

Fasuyi & Olajide

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### **The Legal Protection of Men as Victims of Domestic Violence in Nigeria**

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**Precious O. Fasuyi\***

**Mary Olajide\*\***

#### **Abstract**

Domestic violence has been identified as a human rights issue, and as such, it may result in violations of the victim's right to life, personal freedom, security, and freedom from torture or inhumane, cruel treatment. Over the years, societies and legal systems have placed focus on the eradication of domestic violence against women, while this serves a humanitarian purpose; violence against men has been neglected. Recent studies assert that domestic violence is a human problem rather than a gender problem. The aim of this paper is to examine the concept of domestic violence as a gender inclusive term, discuss the types and causes of domestic violence and the legal protection of men as victims of domestic violence. The research methodology adopted in this work is the doctrinal and qualitative methodology. It was found in the course of this research that there is an ever-increasing case of violence against men, with most of the cases underreported. In view of these, this paper concludes that the laws and government response are mostly inadequate. It is recommended that there is a need to recognise the fact that men are also victims of domestic violence, as this will be the very first step in unravelling the problem of domestic violence. In addition, there is also a need for the establishment of governmental agencies, training for enforcement officers who may be involved in the reporting process and public enlightenment for men to speak up.

**Keywords: Domestic Violence, Governmental Response, Law, Male Victims**

## 1.0 INTRODUCTION

Similar to other types of violence, domestic violence against men affects the physical and mental health of the victims.<sup>1</sup> Hence, it also calls for the attention of the society, national legal systems and the international community. When there is a clash between intimate partners, men are prone to attacking using their bodies because they are brawnier than women, due to this difference in physical strength, women will most likely hit men with objects or weapons, this explains how often male partners sustain grave injuries. This is not to undermine the effects of domestic violence on women but to assert the need of an equal, prompt and effective governmental and societal intervention to abate the increasing domestic violence on men.

Nigeria is largely a patriarchal society and much attention is given to female victims of intimate partner violence at the expense of the male victims. The right of partners to be safe in their homes should be enjoyed by both men and women. Legal and judicial systems have an obligation to protect both genders. Men should be protected by laws similar to those available to women - anyone who has assaulted another person, regardless of the gender, should be prosecuted.<sup>2</sup>

## 2.0 DOMESTIC VIOLENCE

Domestic Violence, also known as domestic abuse, intimate partner violence, spousal abuse among others, is usually carried out by a partner in an intimate relationship. The Violence Against Persons (Prohibition) Act 2015 defines domestic violence as ‘any act perpetrated on any person in a domestic relationship where such act causes harm or may cause imminent harm to the safety, health or wellbeing of any person.’<sup>3</sup> The UNICEF Digest also describes the concept as violence perpetrated by intimate partners and other family members and manifested through physical abuse, sexual abuse, psychological

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\*Department of Public International Law, College of Law, Afe Babalola University Ado-Ekiti, Ekiti State

Nigeria. Phone number +2348160766940, Email: Ogunsemoyinpreciousomowumi@gmail.com

\*\*Law Student, Obafemi Awolowo University, Ile-Ife, Osun State. Phone number: +2348146684110 Email: Omotola1998@gmail.com

<sup>1</sup> A. S. Enakele, ‘Domestic Violence Against Men: Prevalence, Implications and Consequences’ *Socialinis darbas Patirtis ir metodai*, [2019] (24)(2) 29 – 43 <<https://hdl.handle.net/20.500.12259/108993>> accessed 28 April 2022;

<sup>2</sup> Sonke Gender Justice, ‘Man Killed by Boiling Oil’ Johannesburg (2016) <<https://genderjustice.org.za/news-item/abused-man-killed-boiling-oil/>> accessed 28 April 2022

<sup>3</sup> Section 46 VAPP Act 2015

abuse, economic abuse and acts of omission.<sup>4</sup> It can also be described as a mix of physical and coercive behavior designed to manipulate and dominate another competent adult or adolescent.<sup>5</sup> An author, Susmitha, notes that ‘domestic violence is not simply an argument. It is a pattern of coercive controls that one person exercises over another. Abusers use physical and sexual violence, threats, emotional insults and economic deprivation as a way to dominate their victims and get their way.’<sup>6</sup> Another definition offered for domestic violence is ‘an abuse towards one’s spouse, ex-spouse, current or former boyfriend, or girlfriend or dating partner and includes actual or threatened physical or sexual violence as well as emotional abuse.’<sup>7</sup> The above definitions reveal that it is perpetrated by, and on, both men and women.

Domestic violence is largely underreported particularly in developing countries however; certain scholars are of the opinion that the underreporting of cases of domestic violence is universal due to the sensitive the nature of the violence.<sup>8</sup>

## 2.1 Domestic Violence Against Men

Domestic violence against men describes violence that is committed against men by the man’s intimate partner.<sup>9</sup> It cannot be disputed that this is rare in comparison to the number of reported cases of domestic violence against women,<sup>10</sup> this rarity has reduced it to a level of slight importance.<sup>11</sup> This does not

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<sup>4</sup> UNICEF, ‘Domestic Violence Against Women and Girls’ *Innocenti Digest*No6 (2020)<sup>6</sup> <<https://www.unicef-irc.org/publications/213-domestic-violence-against-women-and-girls.html>> accessed 28 April 2022

<sup>5</sup> H. Kerr, D. Levine, and B. Woolard, ‘Domestic Violence’ Lansing, MI: Society for Academic Emergency Medicine (2007)<**Error! Hyperlink reference not valid.**> accessed 28 April 2022

<sup>6</sup> B Susmitha, ‘Domestic Violence: Causes, Impact and Remedial Measures’ [2016] Sage Journal<<https://journals.sagepub.com/doi/abs/10.1177/0049085716666636?journalCode=scha>> accessed 28 April 2022;

<sup>7</sup> A. M Tripp and L. Affi, ‘Domestic Violence in a Cultural Context’ *Family Advocate*, [2004] (27) (2) 32-36 <<http://www.jstor.org/stable/25806395>> accessed 28 April 2022 in I.P. Enemo, ‘Dangerous Families in Nigerian Law: A National Albatross?’ (An Inaugural Lecture, University of Nigeria, Nsukka, 2014)

<sup>8</sup>C. Watts, and C. Zimmerman, ‘Violence Against Women: Global Scope and Magnitude’ *Lancet*, [2002] 1232-1237

<sup>9</sup>N. K. Sugg, R. S. Thompson, D. C. Thompson, R. Majuro, and F. P. Rivara, ‘Domestic Violence and Primary Care Attitudes, Practices, and Beliefs’ *Archives of Family Medicine*, [1999] (8) 301-306

<sup>10</sup> P. Tjaden, and N. Thoennes, ‘Prevalence, Incidence, and Consequences of Violence Against Women: Findings from the National Violence Against Women Survey’(NCJ-172837, Washington, DC: Department of Justice 1998)1-16

<sup>11</sup> P.O. Dienne and P.K. Gbeneol, ‘Domestic Violence Against Men in Primary Care in Nigeria’ *American Journal of Men’s Health*, [2009] (3)(4) 336 - 339

rule out their existence, with the rise of the men's movement, and particularly men's rights, there is now advocacy for men as victims.

The minimal importance attached to incidents of domestic violence against men is a result of the constant affirmation by authors of prevalence of female victims as compared to male victims.<sup>12</sup> Some authors have however, clarified that when violence is measured by acts, women are as violent as men but when violence is measured by injuries men are more violent.<sup>13</sup>

A survey carried out after the study, in 1999, on family violence revealed that at least 12% of men have been targeted with different forms of physical aggression by their female partners, and over 2.5 million men in the United States suffered severe violence.<sup>14</sup> In Africa, the incidents of domestic violence against men have gained recognition, for instance in 2011, about 500 men were reported to have been beaten by their female partners<sup>15</sup> and these numbers increase yearly. In 2019 a survey on the prevalence of domestic violence<sup>16</sup> of 483 men was conducted in the Southern part of Nigeria. One hundred and-twenty three out of two hundred and sixty-six male respondents had been victims of domestic violence. The above studies reveal that men can also be victims of domestic violence and that the prevalence of domestic abuse in Nigeria and the underreporting thereof calls for attention and legal reforms.

### **3. FORMS OR TYPES OF DOMESTIC VIOLENCE AGAINST MEN**

There are various forms of domestic violence and a victim can experience more than one at the same time from an intimate partner. The following are the forms that domestic violence can take: Sexual abuse, economic abuse, emotional abuse/psychological Abuse, physical abuse and technological abuse,

#### **3.1 Sexual Abuse**

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<sup>12</sup> A. L. Coker, K. E. Davis, I. Arias, S. Desai, M. Sanderson, H. M. Brandt, et al. 'Physical and Mental Health

Effects of Intimate Partner Violence for Men and Women' *American Journal of Preventive Medicine*, [2002] (23) 260-268;

<sup>13</sup>J. E. Stets, and M. A. Straus, 'Gender Differences in Reporting Marital Violence and its Medical and Psychological Consequences' in M. A. Straus and R. J. Gelles (eds.), 'Physical violence in American families: Risk Factors and Adaptation to Violence in 8,145 families' *New Brunswick, NJ*. 1990 151 - 166

<sup>14</sup> M. Straus, *The Controversy over Domestic Violence by Women: Violence in Intimate Relationships* (NCJ186243 U.S. Department of Justice, Office of Justice Programs (1999)1-30

<sup>15</sup> Ibid.

<sup>16</sup> E. O. Asekun-Olarinmoye, O.S. Asekun-Olarinmoye, W.O. Adebimpe, and A. Omisore, 'Domestic Violence against Men: Myth or Reality in the Nigerian Setting?' *Texila International Journal of Public Health* , [2019] (7)(1) 1-14

The VAPP Act 2015 defines sexual abuse as ‘any conduct which violates, humiliates or degrades the sexual integrity of any person.’<sup>17</sup> This involves forcing a person or intimate partner to participate in unwanted, or degrading sexual activity without consent. It can also be described as marital rape which is presently not illegal under the Nigerian law. Sexual abuse can also take the form of forcing a partner to have sex with other people, hurting the partner physically during sex or forcing the partner to have sex with them without using protection. It is widely agreed that ‘stereotyped sex roles might lead to an increase in sexual abuse.’<sup>18</sup> Most partners are ignorant of their rights, and are willing do everything their partner request of them, because they think it is the right thing to do.<sup>19</sup>

### **3.2 Economic Abuse**

This can include withholding financial support, rigidly controlling the partner's finances, collecting all of the partner's salaries once they are paid or making requests of the account of every dime spent from their salary, stealing money from the other partner, or outrightly preventing a partner from working and withholding basic necessities such as food and clothing. The VAPP Act 2015 defines economic abuse to cover the following:

- a. forced financial dependence;
- b. denial of inheritance or succession rights,
- c. the unreasonable deprivation of economic or financial resources to which any person is entitled or which any person requires out of necessity, including –
  - i. household necessities,
  - ii. mortgage bond repayments, or
  - iii. payment of rent in respect of a shared residence; or
- d. the unreasonable disposal or destruction of household effects or other property in which any person has an interest.<sup>20</sup>

### **3.3 Emotional Abuse/ Psychological Abuse**

Emotional abuse can occur as constant belittling of the other person, consistent blaming or bringing up past wrongs and secrets with the aim to shame the other. Acts such as isolation, intimidation, treating the person as a child, emotional neglect, withholding of affection among others constitute emotional abuse. Importantly, infidelity can result in emotional abuse. Physical abuse is usually

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<sup>17</sup>Section 46 VAPP Act 2015

<sup>18</sup> I. Slabbert and S. Green, ‘Types of Domestic Violence Experienced by Women in Abusive Relationships’, *Social Work/Maatskaplike Werk*, [2013] (49)(2) 234 - 247 <<http://socialwork.journals.ac.za/>> accessed 30 April 2022

<sup>19</sup> Ibid.

<sup>20</sup> Section 46 VAPP Act

accompanied by emotional abuse.<sup>21</sup> Emotional, verbal and psychological abuse has been defined by the VAPP Act 2015 as a pattern of degrading or humiliating conduct towards any person, including-repeated insults; ridicule or name calling;repeated threats to cause emotional pain; orthe repeated exhibition of obsessive possessiveness, which is of such a nature as to constitute a serious invasion of such person’s privacy, liberty, integrity or security.

This type of domestic violence is ‘quite destructive as the other forms of abuse but often overlooked. Psychological abuse takes place more frequently and chronically than physical violence and the well-being of the victim is affected negatively by this psychological abuse.’<sup>22</sup>

### **3.4 Physical Abuse**

This can also be described as physical aggression or assault. It has been defined as ‘acts or threatened acts of physical aggression towards any person<sup>23</sup> such as slapping, hitting, kicking, bruising, scalding, pushing, biting, burning, stabbing, choking, grabbing, shoving, throwing objects, or threats of such, causing internal injuries, trespassing, intimidation, stalking, unlawful imprisonment, kidnapping etc. Certain kinds of physical abuse do not leave physical evidence, for instance, a head being forced into the toilet, or ice-cold baths and locking up.’<sup>24</sup> Physical neglect can also constitute physical abuse, acts of physical neglect include withholding or eliminating access to basic necessities such as food, shelter and clothing etc.

### **3.5 Technological Abuse**

Unlike the other forms of domestic violence, this form was recently given recognition. Technological abuse constitutes the use of technology to control and/or stalk a partner. Technological abuse can happen to both partners in an intimate relationship, it covers hacking into a partner’s email and personal accounts, monitoring the partner’s conversations and interaction through social media, requesting for the partner’s passwords or using tracking devices on the partner’s laptop or cell phones in order to monitor their movement or get records of their phone calls and messages.

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<sup>21</sup> G. Enosh, and E. Buchbinder, ‘Strategies of Distancing From Emotional Experience-Making Memories of Domestic Violence’ *Qualitative Social Work*, [2005] (4)(1) 9- 32

<sup>22</sup>P. Parenzee, and D. Smythe, ‘Domestic Violence & Development: Looking at the Farming Context’”University of Cape Town, Institute of Criminology (2003)

<sup>23</sup> Section 46 VAPP Act

<sup>24</sup> I. Slabbert and S. Green, ‘Types of Domestic Violence Experienced by Women in Abusive Relationships’, *Social Work/Maatskaplike Werk*, [2013] (49)(2) 243 - 247<<http://socialwork.journals.ac.za/>> accessed 30 April 2022

Other forms of domestic violence include verbal abuse and controlling behaviour.<sup>25</sup> Verbal abuse can take the form of insults, nagging, name calling, derogatory or demeaning remarks, shouting, shelling etc. While controlling behaviour can occur in the form of solely making decisions that affect the other partner without consulting them, for instance, deciding when to conceive a child.<sup>26</sup>

#### 4.0 CAUSES OF DOMESTIC VIOLENCE AGAINST MEN

The aim of a violent act is usually to establish or maintain control over another person.<sup>27</sup> The need to establish control is the major cause of domestic violence against men. The society has long been referred to as patriarchal, men are in control and they have enough power to dictate actions and make decisions. Women have also relied on self-defence as the rationale for attacking their partners. In fact, it is believed by a large number of people that there can be no other reason for a woman to hit her partner except to defend herself. Indeed, most societies focus on men as perpetrators of violence towards women and do not regard men as victims of domestic violence in the same way as women.<sup>28</sup>

The following are the causes of domestic violence against men:

##### 4.1 Social Learning Theory

As men and women take up the same roles in the society so also will female and male patterns of aggressive behaviour become more similar. They argued that the similar female and male patterns of aggression can occur in different ways.<sup>29</sup>

- i. The Opportunity Based Crime- this is described as a situation where criminals 'typically behave like criminals only in certain settings, that is, slices of time and space within which relevant people and things are assembled.' For instance, females taking out anger and frustration on their male partners when they find themselves in a workplace meant for men due to role strain.

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<sup>25</sup> I.P. Enemo, 'Dangerous Families in Nigerian Law: A National Albatross?' Inaugural Lecture, University of Nigeria, Nsukka, (2014)3

<sup>26</sup> 'Domestic Violence' <<http://www.domesticviolence.com.ng/>> accessed 29 April 2022, Domestic Violence in Nigeria, <[www.iamaslucker.com/article/domestic-violence-in-nigeria/212](http://www.iamaslucker.com/article/domestic-violence-in-nigeria/212)> accessed 29 April 2022.

<sup>27</sup> N. J. Kubai, 'Causes and Consequences of Domestic Violence Against Men in Mukurwe - Ini Constituency, Kenya' (LLM Dissertation University of Nairobi 2014)'

<sup>28</sup> M .D. Pagelow 'The Battered Husband Syndrome: Social Problem or Much Ado About Little'? *Sociol Rev Monogr.* [1985] (31) 172-95

<sup>29</sup> J. W. White, and R. Kowalski, 'Deconstructing the Myth of the Nonaggressive Female: A Feminist Analysis' *Psychology of Women Quarterly*, [1994] (18) 477-498

- ii. The Opposite Tendency- this outcome is influenced by a situation where women are deprived of participation in a male work environment which results in females using aggressive behaviour to get money or take power/control from men.<sup>30</sup>

#### **4.2 Infidelity**

Infidelity or its suspicion is another cause of domestic violence against men. Infidelity triggers emotions such as anger and the need to revenge. Women have been reported to result in verbal or physical abuse when they discover that their partners have been cheating on them.<sup>31</sup>

#### **4.3 Irresponsibility**

Some men shy from their responsibilities such as paying of the children's school fees, providing for basic needs as it is expected of men in a patriarchal society like Nigeria. This failure to act like a 'real man' has led to the abuse of men by their female partners.<sup>32</sup>

#### **4.4 Alcoholism and Drug Abuse**

Evidence has shown that alcohol use by male partners increases the occurrence and severity of domestic violence. In this case, men that are addicted to the use of alcohol or drugs tend to provide less for the family and this might incite acts of aggression from the female partners.<sup>33</sup> Also, women who are under the influence of alcohol and drugs are prone to being perpetrators of domestic violence

#### **4.5 Emotional Terrorism**

The term has also been defined as 'a person engaging in the planning and execution of heinous acts intended to kill relationships and scare off potential relationship commitment.'<sup>34</sup>

Emotional terrorism is a situation involving women in emotionally and/or physically violent relationships who express and enact disturbance beyond the expected (and acceptable) scope of distress. Such individuals are influenced by deep feelings of vengefulness, vindictiveness, and animosity, and end up acting in a manner that is destructive to them and their partner/family. Activities of the

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<sup>30</sup>R.B. Felson, *Violence and Gender Reexamined* (American Psychological Press 2002)

<sup>31</sup> P.O. Dienne and P.K. Gbeneol, 'Domestic Violence Against Men in Primary Care in Nigeria' *American Journal of Men's Health*, [2009] (3)(4) 336 - 339

<sup>32</sup>ibid

<sup>33</sup> A. Adeyeri , 'Nigeria: Domestic Violence: A Society Biased Against Males?' <<https://allafrica.com/>> . accessed 30 April 2022

<sup>34</sup> Ibid.

emotional terrorist may include stalking a spouse or ex-spouse, physically assaulting the spouse or the spouse's new partners, telephoning all mutual friends and business associates of the spouse tagging intentionally unsuccessful suicide attempts for the purpose of manipulation, snatching children from the spouse's care and custody, vandalizing the spouse's property, murdering the spouse and/or the children as an act of revenge.<sup>35</sup>

## **5. RESPONSE OF THE LAW AND THE GOVERNMENT ON MALE VICTIMS OF DOMESTIC VIOLENCE**

Domestic violence has been recognised as a human right issue hence, men are protected by both national and international human rights laws. These laws include:

### **5.1 International Legislation**

#### **i. The Optional Protocol to the African Charter on Rights of Women (Maputo Protocol)<sup>36</sup>**

The Maputo Protocol has been ratified by Nigeria. This instrument broadens the scope of sexual violence to include marital rape,<sup>37</sup> guarantees the enjoyment of women's rights regardless of their marital status, prohibits specific harmful practices<sup>38</sup> that contradict the rights of women, and legalizes abortion in certain instances.<sup>39</sup> Similar to this regional instrument is the United Nations Convention on Elimination of all Forms of Discrimination Against Women and its Optional Protocol, ratified by Nigeria in 1985 and 2004 respectively.

#### **ii. Universal Declaration of Human Rights (UDHR) 1948<sup>40</sup>**

The provisions of this body of law are binding on States including Nigeria. This instrument guarantees individual's right to life, liberty and security of person;<sup>41</sup> freedom from torture, cruel, inhuman or degrading treatment or punishment;<sup>42</sup> and freedom of movement.<sup>43</sup>

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<sup>35</sup> Erin Pizzey and Jeff Shapiro, *Prone to Violence* Hamlyn (1982)

<sup>36</sup> African Union, Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa, 11 July 2003, <<https://www.refworld.org/docid/3f4b139d4.html>> accessed 3 May 2022

<sup>37</sup> Articles 1 and 4 Maputo Protocol 2005

<sup>38</sup> Article 1(g) Maputo Protocol 2005

<sup>39</sup> Article 14 (2)(c) Maputo Protocol 2005

<sup>40</sup> Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948) <<http://www.un.org/en/documents/udhr/index.shtml>> accessed 30 April 2022

<sup>41</sup> Article 3 UDHR 1948

<sup>42</sup> Article 5 UDHR 1948

<sup>43</sup> Article 13 UDHR 1948

**iii. African Charter on Human and Peoples' Rights (ACHPR) 1986<sup>44</sup>**

This charter has been domesticated in Nigeria and obligations under the charter are binding on the country. Similar to the international instruments on human rights, this regional instrument protects the right of men to equal protection to the law,<sup>45</sup> life,<sup>46</sup> dignity,<sup>47</sup> freedom from torture,<sup>48</sup> liberty,<sup>49</sup> movement<sup>50</sup> among others.

**iv. International Convention on Civil and Political Rights (ICCPR) 1966<sup>51</sup>**

Nigeria ratified the ICCPR on 29 July 1983<sup>52</sup> hence, its provisions are applicable in Nigeria. The rights protected by this instrument are relevant to the issue of domestic violence. Article 2 imposes an obligation on States that are parties to the Convention to respect and ensure the rights of all individuals within their territory or subject to their jurisdiction protected under the Covenant. These rights cover the right to life;<sup>53</sup> freedom from torture, inhuman and degrading treatment;<sup>54</sup> and right to liberty and security of persons.<sup>55</sup> Moreover, Article 3 provides that States to the Covenant should undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights stated in the Covenant.

**v. International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966<sup>56</sup>**

Like the ICCPR, the ratification of this covenant took place on 29 July 1993.<sup>57</sup> Article 12 of the ICESCR provides that 'The State Parties to the present

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<sup>44</sup>African Charter on Human and Peoples' Rights <[https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)> accessed 30 April 2022

<sup>45</sup> Article 3 ACHPR 1986

<sup>46</sup> Article 4 ACHPR 1986

<sup>47</sup> Article 5 ACHPR 1986

<sup>48</sup> *ibid.*

<sup>49</sup> Article 6 ACHPR 1986

<sup>50</sup> Article 12 ACHPR 1986

<sup>51</sup> International Covenant on Civil and Political Rights GA Res 2200A (XXI) 21 UN GAOR Supp (No 16) 52 UN Doc A/6316 (1966) 999 UNTS 171 <<http://www2.ohchr.org/english/law/ccpr.htm>> accessed 30 April 2022

<sup>52</sup> United Nations Human Rights Treaty Bodies, 'Ratification Status for Nigeria' <[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx/CountryID=127&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx/CountryID=127&Lang=EN)> accessed 30 April 2022

<sup>53</sup> Article 6 ICCPR 1966

<sup>54</sup> Article 7 ICCPR 1966

<sup>55</sup> Article 9 ICCPR 1966

<sup>56</sup> International Covenant on Economic Social and Cultural Rights GA Res 2200A (XXI) 21 UN GAOR Supp (No 16) 49 UN Doc A/6316 (1966) 993 UNTS 3 <<http://www2.ohchr.org/english/law/cescr.htm>> accessed 30 April 2022

Covenant recognise the right of everyone to the enjoyment of highest attainable standard of physical and mental right.’ This can be interpreted as an obligation on the State Party to the Covenant to guarantee the right of men to the highest standard of mental and physical health that are necessarily contravened by acts of domestic violence.

## **5.2 National Legislation**

Nigeria does not have a specific law for the protection of men against domestic violence. However, there is a body of law that is specifically dedicated to violence against persons – Violence Against Persons Prohibition Act 2015. The following paragraphs address the legal protection available to male victims of domestic violence in Nigeria.

### **i. The Constitution of the Federal Republic of Nigeria (CFRN) 1999 as amended**

The Constitution of the Federal Republic of Nigeria is the grundnorm to which all other laws must be consistent with. Chapter four of the Constitution guarantees the fundamental human rights that are violated by domestic violence. Such rights include right to life<sup>58</sup> right to dignity of human persons,<sup>59</sup> right to personal liberty,<sup>60</sup> right to freedom of movement,<sup>61</sup> etc. Moreover, Section 46 of the Constitution provides that a person can apply to the High Court of a State for redress when their rights have been allegedly breached.

### **ii. Protection under Violence Against Persons (Prohibition) Act (VAPP) 2015<sup>62</sup>**

The VAPP Act is the only body of law that specifically provides for domestic violence in Nigeria and it was drafted as a general law because legislators felt that its provisions would also be beneficial to men, as opposed to only women. The Act aims to eliminate violence in both private and public life; prohibit all forms of violence, whether it is physical, sexual, psychological; discrimination against persons; provide maximum protection and effective remedies for victims; punishment of offenders; and other related matters.<sup>63</sup>

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<sup>57</sup> United Nations Human Rights Treaty Bodies (n 57)

<sup>58</sup> Section 33 CFRN 1999

<sup>59</sup> Section 34 CFRN 1999

<sup>60</sup> Section 35 CFRN 1999

<sup>61</sup> Section 41 CFRN 1999

<sup>62</sup>Nigeria: Violence Against Persons (Prohibition) Act, 205 (VAPP) [Nigeria], 25 May 2015 <<https://www.refworld.org/docid/556d5eb14.html>> accessed 2 May 2022

<sup>63</sup> VAPP Act 2015

The VAPP Act 2015 is a great improvement on the provisions of the criminal code and the penal code as it offers more protection for men. Section 1 defines rape as when ‘a person intentionally penetrates the vagina, anus or mouth of another person with any other part of his or her body or anything else without consent, or where such consent is obtained by force or means of threat or intimidation of any kind or by fear of harm or by means of false and fraudulent representation as to the nature of the act or the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating his or her spouse.’<sup>64</sup> The effect of this provision is that it also protects men from rape that might occur as an act of domestic violence. Section 2 VAPP Act 2015 prohibits inflicting of physical injury while Section 3 VAPP Act 2015 prohibits coercion, it states that ‘a person who coerces another to engage in any act to the detriment of that other person’s physical or psychological well-being, commits an offence and is liable on conviction to term of imprisonment of three years.’

The Act prohibits the forceful ejection of a spouse by their partner;<sup>65</sup> depriving a person of his or her liberty;<sup>66</sup> forced financial dependence and economic abuse,<sup>67</sup> forced isolation or separation from family and friends;<sup>68</sup> emotional, psychological or verbal abuse;<sup>69</sup> spousal battery;<sup>70</sup> attack from harmful substances;<sup>71</sup> administering a substance with the intention of stupefying or overpowering that person so as to enable any person to engage in a sexual activity with that person.<sup>72</sup>

Another innovative provision of the Act is the application and issuance of protection order.<sup>73</sup> Protection order, according to the Act is an official legal document, signed by a Judge that restrains an individual or State actors from further abusive behaviour towards a victim. This laudable provision helps to limit or lessen the abuse of persons, it also helps to protect and at the same time, prevent abuse. Hence, a person who has been a victim of

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<sup>64</sup> Section 1(1)(a)-(c)

<sup>65</sup> Section 9 VAPP Act 2015

<sup>66</sup> Section 10 VAPP Act 2015

<sup>67</sup> Section 12 VAPP Act 2015

<sup>68</sup> Section 13 VAPP Act 2015

<sup>69</sup> Section 14 VAPP Act 2015

<sup>70</sup> Section 19 VAPP Act 2015

<sup>71</sup> Section 21 VAPP Act 2015

<sup>72</sup> Section 22 VAPP Act 2015

<sup>73</sup> Sections 28 and 30 VAPP Act 2015

violence, and in the risk of further violence, can apply for the issuance of a protection order against their violator.

All the above legal protection remains largely inadequate to effectively curb the menace of domestic violence against men in Nigeria. Most of these bodies of law do not really address the issue of domestic violence. The VAPP Act, the only body of law that covers domestic violence, has been assented to by 19 States.<sup>74</sup> This implies that the discriminatory provisions of the Criminal and Penal Codes are still applicable in other States.

### **iii. Protection under Criminal Law**

The Nigerian Criminal Code<sup>75</sup> criminalises assaults,<sup>76</sup> homicide,<sup>77</sup> attempt to murder,<sup>78</sup> and wounding another.<sup>79</sup> Section 353 provides for a specific protection for men, it stipulates that ‘any person who unlawfully and indecently assaults any male person is guilty of a felony and is liable to imprisonment for three years.’ This provision is largely inadequate, moreover, the code does not protect men from rape, whether it is perpetrated by an intimate partner or not. The Penal Code,<sup>80</sup> applicable in Northern States, also criminalises assaults<sup>81</sup> and other similar acts.

### **iv. Protection Under Matrimonial Causes Act<sup>82</sup>**

The Matrimonial Causes Act is the principal legislation on marriage in Nigeria. Section 15 of the Act provides for the grounds for divorce. Undisputedly, domestic violence can be regarded as an unreasonable behaviour and can result in grievous bodily harm. A petition can be brought to a decree of marriage dissolution only if the marriage has broken down irretrievably.<sup>83</sup> One of the conditions to satisfy in order to establish that the marriage has broken down irretrievably as provided in Section 15 (2)(c) of the Act is that ‘since the marriage the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent’. Unreasonable behaviour as covered in Section 16 (1)(e) can also be proved if the petitioner can show that:

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<sup>74</sup>VAPP Tracker <<https://www.partnersnigeria.org/vapp-tracker/>> accessed 2 May 2022

<sup>75</sup>Criminal Code Act [Nigeria], Cap C38 LFN 2004.

<sup>76</sup> Section 253 Criminal Code 2004

<sup>77</sup> Section 315 Criminal Code 2004

<sup>78</sup> Section 320 Criminal Code 2004

<sup>79</sup> Section 338 Criminal Code 2004

<sup>80</sup>Penal Code (Northern States) Federal Provisions Act (No. 25 of 1960)

<sup>81</sup>Section 55(1)(d) Penal Code

<sup>82</sup> Matrimonial Causes Act Chapter 220, Laws of Federal Republic of Nigeria 1990

<sup>83</sup> Section 15(1) Matrimonial Causes Act 1970

since the marriage and 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 to 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 inflict grievous harm or grievous hurt on the petitioner

#### **v. Protection Under Tort Law**

The aim of the law of tort is to protect the privacy, security and safety of individuals that can easily be breached by the various forms of domestic violence. The law of tort provides for the concept of trespass to the person. Trespass to person aims to protect the individual against unlawful assault, battery and imprisonment. Moreover, it has been established that ‘trespass to person, however slight, gives a right of action to recover at any rate nominal damages. Even where there has been no physical injury, substantial damage may be awarded for the injury to the man's dignity or for discomfort or inconvenience.’<sup>84</sup> This means that trespass is actionable per se, this has been given judicial backing in various cases including Registered Trustees of Master’s Vessel Ministries (NIG) Incorporated v Enike & ORS <sup>85</sup> and Ojini v Ogo Oluwa Motors Nigeria Ltd.<sup>86</sup>

### **6.0 GOVERNMENTAL RESPONSE TO DOMESTIC VIOLENCE AGAINST MEN**

Domestic violence against men is a topic that is rarely discussed. This explains why we have little or no governmental action in this regard. The enactment of the VAPP Act 2015 was a laudable response to the agitation of Nigerians for a need for a reformed body of law to address the issues of violence in the country, also, as a response to the issue of domestic abuse of men. Albeit, few cases have been successfully prosecuted before the Nigerian courts

#### **Prosecution of Cases on Domestic Violence Against Men in Nigeria**

The State has been able to successfully bring justice to male victims in few cases. For instance, Maryam Sanda’s case – the wife who stabbed her husband to death in 2017. The High Court of the Federal Capital Territory convicted and

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<sup>84</sup> Okonkwo v Ogbogu & Anor (1996) LPELR-SC.202/1991

<sup>85</sup> (2017) LPELR-CA/E/10/2008

<sup>86</sup> (1998) LPELR-SC.158/1991

sentenced her to death by hanging,<sup>87</sup> this death sentence has been affirmed by the Appeal Court.<sup>88</sup> The case of Enobong Isonguyo,<sup>89</sup> whose death sentence for the murder of her husband has been affirmed by the Court of Appeal, Benin City is also instructive.

Other similar cases are still in trial, for example, the case of Udeme Otike Odibi who allegedly killed her cheating husband and severed his manhood;<sup>90</sup> Eki Ekhaton, for killing her husband by squeezing his scrotum;<sup>91</sup> Auta Dogo Singe, who conspired with others to kill her husband;<sup>92</sup> and Augustina Ihugba, for pouring acid on her husband<sup>93</sup>. There are also reports of the Police arresting alleged abusers and launching investigations in a bid to get justice for the male victims.

## 6.1 CONCLUSION

Incidents of domestic violence are largely underreported, this is a result of the social stigma attached to men speaking out about being victims - it is believed to be against the culture of masculinity. There is a wrong socio-cultural acceptance that women are the victims of domestic violence and they only become the aggressors when they act in self-defence, as a response to the initial acts of aggressions by men. This paper has been able to refute this, it concludes that men can also be victims of domestic violence. It calls for the need for law and the general public to acknowledge the existence of domestic violence against men and at the same time, recognise it as a social problem. Domestic violence has the same effect on both men and women hence, the need for equal support and

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<sup>87</sup> A. Adesomoju, 'M. Sanda Sentenced to Death for Killing Her Husband' *Punch* (Lagos, 28 January 2020) <<https://punchng.com/maryam-sanda-sentenced-to-death-for-killing-husband/>> accessed 4 May 2022

<sup>88</sup> Ikechukwu Nnochiri, 'Appeal Court Affirms Death Sentence for Maryam Sanda' *Vanguard* (Lagos, 4 December 2020) <<https://www.vanguardngr.com/2020/12/appeal-court-affirms-death-sentence-for-maryam-sanda/>> accessed 4 May 2022

<sup>89</sup> Afeez Hanafi, 'Appeal Court Upholds the Conviction of Woman Over Husband's Killing' *Punch* (Lagos, 28 March 2020) <<https://punchng.com/appeal-court-upholds-conviction-of-woman-over-husbands-killing/>> accessed 4 May 2022

<sup>90</sup> Yetunde Abayomi Ojo, 'Court Decides Veracity of Accused Confessional Statement April 11' *The Guardian* (Lagos, 26 March 2019) <<https://guardian.ng/tag/udeme-otike-odibi/>> accessed 4 May 2022

<sup>91</sup> Sola Shittu, 'Wife Kills Husband by Squeezing his Scrotum' *Punch* (Lagos 28 November 2019) <<https://punchng.com/wife-kills-husband-by-squeezing-his-scrotum/>> accessed 4 May 2022

<sup>92</sup> Bright Azuh, 'Woman Kills Husband to Re-Marry Ex-Husband in Kebbi' *The Guardian* (Ibadan, 27 August 2019) <<https://guardian.ng/news/woman-kills-husband-to-remarry-ex-husband-in-kebbi/>> accessed 4 May 2022

<sup>93</sup> Okodili Ndidi, 'Woman Kills Husband in Acid Attack' *The Nation* (Lagos, 10 October 2017) <<https://thenationonlineng.net/woman-kills-husband-acid-attack/>> accessed 4 May 2022

protection for both male and female victims of domestic violence. Lastly, the increasing rate of domestic abuse of men imposes a burden on the government to uphold its obligation, under national and international law, to ensure equal protection for both men and women against acts of domestic violence.

## **6.2 RECOMMENDATIONS**

1. Recognition of men as victims of domestic violence is the first step to solving the problem. Public awareness must be promoted to correct the myth that men cannot be victims. This becomes more effective if the sensitization campaigns are organised by the government. This awareness is meant for the general public as well as law enforcement agents so as to effectively, encourage more reports by male victims and eventually, change the existing narrative in order to provide adequate protection for men.
2. The causes of domestic violence against men and women are different, this implies that the solutions required for men differ from those of women. What is required is an effective legislation. Nigeria has national laws generally on domestic violence but there is a need for specific national, regional and international laws to protect men as victims of domestic violence similar to the existing ones for women such as the United Nations Convention on Elimination of All forms of Discrimination against Women and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).
3. Establishment of government agencies and to protect male victims of domestic violence is also a step towards addressing the issue. An example is the Lagos State Domestic Sexual and Violence Response Team (DSVRT) established in 2014 to respond to the increasing incidents of domestic violence in the State. The government should also encourage and ensure a favourable environment for the establishment of nongovernmental and non-profit organisations to specifically provide protection for male victims of domestic violence.
4. The efficiency of the judicial system in Nigeria must be improved through judicial reforms, this is to ensure speedy trials and increase the confidence of the victims in the judicial process of the country. Also, the police and other law enforcement agents must be properly equipped and trained to appropriately respond to the issue of domestic violence against men.