

# INTERROGATING THE SOCIO-LEGAL CONCEPT ON DOMESTIC VIOLENCE AGAINST MEN IN NIGERIA: THE NEED FOR PROGRESSIVE APPROACHES

BY

GODFREE MATTHEW ESQ.,\*

## ABSTRACT

*African societies are generally considered as patriarchal in nature. This presupposes that men usually exercise dominance over women in such societies. In Nigeria, male dominance is adjudged to be a normal way of life that accords with African value-systems. This perception is further accentuated by the influence of culture and religion which view women as weaker and lesser beings while men are perceived as superior. Thus, in exercising dominance over women, men often employed the use of force. However, current social dynamics are contradicting this age-long tradition. Modern social dynamics reveal that women are now dominating the men in Nigeria. As such, men are losing their hitherto claim of dominance and so-called honour in Nigeria in terms of the use of force. It is against this background that this article derives its inspiration. This article aims to show that men in Nigeria are currently experiencing domestic violence perpetrated by women. This work further establishes that the concept of domestic violence extends beyond acts perpetrated by spouses alone. It also establishes the roles of third parties in domestic violence, thereby expanding the scope of domestic violence as acts solely exhibited between spouses. This work uses doctrinal research including statutes, books, journals, periodicals, newspapers, statistics and other related sources of information to formulate its informed perspective. The work concludes by recommending the need for specific legislation to address violence against men in Nigeria. It also recommends the inclusion of harsh experiences men encounter at social centers like prisons, Internally Displaced Persons (IDPs) camps and schools, as 'domestic violence' too.*

## **INTRODUCTION**

Domestic violence is one of the instruments used for gender domination. Domestic Violence deprives the person dominated of the capacity to exercise and express their full potential as members of society. As such it is a threat to civil liberty in a civilized society. Since governments exist in part to protect the lives and interests of its citizens, curbing its occurrence is a cardinal responsibility of a democratic state.

Domestic violence against men is a threat to the physical and psychological security of male citizens. It takes different forms such as abuse by the state security personnel, spouse, third parties and by men themselves against their fellow men. The inhumane treatment caused by domestic violence against men is no doubt a social problem which affects the realization of human rights in Nigeria. For this reason, it is the social responsibility of Nigeria's government to intervene in order to address this abuse of human rights. It is based on the above expositions that this article takes its posture.

This work is structured into five parts. The first part examines the conceptual analyses of domestic violence against men in Nigeria. The second component of this work deals with instances of domestic violence in Nigeria, while the third discusses the reasons for the prevalence of domestic violence against men in the country. In the fourth section, legal instruments that prohibit domestic violence against men in Nigeria are examined. The fifth concludes with recommendations on how to curb the rise of domestic violence in Nigeria. It is the hope of the writer that this work will contribute to the treasury of knowledge and also spur policy applications.

## **1.0. CONCEPTUAL ANALYSES OF DOMESTIC VIOLENCE AGAINST MEN**

### **A. MEANING OF DOMESTIC VIOLENCE**

Domestic violence is defined as the use of force against a spouse by another spouse.<sup>1</sup> Also it is viewed as violence between members of the same family.<sup>2</sup> The dictionary definition appeals more to African's context because the notion of family is more inclusive of the extended family than the nucleated preponderance within the Western family system. In Africa (including Nigeria), the term family can extend to clan and kinsmen; in some instances, even the larger community.<sup>3</sup>

Nigerian law defines domestic violence to mean any act perpetrated on any person in a domestic relationship where such causes harm or may cause imminent harm to the safety, health or well-being of any person.<sup>4</sup> By this definition domestic violence refers to the situation of spreading unpleasant acts of harm resulting in pain and hurts to other members of the society.

Flowing from the above definitions, it is obvious that domestic violence against men is simply a situation where men are harassed by their spouse or intimate partners. However, it is the view of this writer that restricting the definition to married couples alone or partners, will not bring out objective and exhaustive analysis to this topic. Therefore, in order to ensure exhaustive deliberations of this topic, it is the position of this writer that further expositions on the meanings of the following terms; violence, domestic and men are relevant. It is when this is done that one can arrive at an objective conclusion on the true appreciation and scope of the domestic violence against men in Nigeria.

---

1

1. Nchi Suleiman, "The Nigerian Law Dictionary"(Green World Publishing Co. Ltd, 2000) P.179

22.A.S.Hornby,"Oxford Advanced Dictionaries", (Oxford University Press, 2010) P.433

33.Monde Makiwane and Chammah J.Kaunda, "Human Sciences Research Council, South Africa(2018)Pp.2 to [5@wwW.uN.orG.siteS2018/Pdf<accessed](http://www.w.uN.orG.siteS2018/Pdf<accessed) on February 11, 2021>

44.Section 46 of Violence Against Person Act, 2015

## 1.1. EXPOSITIONS OF THE TERMS MEN, DOMESTIC AND VIOLENCE

It is pertinent here to examine the generic meaning of the following terms; men, domestic and violence. The term ‘*men*’ refers to all categories of people who are male in nature. It refers to people with biological characteristics such as male genitalia. Further, The Medical Terminology App<sup>5</sup> defines male as “a sex that produces spermatozoa” and ‘The New International Webster’s Comprehensive Dictionary of the English Language’<sup>6</sup> defines a male as a biological organism that produces sperm.

Going by the above expositions on the concept of men, it is evident that male folk refers to all categories of men from teen to the aged (elderly). It is based on this inspiration that this writer seeks to extend the frontiers of this topic to refer to men as the general males folk who are not only living together under matrimonial commitment, but are also domiciled elsewhere due to social situations beyond their control.

Again, in discussing violence against men, the writer will explore how domestic violence is perpetrated against males including children, teens, adults and the elderly in Nigeria. The discourse will cut across all the male folk in different strata of life and will not be restricted only to those who are married.

Moreover, the concept of *domestic* in the context of this paper is concerned with the affairs that exist within one’s household; a sort of family affairs. The Black Law Dictionary defines ‘domestic’ to mean something relating to one’s household or family.<sup>7</sup> In this context, domesticity is an activity that is restricted to one’s household or family. Thus, the phrase domestic violence relates to violence committed against spouses or within the larger family circle.

The English definition of the word domestic may not be exhaustive in analyzing domestic violence within the socio-legal perspectives. This is because firstly, the

---

55. Medical Terminology APP@[www.medicalterminologyapps.com](http://www.medicalterminologyapps.com) <accessed on February 11, 2021>

66. (Trident Press International, (2004) P.771

77. Bryant Garner, “Black’s Law Dictionary” (8th Edn. Thomson-West, 2004) P.523

modern notion of household and family is evolving. Secondly, the notion of the household may now include residence, abode or any other place that a person is domiciled or residence with people who are not his biological family.

Thus, based on the above, one may ask, does violence committed against men in places such as boarding schools, prisons and IDPs also qualify as domestic violence? Also, what is the scope of domestic violence? Must it be restricted to the location of households? Can violence committed against a spouse or intimate partner in social gatherings be termed as domestic violence? Thus, it is apposite to ask again, whether the determinant of domestic violence is more of a social contract and status than geographical location? Equally, restricting the sphere of domestic violence to family further creates rooms for elastic interpretations, especially within the African context. Thus, can violence committed against the male spouse by his in-laws in reprisal be termed as domestic violence?

In whatever way scholars may attempt to respond to the above questions, it is clear that the notion of ‘domestic’ in relation to domestic violence is beyond the sphere and meaning of conventional family within a specific social location called a home. Therefore, it is timely for scholars and policy-makers to reconsider the notion of domestic violence in relation to current global realities.

The word *violence* on the other hand is defined as unlawful, unjust or warranted use of physical force on a person. It can also mean the excessive use of unlawful force.<sup>8</sup> Moreover, violence is statutorily defined as any act or attempted act which causes, or may cause, any person physical, sexual, psychological, verbal, emotional or economic harm, whether this occurs in private or in public life; in peace time or in conflict situations.<sup>9</sup>

From the above definitions, there is no gender restriction in perpetrating violence. The law does not restrict or specify violence as an act committed by a particular gender. Thus, no gender has the exclusive monopoly of violence. As such, all genders including men and women can inflict violence on another.

---

88.Nchi Suleiman,Op.Cit@551

99.Section 46 of the Violence Against Person’s Act, 2015.

Violence takes various forms including physical, psychological, emotional, and verbal abuse among others.<sup>10</sup> A critical look into these typologies of violence shows that the theater of such abuse can be perpetrated in places other than the family abode.

The above conceptual clarifications on the notions of ‘men’, ‘domestic’ and ‘violence’ reveals a pressing need to bolster the jurisprudence and sociology around domestic violence with regards to its scope and application. A further discussion in the subsequent chapter provides further credence to this position.

## **1.2. CATEGORIES OF DOMESTIC VIOLENCE AGAINST MEN IN NIGERIA**

Domestic violence against men may take different forms but for the purpose of this work, reference will be made to three (3) categories. These categories are outlined below as follows:

(a) **Horizontal Domestic Violence Against Men (HDVAM).** This is a situation where men instigated and perpetrated domestic violence against other men. It is represented in the equation  $M + M = V$ .

(b) **Vertical Domestic Violence Against Men (VDVAM).**

This is a situation of violence where women are judged to be the perpetrators or instigators of domestic violence against men. It is represented by the equation  $W + M = V$ .

(c) **Hybrid Domestic Violence Against Men (HDVAM).** Here the causes of domestic violence against men include men or women, plus other factors. These other factors could be the society at large and its social situations. This will include the state (arrest and intimidation of family by security personnel, abduction and kidnapping, armed robbery, mob justice, etc). It is represented by the equation  $M + O = V$ .

---

<sup>10</sup>10.Ibid

### **1.3. DISTINGUISHING DOMESTIC VIOLENCE AGAINST MEN FROM SPOUSAL RAPE.**

The categories of violence against men outlined in the preceding paragraph clearly show that the sphere of domestic violence against men is not restricted to family alone. This position is further corroborated by the Violence Against Persons Protection Act, 2015 (VAPP) in its conceptualization of domestic violence.

One of the salient approaches of distinguishing domestic violence from the other form of violence is found in section 46 of VAPP, 2015 which defines the various forms of violence. From the critical observation of the VAPP, 2015, domestic violence encompasses the deployment of violence on any person in a domestic relationship. Thus, the sphere of domestic violence under Nigerian law is where there is domestic relationship and implies nexus between the perpetrator and the victim where:

- (a) They are married under marriage under the Act, law or custom.
- (b) Living in a relationship, even though they are not married.
- (c) Domestic aids or house help.
- (d) They are real or foster parents of children with them.
- (e) Extended family by consanguinity, affinity or adoption.
- (f) People who are into social, intimate and romantic relationships.
- (g) They shared or recently shared the same residence.

It is evident therefore, that by aligning domestic relationships as the yardstick for determining domestic violence, one can confidently conclude that the actors in domestic violence exceed the nuclear family. It includes the exchange or transfer of violence between people, who are married, unmarried and engaged. It also includes the exhibition of violence between those who are biological parents/children and those who are foster parents or have adopted children.

From the above analysis it is glaring that domestic violence is wider in scope than only at one's place of abode. It includes violence against men by their parents, children, people they live with and friends.

Another term worth distinguishing from domestic violence is spousal abuse. There is the high likelihood to misconstrue spousal battery with domestic abuse.

The term spousal battery is defined as the intentional and unlawful use of force or violence upon a person, including the unlawful touching, beating or striking of another person with the intention of causing bodily harm to that person.<sup>11</sup> By this definition one can clearly note that spousal battery is a segment of the larger sphere of domestic violence.

## **NATURE AND INSTANCES OF DOMESTIC VIOLENCE AGAINST MEN IN NIGERIA**

Let us now examine the interplay between the forms and types of domestic violence against men in Nigeria.

In the first instance, most perpetrators of domestic violence against men are family members.<sup>12</sup> These family members include spouses where husbands are battered by their wives. It is reported that in the South West of Nigeria, women have the highest rate of domestic violence against men than in other parts of the country.<sup>13</sup> It also includes maltreatment of orphans by their foster or step-parents or extended family members. This has led to a correlation between female rape victims knowing their attackers while guardians are termed as predators of the victims.<sup>14</sup>

Another form and instance of domestic violence against men is rape. The myth and reality of male rape is captured by this writer thus,

*MYTH: Men can't be sexually assaulted, and if they were, they should have been able to prevent it. One of the strong beliefs in our culture about the rape of men is that any man, if he is "a real man" could have or should have been strong enough to prevent the rape by putting up a fight. It is believed that this is the only "manly thing to do". The message here is that failure to fight off an attack is a sign of weakness, a sign of not being manly. Many male victims internalized the belief that they are not real men because they did not stop the rape; they feel a sense of "deficiency" and a deep sense of guilt and shame.*

*REALITY: Men are raped. Any man can be sexually assaulted regardless of size, strength, appearance or sexual orientation. The belief that a man could have prevented the rape ignores the*

---

1111. Section 46 of the VAPP ACT, 2015.

12 Chinwe R Nwanna and Michael O.N Kunnuji "Domestic Violence by Women Against Their Intimate Partners in Nigeria" African Population Studies, Vol. 2. NO.2(2016) P.1

1313. Ibid

1414. Oludayo Tade and Collins Udechuckwu, "Characterising Rapists and their Victims in Select Nigerian Newspapers", 2020@<http://www.intechopen.com>.91705<accessed on February 14, 2021>



*facts that in a rape, the threat of bodily harm or death overpowers the desire to defend oneself.....*<sup>15</sup>

The above excerpt is one of the general perceptions on the myth and reality surrounding male rape all over the world, including Nigeria. Male rape is another form of exhibiting violence against men in Nigeria. It is no longer a strange phenomenon. Studies in Nigeria show that sexual abuse of men, including male rape is now a rising statistic.<sup>16</sup>

Another manner through which domestic violence is executed is via third parties. Domestic violence is sometimes imported by third parties who are not members of the family. This is usually in protection of, or as an act of reprisal on behalf of the female spouse for any act deemed unpleasant or unacceptable. It can take a verbal or physical form depending on the beliefs of the perpetrators. Closely linked to the above, is the fact that it is not only women that are perpetrators of domestic violence against men.<sup>17</sup> It is not only an act committed by women alone.

Furthermore, domestic violence against men could be committed through non-violent means. In Nigeria, this includes using other means with the ultimate aim of hurting or causing harm to the man. This category is topped by acts of food poisoning. The rate of food poisoning against men is an alarming and negative trend in Nigeria.<sup>18</sup>

Emotional violence through verbal abuse is another way through which violence is perpetrated against men in Nigeria. Continuous negative complaints about themselves, their management of the home or finances often creates a hostile home environment. As a result, some men seek comfort away from the home, which in turn has negative effects on the family.<sup>19</sup> A vicious cycle of violence is easily created in this situation.

---

1514. When A Man Is Rape; A Survival Guide , NSW Health Education Center Against Violence @2013 P.37

1615. See Folake Badeji, "Male Child Victim of Sexual Abuse in Nigeria" *Frontiers of Legal Research*, 2014, 2 (1), 83-99 @ <http://www.cscanada.net/index.php/flr/article.<accesssedonFebruary,2021>>

1717. This position was earlier established in page 6 of this work when discussing the categories of domestic violence with equations of  $M=W+V$ ,  $M=M+V$  and  $M+O=V$ .

1818. See: (a) Linus Oota, "Woman Poison Her Husband, Chops off his Manhood" *The Nation@thenationonlineeng.net<accesssed on February 18, 2021>* (b) Tunde Ososanya "This is why married men should eat with their spouse- lady gives shocking details of what women are allegedly doing to their husband" *Legit@www.legit.ng.>1330539-top-e...<accesssed on February 18, 2021>* (c) BBC, "Nigeria Child Bride' poisons the older husband", April 10, 2014 @ [www.bbc.com.news.world-afric..<accesssed on February 18, 2021>](http://www.bbc.com.news.world-afric..<accesssed on February 18, 2021>) and (d) Odeyemi Joshua, "Nigeria: Maryam Sanda-53 Spouses Allegedly Killed by Partners in two years" *Daily Trust in Nigeria@kjanuary.2020@allafrica.com<accesssedon February18, 2021>*

19 . Folake (2014) Badeji, Loc.Cit

Violence committed by guardians is another example. Due to divorce, wars and other social factors, children rarely stay with their biological parents. Sometimes they grow up with guardians (schools or foster parents) and/ or their step-parents (where their parents are divorced or deceased). These social situations sometimes expose children including boys to maltreatment, discrimination and exploitation.<sup>20</sup> An example of such includes child labour in boarding schools, Almajiri, etc.

## **2.0. WHY DOMESTIC VIOLENCE AGAINST MEN PREVAILS**

Violence against men is becoming an increasingly alarming phenomenon in Nigeria.<sup>21</sup> There are several reasons why violence against men thrives. Some of these reasons include superstition, poverty, feminism, reprisals, adventures, frustration-aggression, peer pressure and the negative influence of modernity.

### **a. Superstition**

Superstition could also be attributed to the rise of domestic violence against men. It is believed that for a woman to be powerful she has to exhibit dominance over men. Doing so will make her become an iron lady. Thus, if a woman is able to rape a man and exert physical violence on him, this will make her powerful and she will exercise unchallenged power over other men.<sup>22</sup> Based on this perception, male children have also experienced violence including rape by male and female pedophiles.<sup>23</sup>

Sometimes the male child is a victim of domestic violence due to witchcraft allegations. As such, they are physically abused and accused of witchcraft and other superstitions associated with the local beliefs.

### **b. Poverty**

---

2020.Ibid

2121. Agency Report, "Lagos Records 138 domestic violent cases against men in 10 months-Official",PremiumTime, April,2018@<https://www.premiumtimes.ng><accessedon January 15th, 2021>

2222.This superstition is traceable from the facts that Africans Queens like Nzinga of Ngola Kingdom in their heydeys dominated/rape men as concubines and subjects. Under Queen Nzinga were forced to wear women dresses in her courts, while the Nzinga would wear male clothes. Queen Nzinga is said to address men as she, while she was addressed as man. Thus, this Nzinga Factor could be said to be the inspiration of women exercising domestic violence against men. See Bleys, Rudi C.(1955). The Geography of Perversion : Male to Male Behaviour Outside the Western and Ethnographic Imagination.1750-1918(New York. New York, University Press)

2323.Agency Report Loc. cit.

Poverty is one of the more debilitating phenomena affecting human development in Nigeria. Nigerians are among the global poor. In 2018, the World Poverty Index adjudged Nigeria as the poverty capital of the world.<sup>24</sup> As a country with over 190 million population, 65% percent of its citizens live below \$2. per day. Thus, with these developments male children are exposed to child labour including hawking ( selling on the street) and scavenging. Equally, male children neglected by their parents, were sometimes victims of rape by women.<sup>25</sup>

### **c. Divorce**

The rate of divorce in Nigeria is alarming. It is so predominant that the courts in Nigeria are leading calls for a way out.<sup>26</sup> The effect of divorce on the security of male children against domestic violence is that it exposed children to abuse by foster parents on the grounds of subjective discriminations shown in jealousy and maltreatment.

Another effect of divorce is the emergence of single parenthood or foster parenthood. These are becoming dominant due to divorce and desertion.<sup>27</sup> This occurs in situations where male children are sent to stay with their mother, fathers, aunties, uncles, grandparents or others. Most single parents found it difficult to tolerate the children from the divorced spouse. Thus, incidences of domestic violence against male folk are increasingly likely in these scenarios.

### **d. Negative Influences of Modernity**

Modernization makes life easier for man. This purpose is sometimes perverted, however, through the various modes of entertainment. This position accords with social learning theory. This theory attributes violence against men as an inducement from the role played by actors on TV, in movies, novels and across social media.<sup>28</sup>

### **e. Peer Pressure**

---

2424. See "[Nigeria Overtakes India as World's Poverty Capital](https://www.vanguardngr.com/2018)"@<https://www.vanguardngr.com/2018><accessed on February,2021>

2525. Dorcas Egede, "[Sexual Abuse: Men Molested by Women Speak Out](https://thenationonline.ng.net/sexualabuse-me...)"@[thenationonline.ng.net](https://thenationonline.ng.net/sexualabuse-me...)<sexualabuse-me...><accessed on October 29,2020>

2626. See "[Lawyers: Decry High Rate of Divorce-Vanguard News](https://www.vanguardngr.com/)"@[https://www.vanguardngr.com](https://www.vanguardngr.com/)<accessed on October,2020>

2727. Ibid

2828. Chuckwuka H. and Habila R. K., "Rape Epidemic in Nigeria: Cases, Causes, Consequences and Responses to the Pandemic" IMPACT International Journal of of Research in Applied Natural and social Sciences (Impact) Vol.2. Issue 1 Jan 2014@P.35@ImpactJournal.

A crime like rape against men sometimes stems from instigation and association. Criminals are often aided or abetted by their peers. Thus, group dynamics can often lead to negative peer pressure.<sup>29</sup>

#### **f. Reprisal**

Domestic violence against men is usually caused by reprisal. The reprisal could be a pay-back against man's unfaithfulness.<sup>30</sup> The case of violence by a woman against her husband, adult partners, boyfriends and girlfriends, sometimes fall under the classification of reprisal. A well known instance is the case of Maryam Sanda who killed her husband. She was later sentenced to death by hanging.<sup>31</sup>

Reprisal as a cause of domestic violence could also be shown by foster parents and single parents. This is seen in the instance of rival foster parents punishing the male child as a result of his estranged father's or mother's role. This degree of jealousy sometimes results in grievous bodily harm like assault, battery, poisoning etc.<sup>32</sup>

A desire for revenge/ vengeance also leads some women to inflict sexual violence on men.<sup>33</sup> This postulation further satisfies the cause and gratification theory – which views male rape as new deviant act where the criminals discovered new modes of gratification which influenced their behaviors.<sup>34</sup>

#### **g. Self-defence and Provocation**

Self-defence or provocation are also attributed to be one of the main causes of domestic violence against men.<sup>35</sup> This usually happens in a situation where the women are trying to defend themselves against the aggression of men. In the course of doing so, they may resort to excessive force or unimaginable force that can result in harm to the men.<sup>36</sup>

---

29

30 .Emmanuel Imuentinyan Obarisiagbon and Mannie I.Omage, "Emerging Trend In the Culture of Domestic Violence Against Men in Southern Nigeria" *International Journal of Humanities and Social Science* (Center For Promoting Ideas) Vol.9. No.3,2019@Pp.51-52

31 Odeyemi Joshua, "Nigeria: Maryam Sanda-53 Spouses Allegedly Killed by Partners in two years" Daily Trust in [Nigeria@kjanuary.2020@allafrica.com](mailto:Nigeria@kjanuary.2020@allafrica.com)<accessedon February 18, 2021>

3232.Ibid

3333.Sexual Victimization by women Is More Common Than...@<https://www.scientificamerican.com>>sex...<accessed on October 28, 2020>

3434."Media Theory and Sexuality Explicit Content"@<https://www.angelfire.com>>medsexexpcon<accessed on October 29,2020>

3535.Emmanuel Imuentinyan Obarisiagbon and Mannie I.Omage, Loc Cit

3636. Paul O Dienyeand Precious K. Gbeneol " DomesticViolence Against men in Primary Care in Nigeria", *American Journal of Men's Health*,2008 Pp335-336.

## **h. Frustration-Aggression**

Frustration-aggression theory presupposes that a human tendency to exhibit violence is due to disappointment with the social situation they encountered. As such it is rational for men to exhibit violence on one another as means of expressing their dissatisfaction. Equally, it is believed that the challenges women face in their homes, places of work and other social settings have the capacity of instigating them to inflict violence on male folk. They could be a transfer of aggression to the male child in the case of a mother who was hurt by his father's actions.<sup>37</sup>

## **i. Feminism**

Feminism further produced a revolutionary approach which has negative outcomes in society. One of the negative outcomes of feminism is that it produces hostile reactions by women against men. Thus, they sometimes become aggressive in the course of ensuring equality with men. In order to defend or protect themselves against a patriarchal society, women are becoming violent aggressors in their families. This position accords with radical feminism which believes that women are biologically and psychologically subordinated by the patriarchal society of men's world. Thus, to them, women's liberation requires biological revolution and destruction of gender ascribed roles in society.<sup>38</sup>

### **2.1. THE CONCEPTS OF DOMESTIC VIOLENCE AWAY FROM PRECINCT OF SPOUSE (1)**

This part of the work shall explore situations where men experience domestic violence as well as instances in which violence is imported into their homes/residence. The essence of this discourse is to further educate readers on the dynamic and evolving scope of the word 'domestic' in qualifying domestic violence against men. Sometimes men are occasioned to be away from their matrimonial home and an alternative residence becomes their homes.

Therefore, we shall be looking at domestic violence in settings where men are in places of residence away from their normal abode. These places include prisons,

---

3737.Bola Lukman Solanke, "Does Exposure to Inter-parental violence increase women's risks of intimate partner violence? Evidence from Nigeria Demographic and Health Survey" *BMC International Health and Human Rights*, NO.1, JAN.2018@bmcinternationalhealthhumanrights.biomedcentral.com<accessed on February 18, 2021>

3838.Ghorfati Amina AND Medini Rabha, "Feminism and its Impacts on woman in the Modern Society", Dissertation Submitted to the Department of Foreign Languages in Partial Fulfillment of the 'Master' degree in Anglo-Saxon Literature and Civilization"(University TLEMEN,2014-2015)P.10

schools, the *Al majiris* system and Internally Displaced Persons (IDPs) camps. Equally, the importation of violence into the domestic setting is another interesting aspect of this work that calls for a rethink in bolstering the concept of domestic violence against men. Instances here include abduction, kidnapping, and where the family of women harass men in their homes as a reprisal for any acts done to their relative.

## 2.2. DOMESTIC VIOLENCE AGAINST MEN IN PLACES OTHER THAN MATRIMONIAL HOME (2)

Recent experiences show that men are abused in places other than their matrimonial homes. These alternative places include prisons, boarding schools, *Al majiri* system and IDPs.

Nigerian correctional centers are meant to keep persons who are legally interned by authorities.<sup>39</sup> It is also the objective of the Correctional Services Act that inmates are to be treated in accordance with the best international practices and human rights.

40

However, the plight of Nigerian inmates is quite alarming. In Nigeria, prison rape of hetero and homosexuals by both inmates and prison officials are factual occurrences. Studies show that these acts are often committed by people who do not consider themselves to be homosexuals.<sup>41</sup> In 2019 Amnesty International accused prisons' officials in Borno State, Nigeria of rape and sodomy with inmates. In response to this allegation, the Borno State Government set up a committee to investigate these alleged crimes. However, the efforts of the committee were frustrated due to lack of cooperation from the prison officials.<sup>42</sup>

Boarding schools are educational institutions that host secondary school students. These educational institutions are in the position of *loco parentis* to students, mostly

---

3939. Section 10 of the Nigerian Service Act, 2019

4040. Section 2(1) of the Nigerian Services Act, 2019

4141. Akinwale Omolola Tosan and Omoera Osakue Stevenson, "[A Review of Literature :Rape and Communication Media Strategies in Nigeria](http://www.ajol.info/article.viewPDF)"@<http://www.ajol.info>>article.viewPDF<accessed on February14,2021>

4242. Haruna A, "Nigerian Officials Frustrate Investigation into Alleged Rape, Child Prostitution in Prisons-Borno Government"  
[9/05/2019@www.premiumtimesng.com](http://www.premiumtimesng.com)<accessed on February14,2021>

between the ages of 12 to 17 years. These students, especially the boys, are sometimes exploited by being deployed to work for their teachers, to hew firewood and fetch water. Males under the instructions of teachers are sometimes used as labourers, domestic workers and errand boys. In addition, male students are adjudged to:

- suffer more physical abuse,
- be restricted from using school facilities,
- face more threats and negatives remarks,
- experience more bullying; and
- receive more corporal punishment than female students.<sup>43</sup>

Consequently, this hostile environment makes learning a traumatic experience for students.<sup>44</sup>

The *Al Majiri* system is another angle of domestic violence against male folk in Nigeria. The *Al Majiri* system is the Islamic way of inculcating values and virtues in the minds of the *Al Majiris* (pupil). And most of them are children within the age bracket of 4 to 13 years. A Nigerian study reveals that these *Al Majiris* are victims of physical abuse, vagrancy, child labour and street hawking. Sometimes they also ended up as victims of rape and pedophilia.<sup>45</sup>

Even in the course of teaching the *Al Majiris* are sometimes subjected to physical beatings in order to ensure their commitment to learning. This physical assault is justified from the prism of Egyptian proverbs that says “*A Child’s ear is on his back, he hears better with Whip.*”<sup>46</sup>

The plight of IDPs is another instance of domestic violence against men in a place other than their matrimonial home. Already forced from their homes by civil war/ violence, it is on record that Boko Haram and other criminal elements have been

---

4343. International Journal of Educational and Evaluation, ISSN VOL.1, NO.8 [2015@www.iiardpub.org](http://www.iiardpub.org), accessed on February 14, 2021 > p.75

4444. See; Ahmed Kayode Oladusu, “Child Abuse Among Secondary School Students in Ilorin: Prevalence and Pattern of Abuse and Behavioural Disorders in Victims” National Post Graduate Medical College of Nigeria, Faculty of Psychiatry, 2019@[dissertation.npmcn.edu.ng](http://dissertation.npmcn.edu.ng)>view<accessed on February 15, 2021> Muhammed Ibrahim, “Impacts of Domestic Violence on Student Academic Achievement”, Project Report [2019@www.grin.com.document](http://www.grin.com/document)<accessed on February 14, 2021>

4545. Hussain Obaro, “The Almajiri: Abused Neglected” *The Guardian* February 26, 2016, @[m.guardian.ng](http://m.guardian.ng)>news.the-almajiri...<accessed on February 14, 2021>

4646. Kellsrafft, “Peeps at Many Lands: Ancient Egypt-Chapter 6”, @[www.kellsrafft.com](http://www.kellsrafft.com).peepsAncient...<accessed on February 14, 2021>

attacking the IDPs. In most of these instances, males were the major victims. This is common in North-Eastern Nigeria where Boko Haram insurgency is prevalent.<sup>47</sup>

The above instances highlight the fact that men suffer domestic violence in places other than their homes. The discussion on these seek to show that the concept of domestic violence against men is elastic enough to be beyond their matrimonial domicile. It also includes social centers that claim to promote and provide safety, security and temporary detention.

### **3.0. Legal Instruments Prohibiting Violence Against Men in Nigeria**

In this aspect, the writer is concerned with laws that prohibit domestic violence against men. We shall be looking at these laws from the international, regional, generic and specific perspectives.

#### **International laws**

The international laws that prohibits domestic violence against male folk (ratified by Nigeria) that will be examined here include the Universal Declaration of Human Rights 1945,<sup>48</sup> International Covenant on Civil and Political Rights (ICCPR) 1961,<sup>49</sup> United Nation Convention on the Rights of the Child,<sup>50</sup> Hague Convention on Abduction,<sup>51</sup> Hague Convention on the Civil Aspects of International Child Abduction 1980<sup>52</sup> and Convention Against Torture<sup>53</sup>

---

4747.Oladosu Ojengbende, Tolulope Babawurun, Olufunke Olayiwola , Milcent Ogun, et al” Sexual and Gender-based Violence in Camps for Internally Displaced People and Host Communities in North East Nigeria: a Mixed Methods “The Lancet Global Health”,@www.thelancet.com.article.fulltext <accessed on February14,2021>

4848.Articles 3,4 and 5 provides for the right to life and prohibits the slavery and torture. By this the article prohibits violence in general including domestic violence.

4949.Article 7 prohibits torture, degrading , cruel or inhuman treatment .Equally, article 8 prohibits slavery and servitude as well as compulsory or forced labour. A combined rendition of this article is that violence of whatever type is prohibited and forbidden law.

5050.Articles 34 enjoined state parties to protect children from sexual abuse, exploitation, coercion and pornography. Article 35 outrightly prohibits child trafficking and urges states to prevent it.

5151.The aim of this act is the protection of child from harm and promote the interest of children as paramount in custody of contracting parties. Articles 1 (a) provides from prompt return of children wrongfully removed to or retained in any Contracting State.

5252.Article 1 defines torture to mean deployment of violence or hurt used on someone in order to elicit information or to make that person succumb to a pressure. Article 2 enjoined states Parties to prevent acts of torture. As such article 4 criminalizes torture. Article 3 provides for the principle of non-refoulement -which means that a foreigner should not be returned to his country once it is certain that he will be tortured.

5353.Nigeria entered that Treaty on May23,1969 and ratified it on July 23,1969. See List of countries that ratified VCLT, 1969. See list of Treaties Ratified by Nigeria S/NO Title of [Treaty@PLACNG.ORG.2019/12.Treat...Pd f](http://Treaty@PLACNG.ORG.2019/12.Treat...Pd f)<accesssed on February18, 2021>



The above international instruments are ratified by Nigeria as a nation.<sup>54</sup> Also, some of these instruments like the United Nation Convention on the Right of Child further inspired the domestication of the Child Rights Act in Nigeria. Similarly, the Convention Against Torture also inspired the establishment of the Convention Against Torture Act in Nigeria. Thus, it behooves Nigeria to respect and uphold them as stipulated by Article 26 of the Vienna Convention on the Laws of Treaties 1961.

## Regional laws

The regional laws that are worth discussing are the African Charter on Human and Peoples Right,<sup>55</sup> the African Charter on the Rights and Welfare of The Child 1989<sup>56</sup>and the ECOWAS Protocol on Good Governance, Election and Democracy.<sup>57</sup>

## National laws

The national laws for engagement here fall into either the generic and specific category. The generic laws are those that generally prohibit domestic violence against both men and women. They include:

- i. The 1999 Constitution of the Federal Republic of Nigeria.<sup>58</sup>
- ii. Penal Code<sup>59</sup>
- iii. Criminal Code<sup>60</sup>

---

54

55. Nigeria entered that Treaty on May 23,1969 and ratified it on July 23,1969..

55

56.Article 5 of the African Charter recognizes the right to dignity of human being. Thus, slavery, torture, servitude, cruel degrading and inhuman treatment.

5657.Article 14 prohibits mental, economic and physical exploitation. In nutshell it prohibits child labour. Equally, article 16 enjoined state parties to protect children against child abuse.

57

5858.The Constitution Prohibits Violence against men by its provision for rights to personal liberty ,right to privacy and family and right to dignity of human person. See sections 33,34,35 and 37. section 34 of the Constitutions that deals with the right to dignity of human person prohibits the use of forced labour, degrading and inhuman treatment of any person. it equally prohibits subjection of any citizen to slavery or servitude.

5959.The Penal Code prohibits violence. These are seen in the provisions of sections 240 to 253 which defined hurts and grievous hurt. While sections 261 to 270 deals with criminal assault and criminal force. Also, kidnapping, abduction and forced labour are also criminalized under sections 271 to 281 as one of the offences against human bodies. Rape, unnatural offences and indecent offences against a person are also prohibited in sections 282 to 285 of the Penal Code.

6060.The Criminal Code also prohibits the use of violence against men and women. it specifically criminalizes use of force Chapter 28 as "offences endangering life or health" . section 335 prohibits grievous bodily harm and negligent acts capable of causing harm in section 344.

On the other hand, specific laws are those targeting particular types of violence. They are specific in this context because they are laws meant to prohibit violence in particular. They include:

- i. The Child Rights Act,<sup>61</sup>
- ii. Trafficking in Persons (Prohibition) Law Enforcement and Administration act, 2005<sup>62</sup>
- iii. Convention Against Torture Act,<sup>63</sup>
- iv. Violence Against Persons Prohibition Act, 2015<sup>64</sup>

#### **4.0. Challenges of enforcing domestic violence against men.**

Certain societal factors act as the major reasons for a lack of enforcement of domestic violence laws in protection of men in Nigeria. One of these factors is the lack of adequately specific text to protect men against domestic violence. This includes both in the national and international levels. While the international and the national laws draw specific attention to the protection of the rights of the women

---

<sup>61</sup>62. This specific legislation provides for the rights of dignity of child and freedom from forced labour and servitude in section 11 of the Child Rights Act, 2003. Other salient provisions against violence on a child include prohibitions of having tattoos and skin marks (Section 24), unlawful sexual intercourse (section 31). In order to ensure children are free from violence or been violated, sections 41 to 49 the Protection of children from harm by the state. The state is enjoined to protect children in cases of emergency.

<sup>62</sup>63. This is another legislation that prohibits violence, including domestic violence. Section 18 of the Act prohibits the defilement of a minor person by threats, fraud or administering of drugs. From this position any person that uses his premises to defile a child below the age of 18 years will be imprisoned for ten years or fine of ₦200,000,00 equally section 22 of the Act prohibits unlawful forced labour on any person who is a child. Any person found doing so will be convicted with Five Years imprisonment or the fine of ₦100,000,00. Equally, section 24 prohibits slave dealing and its punishment is imprisonment life.

<sup>63</sup>64. Section 1 of this Act defines torture to mean act by which pain or suffering, whether physical or mental, is intentionally inflicted on a person to obtain information or confession or to punish/intimidate him for an act done by him or a third party. Section 2 states certain aspects of torture that are prohibited to include electric shock, sexual abuses, rape, blindfolding, etc. Any person who violates or contravenes section 2 of the Act shall be punished with imprisonment for 25 years as stated in section 5(1).

<sup>64</sup>65. This is the most specific legislation that prohibits violence in Nigeria. It deals with virtually all sorts of violence related to human being. It criminalizes rape, physical injury, forceful ejection from home, deprivation of liberty, damages to property etc to mean violence. See sections 1 to 12. Of prime relevance to this work is the statutory definition of domestic violence in section 46 to mean "any act perpetrated on any person domestic relationship where such act causes harm or may cause imminent harm to the safety, health or well-being of any person". This definition forms a chunk of inspiration to the discussion in this work. However, one of the limitations of this law is that it discriminates against men in section 15 where it provides for harmful widowhood practice. Under section 15 cultural practices which are harmful to the health and safety of the widow is prohibited. The section only addresses the plights of widow and not widower. This no doubt isolates the men as persons who are not subject harmful cultural practices. To further strengthen this position of bias, the act did not define widowhood so as to ascertain whether it includes both men and women who lost their spouses. Equally, section 46 of the VAPP 2015, does not include men in the categories of vulnerable persons. This is apt considering that men are exposed to extrajudicial killings and assaults by state agents. The scope of the application of the law to Abuja only is another limitation of the Act.

through legal instruments like CEDAW, Dakar Declaration of 1994 and other laws protecting widows in some jurisdictions,<sup>65</sup> there is no such specific legislation, either at international or national level which seeks to protect men against domestic violence and violence in general.

Closely linked to the above position is the fact that there is selective discrimination against men in terms of protection from domestic violence. It is factual that while there are international and national non-governmental organizations supporting the prohibitions of domestic violence against men, there are no such protections for men.<sup>66</sup> For example, the Dakar Declaration 1994, Beijing Conference, CEDAW and DEDAW all focus on women's protection and safety. However, there is no equitable arrangement or international recognition for men. This is contrary to the provision of Article 2 of the Universal Declaration of Human Rights which prohibits discrimination on the basis of gender.

Another factor is cultural perceptions and misconceptions. Generally, there are cultural perceptions among Africans about the invincibility of males. It is widely believed that men cannot be beaten or molested by women. Where this occurs, the victims are often considered 'not man enough'.<sup>67</sup> Consequently, men are hesitant to report domestic violence perpetrated against them by women. This further leads to stigmatization.<sup>68</sup>

Moreover, there is also subjective levity and underrating of domestic violence against men. There is also another subjective rationalization of domestic violence against men. This view contends that men are the initiators of violence, as such the women can pay them back for their action. Moreover, they contend that women who deployed domestic violence against men are trying to free themselves from the grasps of male patriarchy. Equally, the status of women as mothers is another

---

6566. In Nigeria, States like Lagos, Rivers, Imo and others had enacted laws to protect the rights and interest of widows. However, to the knowledge of this writer and the information available to him, only Enugu State enacted legislation governing the rights and interests of widows and widowers. See The Nigerian Institutes of Advanced Legal Studies @www.nials-nigeria.org>WID..PDF<accessed on February 18,2021>

6667. Anthony Abayomi Adebayo, "Domestic Violence Against Men: Balancing the Gender Issues in Nigeria" American Journal of Sociological Research,( scientific and academic publishing, 2012) Pp.

6768. Ibid

6869. Ibid

subjective reality that influences the ‘emotion’ of the law not to sanction women for violence against men, especially, in lesser offences.

## **5.1. HOW TO IMPROVE THE SITUATION**

In light of the above challenges, this section suggests the following measures as the way forward. In the first place, economic equality in terms of empowerment should be encouraged. Women are now more likely to be employed in Nigeria than men. Widows receive more care and support than widowers. More welfare programs focus more on the female folk rather than on anyone in need. This tendency sometimes places women squarely in the forefront as the breadwinners, while disenfranchising men equally in need. Impartial support prefaced by more inclusive legal language is needed.

Also, international and national support should be adapted to include provisions for men. It is factual that most national, regional and international support is geared towards women. For example, Nigerian society routinely empathizes, sympathizes and identifies more with widows than widowers. This is reflected in the series of campaigns for support aimed at women; few resources are earmarked for men. There needs to be a review and update of relevant legislation and practices in this regard.

There is also the need to widen the jurisprudence of domestic violence beyond the concept of nuclear family and household. Equally, the notion of ‘domestic’ should include homes away from home, social centers such as schools, Internally Displaced Persons Camps (IDPs), prisons and other places of human habitation.

Again, there is a need for legislation protecting and promoting rights affecting both men and women from the threat or use of violence. For example, the efforts of the Enugu State to enact laws that protect the interest of both widows and widowers are commendable and should be replicated throughout Nigeria<sup>69</sup>. In the same vein, there is a pressing need for international recognition and the creation or amendment of a specific Convention to also protect men from discrimination and violence, including domestic violence.

---

<sup>69</sup> The Nigerian Institutes of Advanced Legal Studies Loc.Cit.

The perception of women alone as vulnerable human beings cannot continue to be held as absolute fact. Society is constantly changing and women are evolving too. Today we recognize that all genders are capable of becoming violent and volatile, thereby making men also vulnerable.

Poverty and corruption should be discouraged. This paper shows that poverty exposed the male child to dangers like rape, defilement, physical assault, trafficking and murder. These negative incidents occur when children are engaged in hawking or other dangerous acts of survival in the guise of economic endeavor.

Lastly, respect for morality and the principle of humanity should be embedded into the value system of Nigeria. Women and men should be able to see each other as people first before their gender. They should be able to respect and accommodate the biological and social peculiarities of each other. Women and men should be encouraged to employ pacifist ways of dealing with conflict. Feminism should be viewed as a catalyst of social equality and equity, and not domination of one gender over another.

## **5.0. Conclusion**

In conclusion, it is the view of this writer that humanity has denied the existence of domestic violence against men or treated it in a restrictive or casual manner for a long time. It is time for progressive approaches to be embraced to widen the scope of domestic violence to include men as victims. The adoption of such approaches are beneficial to Nigerian society and the wider world at large. This article seeks to reinforce critical scholarship, and ultimately, promote the formulation of sound, balanced policies and legislation regarding the concept of domestic violence against men in Nigeria.