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LEGAL RIGHTS AND PROTECTION OF VICTIMS OF DOMESTIC VIOLENCE IN NIGERIA

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Abstract
Domestic violence is an aged-long recurrent glitch, which inflicts a widespread harm on victims with perpetrators often left unchallenged without any remedy to the victim. Domestic violence is a global issue that has affected human existence in all sectors of the society. The hazard of domestic violence on people in the society, especially women and children is of serious concern as it has led to the untimely death of many, depravity, permanent damage or deformity in the body of victims. These anomalies have attracted the intervention of the Government, Non-Governmental Organizations and International Human Rights Organizations such as the United Nations, Universal Declaration of Human Rights, amongst others. It is worrisome that despite the moves of numerous legal frameworks on domestic violence and protection of the rights of victims, domestic violence still persists as one major incongruity in the Nigeria societies. This worrisome catalyst termed domestic violence affecting all parts of the human society is what births this research. In this regard, this research adopts the doctrinal legal research methodology and research on the rights of victims of domestic violence and legal protection. On this premise, this research recommends a reformation of the legal frameworks on prevention of domestic violence and protection of the rights of victims, so as to ensure adequate access to justice, medical care and psychological care.

Keywords: Rights, Victims, Domestic Violence, Legal Protection

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1. Introduction

Historically, domestic violence was often viewed as a private family matter and legal systems rarely intervened. Cultural norms and traditional beliefs allowed abusive behavior to go unchallenged, leaving victims especially women and children without protection or legal remedies. Over time,

increased awareness through human right movements, women's rights advocacy and global research revealed the widespread harm caused by domestic violence. International organizations such as the United Nations played a key role in changing attitudes by recognizing domestic violence as a human rights issue. Instruments like the Universal Declaration of Human Rights and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) encouraged countries to adopt laws that protect victims and hold perpetrators accountable. As a result, many nations introduced domestic violence laws that define abuse, establish restraining or protection orders, provide access to shelters, support services and outline penalties for offenders.

Today, protection laws against domestic violence continue to evolve, focusing not only on punishment but also on prevention, victim support and public education. These laws reflect the understanding that domestic violence is not a private issue but a serious crime that requires legal, social and institutional responses. The protection of victims requires effective legal mechanisms that ensures accountability for perpetrators while providing victims with access to justice, medical care and psychological support. It is worrisome that despite the moves of numerous legal frameworks on domestic violence, it remains one major incongruity in the Nigerian societies. The drive to curtail this incongruity of domestic violence births this research in examining the rights of victims of domestic violence and the legal frameworks designed to protect them. To achieve this purpose, this research is divided into six sections including the introduction as section one. Section two discusses domestic violence as a human right issue, section three discusses the glitches of domestic violence; section four examines some legal frameworks for the protection of victims of domestic violence; section five in the same vein highlights the rights of victims of domestic violence; while section six concludes the research and makes recommendations.

2. Nature and scope of domestic violence as a Human Rights Issue

Although domestic violence constitutes a clear violation of a number of well-established human rights, it was not until recently that this issue was recognized as falling within the ambit of international human rights law. The UN Convention on Elimination of All forms of Violence Against Women (CEDAW)[1] makes no mention of domestic violence, however, the UN Committee on Elimination of Discrimination Against Women (CEDAW Committee) in 1992 issued its General

[1] Convention on the Elimination of all Forms of Violence Against Women (CEDAW) 1979.

Recommendation 19 which prohibited violence against women in both the public and private enterprise.[2] In 1994, a special rapporteur on violence against women, its causes and consequences was appointed by the UN commission on human rights and in 1996, the special rapporteur produced a framework for model legislation on domestic violence.[3] In relation to regional systems of human rights protection, the inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (*Belem do para Convention*) was adopted in 1994 by the General Assembly of the organization of American states.[4] Article 12 of the Convention provides for the lodging of petitions concerning breaches of this instrument with the inter-American Commission on Human Rights. The seminal petition regarding domestic violence that has been lodged using this mechanism is that of *Maria da Penha Maia Fernades v. Brazil*.[5] This petition alleged that the state had condoned domestic violence perpetrated against Mrs. Fernandes which had resulted in her attempted murder. In finding breaches of the Belem do para convention and also of the American convention on human rights, the commission stated the failure to prosecute and convict the perpetrator was an indication that the state condoned the violence suffered by Mrs Fernandes.[6]

The protocol to the African Charter on Human and Peoples' Rights of Women in Africa (Maputo Protocol) was adopted in 2003.[7] The term domestic violence is not used in this instrument, however, under Article 1 (b) of the Protocol, 'violence against women' is defined as encompassing all acts perpetrated against women which cause or could cause them physical, sexual, psychological and economic harm, including the threat to take such acts. The Maputo Protocol proceeds to place a range of obligations on state parties in relation to violence against women, including domestic violence. In relation to the Council of Europe on 30th April, 2002, the committee of ministers adopted Recommendation (2002) 5 on the protection of women against violence. A monitoring framework relating to implementation by member states of this Recommendation was established in 2005. The Istanbul Convention entered into force on 1st August, 2014 and has currently been

[2] CEDAW Committee, General Recommendation 19, UN Doc A/47/38 (1992), para. 9.
[3] A.T.v. Hungary communication No 2/2003, 26 Jan. 2005, Goekee v. Austria Communication No 5/2005, 6 August 2007; Yildirin v. Austria Communication No. 6/2005, 6 August 2007, V.K v. Bulgaria Communication No 20/0008, 25 July 2011, Jallow v. Bulgaria Communication No 32/2011,23 July 2012: Optional Protocol to CEDAW 1999 21 31 UNTS 83.
[4] Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women 1994.
[5] Maria da Penha Maia Fernandes V. Brazil, Report No.54/01/2001
[6] American Convention on Human Rights 1950, 213 UNTS 221
[7] Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa 2003

ratified by 18 states.[8] This instrument constitutes a crucial development in regard to the response of the Council of Europe to violence against women in all of its forms. In addition, over the past eight years, the ECHR has considered a substantial number of cases on the issue of domestic violence. Civil societies and government have progressively acknowledged that VAW is a public health and human rights concern.[9] In this regard, mention must be made of the important roles played by NGOs such as Amnesty International in particular in the social context as well as the legal classification of domestic violence against women as an attempt against human dignity and health, is worth mentioning. Work in this area has resulted in the establishment of international standard, but the task of documenting the magnitude of violence against women and of producing reliable, comparative data to guide policy and monitor implementation has been exceedingly difficult. The 2005 World Health Organization multi-country study on women's health and domestic violence against women was promulgated in response to this difficulty. More recently, Article 3 of the Istanbul Convention of 2011 on violence against women is increasingly considered not only a human rights violation but also a form of discrimination against women.

Presently, the number of countries which explicitly criminalize domestic violence in their primary legislation is growing. Legislation against domestic violence has been enacted in more than 125 countries, and in countries that have not enacted specific laws, it may be possible to prosecute offenders under more general criminal statutes.[10] Nonetheless, progress until now has been slow in implementation because to a large extent, effective strategies to address domestic violence are still being defined and often states differ on the type of relationship that qualifies under domestic violence laws. Most countries for example require the perpetrator and victim to be current or former spouses, living together or to have a child in common whilst others specifically exclude same-sex relationships in their domestic violence laws.

The current definition of domestic's violence is very broad and may comprise a number of different behaviours and consequences but not all forms of domestic violence are illegal, some kind of emotional abuse for instance do not come under crimes. Finally, in reality, attitudes are deeply entrenched and the lack of reporting of cases of violence is still a huge obstacle. By contrast, there is

[8] Albania, Andorra, Austria, Bosnia and Herzegovina, Denmark, Finland, France, Italy, Malta, Monaco, Montenegro, Poland, Portugal, Serbia, Slovenia, Spain, Sweden, and Turkey.

[9] Brunch Charlotte, 'Women Rights as Human Rights: Towards a Re-Vision of Human Rights' (1990) 12(4) *Human Rights Quarterly,* 486-498.

[10] Oxfam- Oxford Committee for Famine Relief, 'Ending Violence Against Women' (2013)< http://www. Oxfam. Org/sites/www. Oxfam org/files/ >bn-ending- violence- against-women-action-plan-2022-13-en. accessed 5 February, 2025.

need to amplify other spaces affecting demonstration of female exercise of rights. The other spaces include the following:

I. Discrimination of Women in Property Rights Matter

The regime of customary law is still commanding the routine lifestyle of most individuals. It has been an elementary understanding of law that an individual's personal law with respect to land matters determines the applicable customary law, unless there was a testament to that effect.[11] Furthermore, cultural and traditional practices in some parts of the country generally abhor women from acquiring property, especially landed property. It is regarded as deviant behaviour in some societies for a woman to have a farmland separate from her husband. Yet, at the demise of her husband, save and except in a polygamous marriage. She is not entitled to any inheritance from the property that she worked for with her husband in his lifetime rather she is regarded as part of property to be shared.[12] The case of *Suberu v. Sunmonu* [13] which highlights the nature and effect of this customary practice is instructive in this regard. In delivering his judgement in this case, Justice Jibowu said:

> It is a well settled principle of native law and custom of Yoruba (which is same as that of lgbo people) that a wife would not inherit her husband's property since she herself is like a chattel, to be inherited by relation of her late husband.

This case buttresses the nature of customary law and practices where a woman, a human being is equated with chattel or common property for the purpose of inheritance. Consequent on the above, it is obvious that inheritance is another family and cultural practice depicting gross violation against women. In fact, the words of S. N. Obi, captures the situation of denying married women the right to inherit landed properties under customary law.[14] In addition, under customary law of the lgbo, a married woman has no right to dispose of her lands or house by Will.[15]

It is noted that in most Nigerian cultures, a woman has no right of inheritance at the demise of her husband neither can she fall back to her father's property for inheritance. It does not matter whether both spouses worked together to acquire those properties. Yet, it is culturally forbidden and often

[11] AK Anya, Customary Rules and evolution of Effective Laws, Nigerian Law: Contemporary Issues, Prof. M. O. Ogungbe (ed.) 2003, Chapter 3
[12]BM Hogget, *Parent and Children*, 4th Edition, (London: Sweet and Maxwell Ltd,1993), 18
[13] (1957) 2 FCS 33
[14] S. N. Obi, 'where a man is survived by sons, the daughters have no right to inherit his compound or any of his other land or house.' *The lbo Law of Property (*London: Butterworth, 1963), 86
[15] SN Obi, supra, at P. 89

frowned at for a woman to acquire property separately during the lifetime of her husband. Immediately, after the demise of the man, extended family members dispossess the widow and her children of their family property even before burial. This usually takes the form of force or violence accompanied by all sorts of intimidation.

In terms of succession and inheritances according to the Yoruba law, the most current position is that the children of the deceased are entitled to inherit from their deceased parent's estate to the exclusion of other blood relations, also on the death of a father who died intestate, his property devolves on his children as family property.

All the children are entitled to this family property under the management of the eldest surviving son called Dawodu.[16] Children born of the deceased and those he acknowledged as his children under customary law can inherit from his property. The same applies to all children irrespective of age, sex or absence.[17] The general rule with some of the people of the South East of Nigeria, inclusive of the Igbo people and Ikas, Oshimili, Enuani, Annang, Ogoja, Ijaws, Kalabari and Ibibio People on the riverine areas is that the property of the deceased devolves according to male descendants.[18] Similarly, the lgbo custom use to discriminate against women in total disregard of the principle of equality, guaranteed under the Nigerian Constitution. For instance, in some Igbo tradition, female children cannot inherit property from the deceased parent's estates according to the 'Oliekpe' custom of the Nnewi people, wherein male children are considered in preference. In that particular case Mojekwu v Ejikeme, the Supreme Court over-ruled the court of appeal on the basis that the court of appeal was in error to raise, deal and decide the issue concerning the repugnancy of 'Oliekpe' custom of Nnewi people, *suo motu* without hearing from the parties.[19] However, in certain other cases inclusive of *Akinubi v. Akinubi* and *Ukeje v. Ukeje* the Supreme Court pronounced similar customs as discriminatory and unconstitutional and upheld the right of a girl child to inherit properties.[20]

[16] M. Yakubu , 'Property Inheritance and Distribution of Estates under Customary Law in Ajibola, B.(ed.) Towards a Restatement of Nigerian Customary Law (1991)136

[17] Salami v Salami (1957), WRNLR 10. In this case, the plaintiff who was a daughter of the deceased left for another country. When she returned, she requested for her own share of the father's property and accounts from her brothers. The brothers contested the claims on the basis that she is a female

[18] Yakubu, op. cit at 138-139

[19] Mojekwu v Ejikeme (2000) 5NWLR (Pt. 657), 402

[20] A. K. Anya, supra, at p. 11

II. Discrimination against Women in Rites of passage.

It will be imperative to consider the above through the lens of Customary Law applicable in the South and Sharia law applicable in the North.

With respect to customary law applicable in the South, it is worthy of note to state that women's integrity and human dignity, although guaranteed by the Nigerian Constitution are degraded through all kinds of widowhood practices which are usually carried out at the demise of their husbands. Azogu referred to this aspect of customary law as "the most barbaric as it affects a woman on the demise of her husband.[21] Oputa JSC., summed it up in the following words:

> When a man dies, the surviving wife is subjected to dehumanizing funeral rites. Every hair of her body is cleanly shaven. She is allowed the minimum clothing just enough to cover her nakedness. She is confined to the recess of her inner chamber, forbidden to see the light of the day for some period prescribed by custom. The woman dare not complain. She will rather count herself lucky that she was not buried along with her husband. On the death of a wife, the husband is not subjected to any of those sadistic and dehumanizing experiences. In some cultures, there is the fear that the spirit of the dead wife may return at night to share the marital bed with him. To avoid this, another woman is found to keep the bereaved husband company.[22]

Widows in Nigeria suffer a lot of human rights abuses, which are degrading and inhuman. In the Eastern part of the country and some other places in Edo state, it is common knowledge that a widow is expected to shave her hair a few days after her deceased husband's burial and in addition, she is expected, to wear black clothing or white clothing for a year depending on the age and status of the deceased in the community.[23] At the time of the mourning rites, the widow is kept away from other people and her interaction with other people is restricted, for fear of any further ill-luck that might befall the widow as a result of too many people around her. Failure to perform any of these rites by the widow would generate irate responses from the family, resulting most of the time with threats and psychological trauma for the widow.

In a situation where the deceased died in mysterious circumstances, the conditions for the widow take a very inhuman twist because the family of the deceased man could go to any length to prove

[21] U. Azogu 'Women and Children: A Disempowered Group under the law' in Awa U.K. and Osibanjo, Y. (eds.) Towards a Restatement of Nigerian Customary Law (Lagos: FMJ,1991), 6

[22] C. Oputa 'Women and Children: A Disempowered Group under the Law,' A Seminar Paper Presented at a Conference in Owerri in October, 1989.

[23] B. E. Madunagu 'Gender Rights and Gender Politics in the Fourth Republic in M. M. Gidado, C. U. Anyanwu, and A. O. Adekunle (eds.) in Constitutional Essays in Honour of Bola lge: Nigeria Beyond 1999: Stabilizing the Polity through Constitution Re-engineering (Enugu: Chenglo Ltd, 2004), 160-163 where the author dealt with issues of marriage, citizenship and harmful practices against widows in Nigeria.

the innocence or guilt of the widow.[24] It is a general rule that a widow cannot remarry until she has finished the length of the mourning period as prescribed by the particular community.[25] This unpalatable position of widows, never applies to the men in the same manner as the women. In, fact, most men do not observe the lengthy period of mourning and the associated dressing attire. The community or society expects the man to remarry as soon as possible to enable him take care of his family especially where there are minor children involved. This treatment meted out to widows in Nigeria is clearly an indication of the violation of women's rights. It is needless to say that customary marriage is one of the strongest weapons of slavery and dehumanization of women in the family. For instance, in the words of Hon. Justice Azogu:

> Immunity from discrimination on the ground of sex which the Constitution of the Federal Republic of Nigeria and the inalienable right conferred on women and children, by International Convention under the United Nations do not seem to have had any impact on our customary laws. The concept of women as chattel and articles of property to be used and discarded at will dominate our customary laws on marriage, divorce, property ownership, Intestate Succession and incidents of birth and death.[26]

There is however, a soothing relief with the enactment of the Violence against Persons (Prohibition) Act in 2015. Section 15 of the Act criminalizes harmful widowhood practices while Section 20 criminalizes harmful traditional practices. Section 15 (1) provides that any person who makes a widow to suffer harmful traditional practices is liable on conviction of the offence to imprisonment for a period not exceeding (2) two years or a fine of ₦500 000: 00 or both fine and imprisonment. Such practices include every form of traditional practices, attitudes or behaviour which affect negatively the fundamental right of girls and women and prevent them from enjoying similar rights like their male counterparts.[27] This includes any traditional or widowhood practices which denies or is likely to deny a woman or girl her succession or inheritance rights, encourages female circumcision or genital mutilation, forced marriages and so on.[28] It however remains to be seen the extent to which this Act has helped in practicing the rights of women against any form of discrimination in Nigeria.

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[24] Ibid at 162
[25] C. Okoroafor , 'Memorandum on Customary laws Centred around the customary marriage law of Okigwe Local Government Area, Imo state' in B. Ajibola,(ed), Towards a Restatement of Nigerian Customary Law (Abuja: Federal Ministry of Justice Series, 1991), 441
[26] U. Azogu 'Women and Children; A Disempowered group under the law' in UK Awa and Y Osinbajo (eds) Towards Restatement of Nigerian customary law (Lagos: FMJ, 1991), 129-135
[27] See Section 46 of the VAAP Act, 2015
[28] Ibid

Furthermore, with respect to the North, sharia law is the dominant practice. The Constitution has created a loophole for people to hide behind custom and religious beliefs in recognizing the application of the Sharia law, which is basically about the customs and culture of Islam, which prescribes punishment such as torture, inhuman and degrading treatment to offenders. In the year 2000, Zamfara state became the first to adopt the Sharia Penal Code to govern the state. Thereafter, eleven other Northern states have since adopted the Penal Code as well.[29] Today, the existence of the Sharia law side by side with the Nigerian Constitution has resulted in many unresolved legal and cultural conflicts and uncertainties. The Sharia Penal code, as it is applied in Nigeria, condones marital rape by the husband of his wife and there are fatal consequences for fornication or adultery for the women but not the man.[30]

Under the strict interpretation of Islamic law, a woman convicted of adultery can be sentenced to flogging or to death by stoning. This harsh punishment is discriminatory against women, especially in adultery cases where pregnancy is considered adequate evidence of guilt. Interpreting the Sharia law strictly, Sharia courts have prescribed harsh punishments such as limb amputation for theft, stoning to death for adultery and public flogging for engaging in pre-marital sexual relations. This is an infringement of the sexual rights of women.

III. Women in Political Participation.

The 1999 Constitution of Nigeria prescribes a representative government which is based on election of people by the people themselves to represent the larger community in governance. In this kind of governance system which is also known as democracy, it is expected that both men and women should be key parts of this representation. Crick actually observed as follows:

> Democracy in today's world has been the most frequently used word to explain the process of rights, governance and development. It is also one of the most misused concepts, as the word could mean different things for people such as respect for human rights, freedom of expression, equality and freedom. All these values are necessary for the society, but does it

[29] Barnaby Philips, 'Nigeria's Borno State adopts sharia at< https:// news.bbc.co.uk/i/hi/world/africa/887355.stm (accessed on 22 August, 2025). Other states that have adopted the Sharia Penal Code are Sokoto, Kaduna, Niger, Yobe, Kano, Jigawa and Borno states.

[30] The case that made world headlines in 2003 was that of Amina Lawal, thirty-year-old woman that was to be stoned to death for having a child out of wedlock. The situation evoked international outcry and has since been resolved in favour of Amina. See also the following writers where the issue of Islamic religion affected women adversely and prevents them from participating in governance or religious office. Rolien Ross ''Gender differentiation within religious communities'' (2004) 18 (1) Spectrum Juris 96, Paider, P, ''Encounters Between feminisms, Democracy and Reformism in Contemporary lran'' in Molyneux, M. and Razavi,S (ed) Gender Justice, Development and Rights (United Kingdom: Oxford University Press, 2002) at 242-243.

> mean that one aspect will suffice or will all of them be sufficient?; the achievement of these values would lead to a process being institutionalized which would ensure development, state security and peace for the society.[31]

The opinion has been widely held that modern democratic principles of any government must include adequate representation by the people, informing them of the plans and activities of the government through appropriate medium, for example, the Constitution, statutes and regulations and policy formulations.[32] The focal point of the discussion here would be on the extent of women participation in different levels of government and the effect of the participation in achieving a non-discriminatory society and gender justice.

Participatory democracy is seen as a vehicle by which African societies will be transformed into vibrant nations ready to meet the demands of the millennium development goals, which is a worldwide response to the need of the majority of the countries of the world. Nigeria as one of the founding members of the new partnership for Africa's Development (NEPAD) is also positioning itself to accommodate the aspirations embodied in the NEPAD objectives. However, the representative strategy that multi-party-political systems of the country adopt is usually based on individual bearers under a particular political banner. It is a common scenario in Nigeria especially during political party conventions where they elect party representatives, mostly gubernatorial and presidential candidates. Women are rarely supported either financially or by the party for these kinds of positions. Under this system, very few women have been flag bearers in any political structure from the time of independence in 1960 up until this present republic. Attempts to include women in political discourse have been met with stiff opposition especially in the Northern parts of the country where women are put in 'purdah.'[33] Beyond this, there are numerous other things women in politics encounter as against their male counterparts.

It was noted that the incursion of the military into the country's political arena did not improve the position of women but the first woman appointed as a commissioner was in 1970 just after the 'Biafran' civil war.[34] During the second Republic,[35]women were virtually excluded from any

[31] Crick, Bernard, *Democracy: A Very Short Introduction* (United Kingdom, Oxford Press, 2002) 8-9.
[32] Ibid, at 8
[33] 'Purdah' is a method of confinement for Muslim women.
[34] Flora Nwapa was appointed the first woman commissioner by the Government of East Central State in 1970 during the tenure of General Yakubu Gowon as the military ruler. The time marked the end of the civil war where the East fought against the central government in a bid to secede as a separated country. Unfortunately, the Igbos lost the war and they have been marginalized ever since in the political stage in Nigeria.
[35] 1979-1983

meaningful participation in government. Women were only appointed at state levels as mere tokenism and only in sectors such as education or welfare.

3. Framework on protection of victims of domestic violence

There are noticeable frameworks as well as institutional regimes aimed at checking domestic violence in the Nigerian society.

I. International legal framework on protection of victims

International human rights instruments recognize the obligation of states to protect individuals from violence and uphold human dignity. The Universal Declaration of Human Rights (1948) provides the foundation for modern human rights law. It affirms that all individuals are entitled to dignity, freedom and security. Article 3 states that everyone has the right to life, liberty and security of person. Domestic violence clearly violates these rights because it exposes victims to harm and fear within their homes. The Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) requires governments to eliminate discrimination against women and protect them from gender-based violence. It recognizes that violence against women including domestic violence is a form of discrimination that undermines women's equality and dignity. States that are parties to the convention must adopt laws and policies to prevent violence and protect victims.

There is also regional framework on protection of victims of domestic violence. They include for instance, African Charter on Human and Peoples' Rights. This Act guarantees fundamental rights including the right to dignity, liberty and security. Article 5 specifically protects individuals from torture, cruel, inhuman or degrading treatment. Domestic violence falls within this prohibition because it subjects victims to degrading and harmful treatment.

Maputo Protocol of the African Union Treaty 2003 is another important regional instrument commonly known as the protocol to the African Charter on the Rights of Women in Africa. It requires African states to prohibit violence against women, provide legal protection for victims and ensure punishment for perpetrators.

II. Nigerian Legal Framework

The legal Framework concerning domestic violence in Nigeria involves diverse national and state level legislations/laws with the Violence against Persons (Prohibition) Act (VAPPA) being a very important federal law. VAPPA criminalizes various forms of violence including harmful cultural

practices and spousal battery. In addition, state level legislations like the Protection against Domestic Violence law of Lagos state 2007 and Delta State Violence against Persons Prohibition Law, 2020 offer specific protections within those jurisdictions. Some key national legal frameworks like Violence against Persons (prohibition) Act (VAPPA) 2015, Criminal Code Act, Penal Code Act, Constitution of the Federal Republic of Nigeria, 1999 (as amended), Child Rights Act, 2004. All these laws address domestic violence. Some international instruments that Nigeria is signatory to include African Charter on Human and People's Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the international Covenant on Civil and Political Rights. Despite these legal Frameworks, domestic violence remains prevalent in Nigeria and some of the challenges include; lack of enforcement, cultural norms and beliefs, limited resources and support services, inconsistency in laws amongst many others.

To strengthen the legal framework and address domestic violence effectively, Nigeria needs to ensure consistent and effective enforcement of existing laws, raise public awareness about domestic violence and it's harmful effects, provide adequate resources and support services for victims, address cultural norms and beliefs that perpetuate violence, and continue to domesticate international human rights instruments and incorporate them into national laws. Furthermore, the Legal Aid Council Act was promulgated for the purpose of indigent citizens charged with any offense in any criminal court in the country. Also, if any indigent person has any civil claims, the council will assign lawyers to handle such cases. Domestic violence is a term that covers all types of violence such as physical violence, emotional violence, psychological violence and economic violence that occurs in the home or between people who have lived together, in a relationship such as boyfriend and girlfriend, children, elders, domestic staff and employees and have negative impacts on the individual or individuals to whom the attack is perpetuated against[36]. Domestic violence is a problem that occurs all around the world. It is an issue that is faced by every human being although it is widely known to be prevalent among the female gender and those that are vulnerable.

[36] AF Akinyosoye 'Domestic Violence and Women's Status in Contemporary Yoruba Society' in Mobolanle Ebunoluwa Sotunsa and Olajumoke Yacob-Haliso (eds.) *Gender, Culture and Development in Africa* (Texas, Pan-African University Press, 2017)

III. Institutional Mechanisms for Protecting Victims

Several Institutions play an important role in protecting victims of domestic violence. They include the following;

The Police: Law enforcement agencies are responsible for investigating domestic violence complaints and arresting offenders. However, victims sometimes face difficulties due to lack of awareness or inadequate response from authorities.

The Courts: Courts provide legal remedies for victims including prosecution of offenders and issuance of protection orders. Judicial enforcements of fundamental rights strengthens the protection of victims.

Non-Governmental Organizations (NGOs): Civil society organizations provide support services for victims including shelters, legal assistance, counselling, awareness campaign, social welfare agencies.

Government social welfare Departments assist victims by providing support services and facilitating rehabilitation.

4. Rights of Victims of Domestic Violence

Victims of domestic violence possess several legal and human rights that must be protected.

Right to Protection: Victims have the right to protection from further abuse. Courts may issue restraining or protection orders preventing the abuser from contacting or approaching the victim. Under the Violence against Persons (Prohibition) Act, victims can apply for protection orders to ensure their safety.

Right to Access Justice: Victims have the right to seek justice through the legal system. This includes reporting abuse to the police and initiating legal proceedings against perpetrators. Access to justice ensures that offenders are held accountable for their actions.

Right to Medical Assistance: Victims of domestic violence often require immediate medical treatment for injuries sustained during abuse. Hospitals and healthcare institutions play an important role in providing medical care and documenting evidence of abuse.

Right to Psychological Support: Domestic violence frequently causes emotional and psychological trauma. Victims have the right to receive counselling and mental health support to help them recover from the effects of abuse.

Right to Compensation: Victims may be entitled to compensation for damages suffered as a result of abuse. Compensation may cover medical expenses, psychological theraphy, loss of income and pain and suffering.

5. Conclusion and Recommendations

Notwithstanding existing laws, there are several challenges hindering effective protection for victims of domestic violence. The challenges include to wit: cultural beliefs that tolerate domestic abuse, fear of retaliation by perpetrators, economic dependence on abusive partners, weak law enforcement and lack of awareness of legal rights amongst others. Protection laws against domestic violence are essential for safeguarding the rights, dignity and safety of individuals and families. These laws provide legal recognition of domestic violence as a serious offense, offer victims access to protection orders and support services and also hold offenders accountable for their actions. While the existence of such laws is a critical step, their effectiveness depends on proper implementation, public awareness and accessible support systems. Strengthening enforcement, educating communities and ensuring victims can seek help without fear, are key to reducing domestic violence.

Flowing from the above, the authors therefore make the following recommendation;

There should be a well-structured and reformation mechanism towards effective implementation of protection laws on domestic violence. The impact of this will play a vital role in promoting justice, safety and healthier societies.

This research recommends enlightenment campaign to create a widespread awareness on the rights and protection for victims of domestic violence.

It is recommended that every States should adopt domestic violence laws or establish its own that will properly define abuse, establish restraining or protection orders, provide access to shelters, support services and outline penalties for offenders.

Comparative data collection and proper documentation to guide policy and monitor implementation has been exceedingly difficult. A structural reformation is needed on data management system with regards to policy implementation.

There is a challenge of implementation of legislations on domestic violence. progress until now has been slow in implementation because to a large extent, effective strategies to address domestic

violence are still being defined and often states differ on the type of relationship that qualifies under domestic violence laws. Therefore, implementation strategies should be beefed up.

Lack of reporting of cases of violence is still a huge obstacle, therefore, this research recommends frequent and adequate report of all cases of domestic violence to the law enforcement agencies or Human Rights Organizations.

The provisions of the Penal Code applicable in the Northern part of Nigeria specifically encourages violence against women underneath its provisions, the beating of a wife for the purpose of correcting her is legal by the provision of section 55(1)(d) of the Penal Code. It is submitted that this provision should be expunged as they violate the constitutional and fundamental rights of women to be free from torture, inhuman and degrading treatment or punishment.

Effective legislation to curb domestic violence against men must be put in place by government and enforced by the appropriate enforcement agencies. On this premise, it is recommended to men who are victims of domestic violence to talk to their friends, relatives, health care providers or other close contact. This may likely bring about comfort and support even though it may be difficult at first.

