dodoo, Horne and Dodoo 2020 *Social Problems*

Dodoo ND, Horne C and Dodoo FNA "Do Bridewealth Payments Reduce Female Reproductive Autonomy? Evidence from a Vignette Study in Ghana" 2020 *Social Problems* 77-95

Enemo "Legal Implications of 'Bride Price' or 'Dowry'"

Enemo IP "Legal Implications of 'Bride Price' or 'Dowry' on Women's Human Rights in Nigeria" in Ezeilo J and Alumanah J (eds) *Bride Price and the Implications for Women's Rights in Nigeria* (Women Aid Collective Nsukka 2008) 23-40

Eniola and Aremo 2020 *JLPG*

Eniola BO and Aremo JI "Bride Price and Sexual and Reproductive Rights of Women: A Case Study of South Africa and Nigeria" 2020 *JLPG* 26-33

Ensminger and Knight 1997 *Current Anthropology*

Ensminger J and Knight J "Changing Social Norms: Common Property, Bridewealth, and Clan Exogamy" 1997 *Current Anthropology* 1-24

Falana 2019 *IJHSSE*

Falana TC "Bride Price Syndrome and Dominance in Marriage: An Expository Analysis" 2019 *IJHSSE* 132-139

Fawole, Okedare and Reed 2021 *BMC Women's Health*

Fawole OI, Okedare OO and Reed E "Home was not a Safe Haven: Women's Experiences of Intimate Partner Violence During the COVID-19 Lockdown in Nigeria" 2021 *BMC Women's Health* 1-7

Fernández 2006 *Annals of the New York Academy of Sciences*

Fernández M "Cultural Beliefs and Domestic Violence" 2006 *Annals of the New York Academy of Sciences* 250-260

Fuseini and Francis *I Bought You*

Fuseini K and Francis NAD *I Bought You, I Own You! Bride-Wealth and Women's Autonomy in Ghana* (University of Ghana Accra 2012)

García-Del Moral and Dersnah 2014 *Citizenship Studies*

García-Del Moral P and Dersnah MA "A Feminist Challenge to the Gendered Politics of the Public/Private Divide: On Due Diligence, Domestic Violence, and Citizenship" 2014 *Citizenship Studies* 661-675

Gbadegesin and Adeyemi-Adejolu 2016 *JPCR*

Gbadegesin EO and Adeyemi-Adejolu EA "Religion and Challenges of Development in Nigeria in 21<sup>st</sup> Century" 2016 *JPCR* 23-31

Ghafournia 2017 *Journal of Religion and Spirituality in Social Work*

Ghafournia N "Muslim Women and Domestic Violence: Developing a Framework for Social Work Practice" 2017 *Journal of Religion and Spirituality in Social Work: Social Thought* 146-163

Hall, Pilgrim and Cavanagh *Religion*

Hall TW, Pilgrim R and Cavanagh RR *Religion: An Introduction* (Harper Row San Francisco 1985)

Holmes 1997 *Harv L Rev*

Holmes O "The Path of the Law" 1997 *Harv L Rev* 991-1009

Isiugo-Abanihe 1995 *Genus*

Isiugo-Abanihe U "Bridewealth, Marriage and Fertility in the East-Central States of Nigeria" 1995 *Genus* 151-178

Izzi and Adiela 2021 *International Journal of Civil Law and Legal Research*

Izzi M and Adiela O "Judicial Approach to Gender-Based Violence in Nigeria: An Evaluation" 2021 *International Journal of Civil Law and Legal Research* 30-36

Jaiyeola 2020 *Journal of Research on Women and Gender*

Jaiyeola EO "Patriarchy and Colonization: The 'Brooder House' for Gender Inequality in Nigeria" 2020 *Journal of Research on Women and Gender* 3-22

John, Bukuluki and Casey 2023 *SRHM*

John NA, Bukuluki P and Casey SE "Government Responses to COVID-19 and Impact on GBV Services and Programmes: Comparative Analysis of the Situation in South Africa, Kenya, Uganda, and Nigeria" 2023 *SRHM* 1-15

Kaye, Mirembe and Johansson 2005 *African Health Sciences*

Kaye DK, Mirembe F and Johansson A "Implications of Bride Price on Domestic Violence and Reproductive Health in Wakiso District, Uganda" 2005 *African Health Sciences* 300-303

Knoblauch 2023 *Religion*

Knoblauch C "Cultural and Religious Diversity in Early Childhood Education Implications of Socialization and Education for the Geographies of Childhood" 2023 *Religion* 555-567

Linos *et al* 2013 *AJPH*

Linos N *et al* "Influence of Community Social Norms on Spousal Violence: A Population-Based Multilevel Study of Nigerian Women" 2013 *AJPH* 148-155

Lopes 2016 *SAMJ*

Lopes C "Intimate Partner Violence: A Helpful Guide to Legal and Psychosocial Support Services" 2016 *SAMJ* 966-968

Matthew 2022 *IFE Psychologia: IJ*

Matthew OO "Culture-Induced Violence against Women in Nigeria: Implications for Sustainable Development" 2022 *IFE Psychologia: IJ* 24-37

Morojele *Women Political Leaders*

Morojele NMS *Women Political Leaders in Rwanda and South Africa: Narratives of Triumph and Loss* (Barbara Budrich Opladen 2016)

Moore 1973 *Law and Society Review*

Moore S "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study" 1973 *Law and Society Review* 719-746

Moore *Law as Process*

Moore S *Law as Process: An Anthropological Approach* (LIT Verlag Münster 2000)

Mshweshwe 2020 *Heliyon*

Mshweshwe L "Understanding Domestic Violence: Masculinity, Culture, Traditions" 2020 *Heliyon* 1-5

Msuya 2019 *JAAS*

Msuya NH "Concept of Culture Relativism and Women's Rights in Sub-Saharan Africa" 2019 *JAAS* 1145-1158

Murnen, Wright and Kaluzny 2002 *Sex Roles*

Murnen SK, Wright C and Kaluzny G "If 'Boys will be Boys', then Girls will be Victims? A Meta-Analytic Review of the Research that Relates Masculine Ideology to Sexual Aggression" 2002 *Sex Roles* 359-375

Ntoimo and Isiugo-Abanihe 2014 *Journal of Family Issues*

Ntoimo LF and Isiugo-Abanihe U "Patriarchy and Singlehood among Women in Lagos, Nigeria" 2014 *Journal of Family Issues* 1980-2008

- Nwabunike and Tenkorang 2017 *JIV*  
Nwabunike C and Tenkorang EY "Domestic and Marital Violence Among Three Ethnic Groups in Nigeria" 2017 *JIV* 2751-2776
- Nwokocha 2023 *Unizik Journal of Culture and Civilization*  
Nwokocha BC "Socio-Religious and Cultural Implications of Domestic Violence: A Pragmatic Analysis of Osinachi Nwachukwu's Ordeal" 2023 *Unizik Journal of Culture and Civilization* 47-54
- Ogbu 1978 *American Ethnologist*  
Ogbu JU "African Bridewealth and Women's Status" 1978 *American Ethnologist* 241-262
- Okongwu 2021 *IJDL*  
Okongwu OC "Are Laws the Appropriate Solution? The Need to Adopt Non-Policy Measures in Aid of the Implementation of Sex Discrimination Laws in Nigeria" 2021 *IJDL* 26-46
- Oladepo, Yusuf and Arulogun 2011 *AJRH*  
Oladepo O, Yusuf OB and Arulogun OS "Factors Influencing Gender-Based Violence among Men and Women in Selected States in Nigeria" 2011 *AJRH* 78-86
- Onyanga 2016 *Priscilla Papers*  
Onyanga E "The Negative Consequences of Dowry Payment on Women and Society" 2016 *Priscilla Papers* 1-4
- Ottuh 2019 *Scriptura*  
Ottuh JA "Reading Deuteronomy 22: 22 in John 8: 1-11: A Contextual Reading from an African-Urhobo Perspective" 2019 *Scriptura: Journal for Contextual Hermeneutics in Southern Africa* 1-19
- Oyediran and Feyisetan 2017 *African Population Studies*  
Oyediran KA and Feyisetan B "Prevalence and Contextual Determinants of Intimate Partner Violence in Nigeria" 2017 *African Population Studies* 3463-3477
- Oyediran and Isiugo-Abanihe 2005 *AJRH*  
Oyediran KA and Isiugo-Abanihe U "Perceptions of Nigeria Women on Domestic Violence: Evidence from 2003 Nigeria. Demographic and Health Survey" 2005 *AJRH* 35-53
- Opakunbi 2021 *SGOJAHDS*  
Opakunbi O "Domestic Violence and Human Rights Violations in Nigeria" 2021 *SGOJAHDS* 373-383

Perrin, Marsh and Clough 2019 *Conflict and Health*

Perrin N, Marsh M and Clough A "Social Norms and Beliefs about Gender-Based Violence Scale: A Measure for Use with Gender-Based Violence Prevention Programs in Low-Resource and Humanitarian Settings" 2019 *Conflict and Health* 1-12

Persson 2021 *Electoral Studies*

Persson M "From Opinions to Policies: Examining the Links between Citizens, Representatives, and Policy Change" 2021 *Electoral Studies* 1-7

Popescu and Drumm 2009 *Social Work and Christianity*

Popescu M and Drumm R "Religion, Faith Communities, and Intimate Partner Violence" 2009 *Social Work and Christianity* 375-378

Ross 2012 *Catalyst*

Ross L "Religion and Intimate Partner Violence: A Double-Edged Sword" 2012 *Catalyst: A Social Justice Forum* 1-12

Scott-Storey, O'Donnell and Ford-Gilboe 2022 *TVA*

Scott-Storey K, O'Donnell S and Ford-Gilboe M "What about the Men? A Critical Review of Men's Experiences of Intimate Partner Violence" 2022 *TVA* 858-872

Simister and Kowalewska 2016 *Psychology*

Simister J and Kowalewska G "Gender-Based Violence and Christianity: Catholic Prevention of Divorce Traps Women in an Abusive Marriage" 2016 *Psychology* 1624-1644

Somefun 2019 *BMC Public Health*

Somefun OD "Religiosity and Sexual Abstinence among Nigerian Youths: Does Parent Religion Matter?" 2019 *BMC Public Health* 1-11

Sultana 2010 *Arts Faculty Journal*

Sultana A "Patriarchy and Women's Subordination: A Theoretical Analysis" 2010 *Arts Faculty Journal* 1-18

Uthman, Lawoko and Moradi 2009 *BMC International Health and Human Rights*

Uthman OA, Lawoko S and Moradi T "Factors Associated with Attitudes towards Intimate Partner Violence against Women: A Comparative Analysis of 17 Sub-Saharan Countries" 2009 *BMC International Health and Human Rights* 1-15

Vengesayi 2018 *Pretoria Student Law Review*

Vengesayi P "Lobola (Bride Price) Culture and the Equality of Women in Zimbabwe" 2018 *Pretoria Student Law Review* 112-135

Wood 2019 *HTS Theological Studies*

Wood HJ "Gender Inequality: The Problem of Harmful, Patriarchal, Traditional and Cultural Gender Practices in the Church" 2019 *HTS Theological Studies* 1-8

Yalley and Olutayo 2020 *Social Sciences and Humanities Open*

Yalley AA and Olutayo MS "Gender, Masculinity and Policing: An Analysis of the Implications of Police Masculinised Culture on Policing Domestic Violence in Southern Ghana and Lagos, Nigeria" 2020 *Social Sciences and Humanities Open* 1-9

### **Case law**

*Akinbuwa v Akinbuwa* 7 NWLR (pt 556) 1998

*Charles Owologbo Ugbotor v Floorence Mamuromu Ugbotor* (2006) LPELR-7612(CA)

*IHRDA and WARDC (obo Mary Sunday) v The Federal Republic of Nigeria* (ECOWAS Community Court of Justice) case number ECW/CCJ/APP/26/15 of 17 May 2018

*Interights v Nigeria* (Communication No 269/2003) [2005] ACHPR 67 (11 May 2005)

*LT Adeyinka A Bibilari (Rtd) v Ngozika B Aneke Bibilari* (2011) LPELR-4443(CA)

*Naidoo v Minister of Police* 2015 4 All SA 609 (SCA)

*State v Akingbade Gabriel* (1971) All NLR 508

### **Legislation**

#### **Kenya**

*Constitution of Kenya*, 2010

*Prohibition of Female Genital Mutilation Act* 32 of 2011

*Protection against Domestic Violence Act* 2 of 2015

*Sexual Offences Act* 3 of 2006

#### **Nigeria**

*Constitution of the Federal Republic of Nigeria*, 1999

*Criminal Code Act* CAP 77, Laws of the Federation of Nigeria, 1990

*Cross River Domestic Violence and Maltreatment of Widows' Prohibition Law*, 2014

*Ebonyi State Protection against Domestic Violence Law, 2007*

*Edo State Law on Violence against Women, 2007*

*Ekiti State Gender-Based Violence Law, 2019*

*Law No 59/2008 on Prevention and Punishment of Gender-Based Violence*

*Matrimonial Causes Act CAP 220, Laws of the Federation of Nigeria, 1990*

*Penal Code Law 18 of 1959, CAP 89, Laws of Northern Nigeria, 1963*

*Police Act CAP 359, Laws of the Federation of Nigeria, 1990*

*Protection against Domestic Violence Law of Lagos State, 2007*

*Rivers State Prohibition of the Curtailment of Women's Right to Share in Family Property Law 2 of 2022*

*Violence against Persons (Prohibition) Act, 2015*

### **Rwanda**

*Constitution of Rwanda, 2003*

*Prevention and Punishment of Gender-Based Violence Law, 2008*

### **South Africa**

*Constitution of the Republic of South Africa, 1996*

*Domestic Violence Act 116 of 1998*

### **Government publications**

*Abia State Abolition of Widowhood Practices Bill, 2017*

*Gender and Equal Opportunities Bill, 2016 and 2019*

*Ogun State Violence against Persons Bill, 2016*

*Zamfara State Child Rights Bill, 2022*

### **International instruments**

*Beijing Declaration and Platform of Action (1995)*

*Convention on the Elimination of Discrimination of Violence against Women (1979)*

*Declaration on the Elimination of Violence against Women (1993)*

*Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (1994)*

*Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa* (2003)

### Internet sources

Adedigba 2022 <https://humanglemedia.com/nigeria-struggling-to-combat-gender-based-violence-despite-laws-govt-promises/>

Adedigba A 2022 *Nigeria Struggling to Combat Gender-Based Violence Despite Laws* <https://humanglemedia.com/nigeria-struggling-to-combat-gender-based-violence-despite-laws-govt-promises/> accessed 12 March 2022

Agbalajobi 2021 <https://theconversation.com/nigerias-national-assembly-why-adding-seats-for-women-isnt-enough-161514>

Agbalajobi D 2021 *Nigeria's National Assembly: Why Adding Seats for Women isn't Enough* <https://theconversation.com/nigerias-national-assembly-why-adding-seats-for-women-isnt-enough-161514> accessed 5 June 2022

Ailemen 2022 <https://businessday.ng/news/article/fec-approves-new-national-gender-policy-2021-2026/>

Ailemen A 2022 *FEC Approves New National Gender Policy 2021–2026* <https://businessday.ng/news/article/fec-approves-new-national-gender-policy-2021-2026/> accessed 5 June 2022

Awodipe 2022 <https://guardian.ng/news/women-groups-suspend-occupation-of-national-assembly-over-gender-bills/>

Awodipe T 2022 *Women Groups Suspend Occupation of National Assembly over Gender Bills* <https://guardian.ng/news/women-groups-suspend-occupation-of-national-assembly-over-gender-bills/> accessed 10 June 2022

Biryabarema 2015 <https://www.reuters.com/article/us-uganda-judgement-idUSKCN0QB29420150806>

Biryabarema E 2015 *Ugandan Court Says Divorced Husbands Cannot Demand 'Bride Price' Refund* <https://www.reuters.com/article/us-uganda-judgement-idUSKCN0QB29420150806> accessed 11 May 2022

ECOWAS Community Court of Justice 2018 [http://www.courtecowas.org/wp-content/uploads/2019/02/ECW\\_CCJ\\_JUG\\_11\\_18.pdf](http://www.courtecowas.org/wp-content/uploads/2019/02/ECW_CCJ_JUG_11_18.pdf)

ECOWAS Community Court of Justice 2018 *Mary Sunday contre Republique Federale du Nigeria* [http://www.courtecowas.org/wp-content/uploads/2019/02/ECW\\_CCJ\\_JUG\\_11\\_18.pdf](http://www.courtecowas.org/wp-content/uploads/2019/02/ECW_CCJ_JUG_11_18.pdf) accessed 5 May 2022



Equality Now 2021 [https://www.equalitynow.org/news\\_and\\_insights/kenya\\_just\\_committed\\_to\\_ending\\_gbv\\_in\\_5\\_years\\_here\\_s\\_how\\_they\\_plan\\_to\\_do\\_it/](https://www.equalitynow.org/news_and_insights/kenya_just_committed_to_ending_gbv_in_5_years_here_s_how_they_plan_to_do_it/)  
Equality Now 2021 *Kenya Just Committed to Ending Gender-Based Violence in Five Years. Here's how They Plan to Do it*  
[https://www.equalitynow.org/news\\_and\\_insights/kenya\\_just\\_committed\\_to\\_ending\\_gbv\\_in\\_5\\_years\\_here\\_s\\_how\\_they\\_plan\\_to\\_do\\_it/](https://www.equalitynow.org/news_and_insights/kenya_just_committed_to_ending_gbv_in_5_years_here_s_how_they_plan_to_do_it/) accessed 17 July 2023

Ewepu 2019 <https://www.vanguardngr.com/2022/08/sci-hails-zamfara-assembly-over-bold-initiative-to-pass-the-child-protection-bill-into-law>  
Ewepu G 2019 *SCI Hails Zamfara Assembly over Bold Initiative to Pass the Child Protection Bill into Law* <https://www.vanguardngr.com/2022/08/sci-hails-zamfara-assembly-over-bold-initiative-to-pass-the-child-protection-bill-into-law> accessed 30 August 2022

Fraser and Ahlenback 2022 <https://ww2preventvawg.org/sites/default/files/2022-11/Ending%20VAWC%20HD%20Report%2033%20VAWG%20in%20Rwanda.pdf>  
Fraser E and Ahlenback V 2022 *VAWG in Rwanda: Evidence Review* <https://ww2preventvawg.org/sites/default/files/2022-11/Ending%20VAWC%20HD%20Report%2033%20VAWG%20in%20Rwanda.pdf> 15 June 2022

Godwin 2021 <https://guardian.ng/guardian-woman/why-sexual-gender-based-violence-victims-hardly-get-justice-in-nigeria/>  
Godwin A 2021 *Why Sexual, Gender-Based Violence Victims Hardly Get Justice in Nigeria* <https://guardian.ng/guardian-woman/why-sexual-gender-based-violence-victims-hardly-get-justice-in-nigeria/> accessed 10 May 2022

Guilbert 2016 <https://www.reuters.com/article/us-nigeria-women-lawmaking/failure-to-pass-equality-bill-betrays-nigerianwomen-activists-say-idUSKCN0WJ2L4>  
Guilbert K 2016 *Failure to Pass Equality Bill Betrays Nigerian Women, Activists Say* <https://www.reuters.com/article/us-nigeria-women-lawmaking/failure-to-pass-equality-bill-betrays-nigerianwomen-activists-say-idUSKCN0WJ2L4> accessed 10 May 2022

Iroanusi 2021 <https://www.premiumtimesng.com/news/headlines/500980-again-gender-equality-bill-suffers-setback-at-senate.html>  
Iroanusi QE 2021 *Again, Gender Equality Bill Suffers Setback at Senate* <https://www.premiumtimesng.com/news/headlines/500980-again-gender-equality-bill-suffers-setback-at-senate.html> accessed 10 May 2022

Iroanusi 2022 <https://www.premiumtimesng.com/news/headlines/515664-gender-bills-nigerian-women-set-to-hold-mother-of-all-protests.html>

Iroanusi QE 2022 *Gender Bills: Nigerian Women Set to Hold "Mother of All Protests"* <https://www.premiumtimesng.com/news/headlines/515664-gender-bills-nigerian-women-set-to-hold-mother-of-all-protests.html>

accessed 11 May 2022

Le Roux 2015 [https://jliflc.com/wp-content/uploads/2015/10/Le-Roux\\_SGBVFaith-scoping-study\\_REPORT\\_30Sept15.pdf](https://jliflc.com/wp-content/uploads/2015/10/Le-Roux_SGBVFaith-scoping-study_REPORT_30Sept15.pdf)

Le Roux E 2015 *A Scoping Study on the Role of Faith Communities and Organisations in Prevention and Response to Sexual and Gender-Based Violence: Implications for Policy and Practice* [https://jliflc.com/wp-content/uploads/2015/10/Le-Roux\\_SGBVFaith-scoping-study\\_REPORT\\_30Sept15.pdf](https://jliflc.com/wp-content/uploads/2015/10/Le-Roux_SGBVFaith-scoping-study_REPORT_30Sept15.pdf)

accessed 15 February 2024

Obiezue 2022 <https://www.voanews.com/a/nigerian-women-demand-greater-representation-in-parliaments-/6467256.html>

Obiezue T 2022 *Nigerian Women Demand Greater Representation in Parliaments* <https://www.voanews.com/a/nigerian-women-demand-greater-representation-in-parliaments-/6467256.html> accessed 10 May 2022

Olaoluwa 2022 <https://www.bbc.com/news/world-africa-61067247>

Olaoluwa A 2022 *Osinachi Nwachukwu: Nigeria Gospel Singer's Husband Arrested over Death* <https://www.bbc.com/news/world-africa-61067247> accessed 2 May 2022

Republic of Rwanda 2019 <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Rwanda.pdf>

Republic of Rwanda 2019 *Beijing +25 Rwanda Country Report* <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/CSW/64/National-reviews/Rwanda.pdf> accessed 24 February 2024

Statista 2022 <https://www.statista.com/statistics/1261110/gender-representation-in-national-parliament-in-Nigeria/>

Statista 2022 *Representation in the Nigerian National Parliament (Senate and House of Representatives) from 1999 to 2019, by Gender* <https://www.statista.com/statistics/1261110/gender-representation-in-national-parliament-in-Nigeria> accessed 11 May 2022

UN 1995 <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

United Nations 1995 *Beijing Declaration and Platform for Action* <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

accessed 14 July 2023

UN Women 2020 [https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis\\_The%20Shadow%20Pandemic.pdf](https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis_The%20Shadow%20Pandemic.pdf)

UN Women 2020 *Gender-Based Violence in Nigeria During the Covid-19 Crisis: The Shadow Pandemic* [https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis\\_The%20Shadow%20Pandemic.pdf](https://nigeria.un.org/sites/default/files/2020-05/Gender%20Based%20Violence%20in%20Nigeria%20During%20COVID%2019%20Crisis_The%20Shadow%20Pandemic.pdf) accessed 17 July 2023

## List of Abbreviations

AHRLJ	African Human Rights Law Journal
AJPH	American Journal of Public Health
AJRH	African Journal of Reproductive Health
CC	Criminal Code Act CAP 77, Laws of the Federation of Nigeria, 1990
CEDAW	Convention on the Elimination of Discrimination of Violence against Women (1979)
DEVAW	Declaration on the Elimination of Violence against Women (1993)
DV	domestic violence
DVA	Domestic Violence Act 116 of 1998
EHS	Evolutionary Human Sciences
GBV	Gender-based violence
Harv L Rev	Harvard Law Review
IFE Psychologia IJ	IFE Psychologia: An International Journal
IHRDA	Institute for Human Rights and Development in Africa
IJDL	International Journal of Discrimination and the Law
IJELS	International Journal of Education and Literacy Studies
IJHSSE	International Journal of Humanities Social Sciences and Education
IJISSHR	International Journal of Innovative Social Sciences and Humanities Research
IPV	intimate partner violence
JAAS	Journal of Asian and African Studies
JAL	Journal of African Law
JIV	Journal of Interpersonal Violence
JLPG	Journal of Law, Policy and Globalisation
JPCR	Journal of Philosophy, Culture and Religion
LDD	Law, Democracy and Development

---

MCA	Matrimonial Causes Act CAP 220, Laws of the Federation of Nigeria, 1990
PADV Act	Protection against Domestic Violence Act 2 of 2015
SAMJ	South African Medical Journal
SGOJAHDS	Sapientia Global Journal of Arts, Humanities and Development Studies
SRHM	Sexual and Reproductive Health Matters
STJ	Stellenbosch Theological Journal
TVA	Trauma, Violence and Abuse
UN	United Nations
VAPPA	Violence against Persons (Prohibition) Act, 2015
WARDC	Women Advocates Research Documentation Centre