

# Family Courts and Human Security in South West Nigeria

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## Abstract

The trend of violence against women in Nigeria has increased more than ever recently, with many women having been deprived of their fundamental rights. Violence against women in Nigeria includes sexual harassment, physical violence, harmful traditional practices, emotional and psychological violence, and socio-economic violence. This article investigates cases of domestic violence against women in South West Nigeria by assessing the role of family courts in the adjudication of such cases. Both primary and secondary sources of data were employed to examine incidents of violence against women and the role of the family courts in ensuring justice. The author employed both primary and secondary sources of data; the data gathered were analysed by frequency and simple percentages, while qualitative data were descriptively analysed. The article reveals the causes of domestic violence against women to include a cultural belief in male superiority, women's lack of awareness of their rights, women's poverty owing to joblessness, men seeking sexual satisfaction by force, women having only male children, the social acceptance of discipline, the failure to punish the perpetrators of violence, the influence of alcohol, and in-laws' interference in marital relationships. It also reveals the nature of domestic violence against women. The research revealed that the family courts have played prominent roles in protecting and defending the rights of women. The author therefore recommends that the law should strengthen the family courts by extending their power to penalise the perpetrators of violence against women.

**Keywords:** family court; human security; justice; violence; women

## Introduction

Violence against women is a global challenge and a violation of women's fundamental human rights. There is consensus that one in three women around the world experience physical or sexual violence from an intimate partner (UNDP 2015; WHO 2017; WHO 2018; One World Center 2018; OHCHR 2019a). Globally, as many as 38 per cent of murders of women are committed by a male intimate partner (*The Punch* 2017). According to UNICEF (One World Center 2018), every five minutes, somewhere in the world, a little girl or a woman dies from violence, while almost 15 million teenagers (15–19 years of age) have been forced into a sexual relationship or have suffered some other kind of sexual violence during their lifetime. For instance, 700 million women alive today were married as children, of whom 75 per cent live in Africa (*Leadership* 2018). In Africa, violence against women begins from childhood. According to the report at a UN Women rally in 2018, Nigeria ranks 11th among the 20 countries in the world with the highest prevalence of child marriage. Nigeria also accounted for the third-highest number of women and girls who have undergone female genital mutilation (*Leadership* 2018). Violence against women in Nigeria includes sexual harassment (rape, forced sexual acts, unwanted sexual advances, child sexual abuse, forced marriage), physical violence – encompassing intimate partner violence (battery, psychological abuse, marital rape, femicide) – harmful traditional practices (female genital mutilation), human trafficking (slavery, sexual exploitation), emotional and psychological violence, and socio-economic violence (Lawal 2018). Violence against women is a menace against human security. Domestic violence, in particular, is a common form of violence against women in Nigeria; it is a practice that affects every sector of Nigerian society: the educated and illiterates, the religious and free thinkers, classes of career women and stay-at-home wives, the married as well as the singles (Agene 2017).

Domestic violence against women in Nigeria has been attributed to cultural and religious belief, poverty and the dependency of women on men due to joblessness, jealousy, psychological traits and social stress, among other factors. Its consequences include living in fear and want, and with chronic pain, bruises, internal injury, disabilities, mental and psychological problems, depression, suicidal tendencies, complication in pregnancies, abortion and death. Other consequences are vicious cycles of violence, poverty and underdevelopment (Adeyemo and Bamidele 2016; Bakare Asuquo and Agomoh 2010, 18). The World Health Organization (WHO) (2018) revealed that the short- and long-term consequences of violence against women include a higher risk of injuries, adverse sexual and reproductive health and mental consequences, depression, the likelihood of acquiring sexually transmitted infections, health consequences for children and, more widely, socio-economic impacts on families, communities and societies. Several global surveys suggest that many women who die from homicide are killed by their current or former husbands or partners

(Augenstein 2018; BBC News 2018; UNODC 2018). Most women have suffered in silence while some have died because of their inability to explore legal remedies owing to financial constraints or the social implications of the court process. For instance, Akolade Arowolo, who was sentenced to death by hanging by a Lagos High Court, was said to have beaten his wife frequently, and he stabbed her 76 times on the day she died (Lindsay 2014). In order to guarantee human security for women, something must be done urgently to curb domestic violence against women and deal with women's vulnerability.

Family courts have been established in some states in South West Nigeria for the purpose of ensuring and promoting peace and security for women and children in the family. The courts have played prominent intervening roles in upholding the security of women in some cases. This study therefore investigates the causes and the categories of domestic violence against women and the concrete roles family courts can play in resolving domestic violence against women in South West Nigeria. Following this introduction, the author considers the concepts of human security, violence against women and domestic violence. The article presents data on the causes and types of violence. It further describes some cases handled by family courts in South West Nigeria. It also considers the impact of family courts on human security. The article concludes with some final thoughts and recommendations.

## **Method and Conceptual Clarification**

This article employs both primary and secondary sources of data to examine incidents of violence against women and the role of family courts in ensuring justice. The population for the study is located in South West Nigeria. Ekiti, Ondo and Lagos were chosen as the sample for the study. These states were purposely chosen because family courts have been established and are in operation in them. A total of 300 questionnaires were administered, of which 292 were returned. Samples of cases were also retrieved from family courts. The data gathered were analysed with on the basis of frequency and simple percentages, while the qualitative data were descriptively analysed.

### **The Concept of Human Security**

The concept of Human Security has been variously defined. The 1994 Human Development Report (HDR) (1994) and Walter (2019) conceptualise human security as people's "safety from chronic threats and protection from sudden hurtful disruptions in the pattern of daily life". Threats to people's lives is the key starting point of human security and therefore violence against women is a threat to their lives and freedom. The HDR (1994) identified two major components of human security: freedom from fear and freedom from want (Gomez and Gasper 2019, 2). General Assembly Resolution 66/290 posited that human security is an approach to assisting member states in identifying and dealing with widespread and cross-cutting challenges to the survival,

livelihood and dignity of their people. It described the notion of human security to include:

- (a) The right of people to live in freedom and dignity, free from poverty and despair. All individuals are entitled to freedom from fear and freedom from want, with an equal opportunity to enjoy all their rights and fully develop their potentials;
- (b) Human security calls for people centered, comprehensive, context-specific and prevention-oriented responses that strengthen the protection and empowerment of all people and all communities;
- (c) Human security recognizes the interlinkages between peace, development and human rights, and equally considers civil, political, economic, social and cultural rights (UN General Assembly 2012; UN Trust Fund for Human Security 2019).

However, domestic violence against women has deprived many of their right to dignity through the shameful acts they were subjected to, including beating and abuse. Many have been subjected to poverty through deprivation and neglect by husbands, causing the victims live in fear and want, which rendered them alienated from their rights.

Human security, in the words of Aduloju and Patt (2014), is

about the young child that did not die of neglect, the serious epidemic that did not break out, the job that was not cut, the gun that was not run, the ethnic prejudice that did not result in violence, the dissident voice that was not made silent, the landmine that was not sold and installed, the woman that was not trafficked across state borders and sexually abused, the agricultural product that was not dumped to the detriment of the poor farmers, the short-term capital investment that was not allowed to wreck an infant industry, the addictive product that was not produced and shipped, the refugee that was not forced to flee and remain abroad and so on.

The above description depicts human security as freedom from any act that may deprive people of their rights and safety. Every act of domestic violence in the form of deprivation, the subjugation of women and sexual abuse constitutes a threat to women's human security. Similarly, human security refers to "freedom from pervasive threats to people's rights, safety and lives" (Walter 2019). From the definitions, we can infer that human security in general entails the absence of threats to people's rights, safety and lives. In the context of this article, human security refers to any act or threat that may deprive people of their rights, safety and lives. In the context of this article, human security refers to any act or threat that may deprive people of their rights, safety and lives. Every act of domestic violence against women in the form of beating, forceful sexual activities, or the deprivation of social or personal rights or property, constitutes a threat to women's human security. Domestic violence – whether psychological, economic or physical – accordingly threatens human security.

The 1994 HDR identified seven dimensions of Human Security as follows:

- Economic Security, which includes unemployment, job security, income security, inflation, underdeveloped social security and homelessness;
- Food Security, which encompasses the problems of physical and economic access to food;
- Health Security, which also includes threats to life and health and inadequate access to health services;
- Environmental Security, which refers to the degradation of ecosystems and the pollution of water, air and soil;
- Personal Security, which includes physical violence, war, discrimination, domestic violence, child abuse;
- Community Security, which refers to ethnic tensions and ethnic conflicts;
- Political Security, which encompasses state repression and violation of human rights (Gomez and Gasper 2019, 2; Walter 2019; UNDP, cited in Martin 2019).

Domestic violence against women is a major barrier to the economic, food, health, personal, community and political security of the victims. Women who are subjected to deprivation of financial support for necessary family needs and maintenance cannot enjoy economic, food, health and political security. Women who experience physical abuse are also denied health and personal security. Raising children under conditions of domestic violence will perpetuate violence, hooliganism and thuggery in the community.

According to Sabina (2003, 2), the objective of human security is to safeguard the vital core of all human lives from critical pervasive threats in a way that is consistent with long-term human fulfilment. The vital core of human security is protective: to protect human beings from threats of events beyond their control. Such protection is germane to the long-term well-being and good of human lives.

## **Violence against Women**

The United Nations defines violence against women as

any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Rainbo Organisation 2009).

The acts of violence can be physical, sexual or psychological and such acts inflict hurt or suffering on the women. Violence can be defined as the unlawful use of force or the threat to use force on a fellow human being. It is any action, behaviour or attitude against people based on anger, frustration, stress, power, ego or ignorance which could lead to injury, harm, disability or even death (Inadi 2012). Inadi (2012) pointed to violence as unlawful and contends that the perpetrators of violence are motivated by anger,

frustration, stress, power, ego and ignorance. Makinde (2017) describes violence against women as a term used collectively to refer to violent acts that are primarily or exclusively committed against women. Violence against women, according to the UN, is

any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Rainbo Organisation 2009; UN Women 2015; WHO 2019).

The UN noted that violence can result in or is likely to result in harm or suffering to women. Such violence can occur in either public or private life, as in the case of domestic violence.

Similarly, Ekiti State Gender-Based Violence (Prohibition) Law (2011, 7–8) describes violence against women to mean:

- i. Any act of gender-based violence that results in or likely to results in physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.
- ii. A combination of any of the following:
  - a. Willfully placing or attempting to place a woman or girl in fear of physical injury which includes slapping, beating, arm twisting, stabbing, strangling, burning, choking, kicking, threats with an object or weapon and murder;
  - b. Coercing a woman or girl by force or threats to engage in any act, sexual or otherwise, to the detriment of her physical or psychological well-being;
  - c. Traditional practices harmful to women such as female genital mutilation, attempting or aiding the mutilation of a woman or girl-child's genitals;
  - d. Indecently assaulting a woman or girls;
  - e. Raping a woman or a girl;
  - f. Committing incest with a woman or girl;
  - g. Marrying or giving an under-age girl into marriage;
  - h. Sexually harassing a woman or a girl;
  - i. Sexually assaulting a woman or a girl;
  - j. Sexually exploiting or enslaving a woman or girl;
  - k. Sexually abusing a woman or girl;
  - l. Forcing a woman or girl into prostitution, slavery or trafficking;
  - m. Depriving a woman of her liberty;
  - n. Denying a woman of economic benefit without just cause;
  - o. Exposing a woman or girl to forced labour;
  - p. Forcing any woman to isolate herself from family and friends;
  - q. Inflicting any emotional abuse on a woman;
  - r. Abandoning wife or children without any means of subsistence;
  - s. Stalking or intimidating woman or girl;

- t. Inflicting domestic violence on a woman or girl;
- u. Imposition of dressing code under any guise;
- v. Criminalizing pregnancy outside marriage;
- w. Trafficking in women and girls.

The above list reveals a comprehensive form of gender-based violence on women and focuses specifically on acts of violence against women and girls.

Domestic violence, according to Bakare, Asuquo and Agomoh (2010, 5), refers to physical abuse, sexual abuse, emotional and verbal abuse between people who have at some time had an intimate or a family relationship. Domestic violence is therefore a form of violence committed in an intimate or family relationship. To Inadi (2012), domestic violence is an abuse in the family or home perpetrated by a husband, a boyfriend, a brother or any other relative against a woman or a girl. Such abuse will include physical, psychological and/or economic abuse that is intended to harm, intimidate or coerce the woman or girl into submission. According to him, domestic violence occurs in situations where a family member or an intimate partner physically, sexually or psychologically dominates or inflicts violence on a woman. Agene (2017) describes domestic violence as an act of intimidation or physical, verbal or emotional abuse that has become an epidemic. He notes the various forms of abuse constituting violence in a domestic setting to include intimidation: physical, verbal or emotional. Section 34 of the Constitution of the Federal Republic of Nigeria provides for every individual to be entitled to respect for the dignity of his or her person, and, accordingly:

- (a) no person shall be subject to torture or to inhuman or degrading treatment;
- (b) no person shall be held in slavery or servitude;
- (c) no person shall be required to perform forced or compulsory labour.

Any act or threat contrary to the above section of the Constitution, including domestic violence, is an act or threat against fundamental human rights and therefore jeopardises human security. Domestic violence is against the above fundamental human rights as recognised by the Constitution. Similarly, the Violence Against Persons (Prohibition) Act of 2015 of Nigeria prohibits any form of violence against persons in public and private life, and provides for maximum protection and effective remedies for victims and for the punishment of offenders. According to the Act, violence includes: rape; inflicting physical injury on a person; coercion; wilfully placing a person in fear of physical injury; female genital mutilation; forcefully ejecting someone from their home or refusing them access; forced financial dependence; forced isolation from family and friends; emotional, verbal and psychological abuse; harmful widowhood practices; the abandonment of a spouse, children and dependants without providing sustenance; intimidation; attack with a harmful substance; administering a substance with intent to overpower for sexual harassment; incest, and indecent exposure of private parts with

the intention of causing distress in another person. All of the aforementioned acts serve as threats to the dignity of persons and to human security.

### **Presentation and Analysis of Data on Causes of Violence against Women**

Many factors have been held responsible for domestic violence against women in South West Nigeria. Below is the analysis of data from selected states, which include Ekiti, Ondo and Lagos. These states were purposively chosen because in them family courts have been established and are in operation. A total of 300 questionnaires were administered, of which 292 were returned. Below is the analysis of the responses from the states sampled.



**Table 1:** Causes of Violence against Women

<i>Causes</i>	<i>Freq Yes</i>	<i>% Yes</i>	<i>Fre No</i>	<i>% No</i>	<i>Freq Undec'd</i>	<i>% Undec'd</i>	<i>Freq Total</i>	<i>% Total</i>
Cultural belief in male superiority	236	81	36	12	20	7	292	100
Lack of awareness of rights in women	201	69	62	21	29	10	292	100
Poverty due to joblessness	195	67	61	21	36	7	292	100
Men seeking sexual desire by force	183	63	77	26	32	11	292	100
Money matters	245	83.9	22	7.5	25	8.6	292	100
Women having only female children	169	58	74	25	49	17	292	100
Social acceptance of discipline	158	54	94	32	40	14	292	100
Failure to punish violence perpetrators	196	67.1	52	17.8	44	15.1	292	100
Influence of alcohol	229	78.4	38	13	25	8.6	292	100
In-laws' interference	238	81.5	37	12.7	17	5.8	292	100
Having multiple partners	213	73	53	18	26	9	292	100

\* "Freq" stands for frequency; Undec'd for undecided. Source: Field Work, 2019

As can be seen from Table 1 above, depriving the women of the money needed for maintenance in the home is a major factor revealed as a cause of domestic violence against women. Most respondents (245 or 84%) attested to this fact, while 22 (7.5%) had a contrary opinion and 25 (9%) were undecided. This is in line with the research finding of the National Network to End Domestic Violence (2017). That study revealed that financial abuse is prevalent in 99% of all domestic violence cases in Nigeria.

Interference by in-laws has been noted as another factor contributing to domestic violence. In responding to this question, a majority of the respondents (238 or 82%) supported this fact, while 37 (13%) had a contrary opinion and 17 (6%) were undecided. Ajaja (2018) noted that some in-laws in African settings can be overbearing, possessive, authoritative and excessively nosy, their motive being to protect the interests of their

relative in the marriage. According to him, the matrimonial home could become matrimonial hell for the partner on the receiving end of the overbearing attitude of the in-law(s).

Regarding the cultural belief of male superiority, the majority of the respondents, 236 (81%) believed that it is one of the major causes of violence against women. Only 36 respondents (12%) objected, while 20 (7%) were undecided. This is in line with the submission of Alonge (2018) and OHCHR (2019b) that African traditions justified female subjugation, reflecting deep-seated patriarchal structures and a harmful gender stereotype, conveniently ignoring values such as basic respect and equal treatment for all human beings. Male children are seen as a credit to the family, with families that have only daughters being stigmatised (Rainbo Organisation 2009). In Africa, culture is invoked to have a negative impact on the rights of women, in particular in the areas of marriage and property (OHCHR 2019b). The customs of payment of bride price and dowry are indicative of the view that men have proprietary rights over women and encourage polygamy (Bakare, Asuquo and Agomoh 2010). Similarly, religion is another major factor that encourages men's dominance over women: Christianity, for instance, teaches the submission of woman to man (Holy Bible – Ephesians 5:22–23). In spite of many verses in the Qur'an (3:195; 4:124; 16:97; 33:35 and 40:40 cited in International Community of Submitters/Masjid Tucson 2019) revealing that God sees men and women as equal, many Muslim women, according to Azam (2018), are deprived of their human rights while the subjugated half are made to believe through Islamic teachings (Qur'an 4:34) that the supremacy of man is the will of Allah and that it has been predestined for women to live as submissive, obedient wives.

The influence of alcohol on men was also identified as a further cause of domestic violence against women. Most of the respondents (229 or 78%) attested to this fact, while 38 (13%) had a contrary opinion and 25 (9%) were undecided. The use of alcohol and drugs has been associated with domestic violence (For your Marriage 2019).

When a man has multiple partners, this also leads to domestic violence against his wife. Most of the respondents (213 or 73%) agreed to this fact, while 53 (18%) had a contrary opinion and 26 (9%) were undecided. Benex (2014, xix) noted a link between polygamy and domestic violence. He revealed that women in polygamous families are more likely to experience a wide range of health problems such as arthritis, irritable bowel syndrome, stomach ulcers and migraines. Men who keep multiple partners are prone to stay longer outside the home to the neglect of their wife and fail to fulfil the necessary financial responsibility to the wife and children at home (Field Survey 2019). On the other hand, a man is provoked to violence when a woman is suspected to be unfaithful or is planning to leave the relationship (Alokan 2013; Macaulay 2016, 3).

Other factors identified as contributing to domestic violence against women include impatience, child-training issues, discovering some uncovered secrets, a lack of trust, intolerance and personality traits. Alokani (2013) and Macaulay (2016, 2–3) point to such traits, including sudden bursts of anger, poor impulse control and poor self-esteem. Macaulay (2016, 3) noted that abuse observed or experienced as a child led some people to be more violent as an adult.

A lack of awareness of one's rights was noted as another factor contributing to violence against women. Most of the respondents (201 or 69%) attested to this fact while 62 (21%) had a contrary opinion and 29 (10%) were undecided. In this vein, Madhubhani (2016) has revealed the prevailing misconceptions in society that domestic violence is only a temporary phase that may arise in any family and that it is normal for a husband to hurt his wife and children verbally or physically. According to him, some people tend to advise women that it is one of their duties as a good and well-behaved wife to bear any physical, mental or sexual harassment inflicted on them by their husband.

The failure to punish the perpetrators of domestic violence against women is another factor leading to such against women. A majority of the respondents (196 or 67%) agreed while 52 (8%) disagreed and 44 (15%) were undecided. Kaganas (2016) has noted that the criminal justice system's response to the problem of domestic violence has historically been poor. Police and the judiciary have been shown to lack an understanding of the nature and seriousness of domestic violence, which in turn has led to bad practice on their part (Kaganas 2016).

Poverty due to joblessness was also identified as a factor leading to violence against women. The majority of the respondents (195 or 67%) agreed while 61 (21%) disagreed and 36 (7%) were undecided. According to UNESCO, almost a quarter of young women aged 15–24 (116 million) in developing countries have never completed primary school (Cornish-Spencer 2018). This indicates that they lack the skills they need to get a good job, or the financial requisites or confidence to defend their rights. Cornish-Spencer (2018) has submitted that women and girls depend on men for financial support since "having no money to leave, to find shelter, or to buy food" is one of the critical reasons they stayed in violent relationships.

The desire of men to satisfy their sexual desire by force is another factor noted for domestic violence against women. A majority of 183 (63%) affirmed this while 77 (26%) disagreed and 32 (11%) were undecided. For instance, there is the case of Ronke Bewaji Shonde, a mother of two: she was killed by her husband, Lekan Shonde, who confessed that he angrily "just pushed her hand away" and that she fell from the stairs to her death for refusing him sexual relations for three months. The reports from their neighbours was that their relationship had been violence-ridden and that he often beat her (perhaps for sexual reasons) (Ekeanyanwu 2016).

Many of the respondents (169 or 58%) also agreed that women having only female children is another cause of domestic violence against women. An estimated 74 (25%) had a contrary opinion and 49 (17%) were undecided. Some husbands have mistreated their wife and married a second wife on the ground that the first wife gave birth only to female children. Igbokwe, Ukwuma and Onugwu (2013, 31), in a similar survey, revealed that 83.3% of the respondents agreed that women giving birth to female children alone is another major factor contributing to domestic violence against women. This is corroborated by the case of Ivie, the wife of John Edobor, one of the managers of Zenith Bank in Lagos. The husband reportedly brought some touts home to beat her with iron rods till her bones were fractured. She reported that her husband had abandoned her because her business had failed and she had not given him a male child (Ekeanyanwu 2016; Agaga 2016). He was dismissed from his work as a result.

On the question of whether domestic violence is a result of social acceptance that a man can discipline his wife, more than half of the respondents (158 or 54%) supported this statement, while 94 (32%) disagreed and 40 (14%) were undecided. This majority view is corroborated by Ekeanyanwu (2016), who found that three in ten men of the ages 15–40 believe that a man is justified to hit his wife if she burns food, argues with him, goes out without telling him, neglects the children or refuses sexual relations. Obaji (2018) has submitted that domestic violence and spousal rape are viewed as being socially acceptable. He noted that some people see it as an effective “disciplinary measure” while others see it as a family affair. Non-existent social safety compels too many women to make unfortunate choices for themselves and their children (Alonge 2018).

### **Categories and Types of Domestic Violence**

Domestic violence against women has taken on various dimensions. It ranges from beating, forceful sexual intercourse and deprivation to abuse and neglect. The analysis below is the response of the same group of people to categories of domestic violence against women.

**Table 2:** Categories of Domestic Violence against Women

<i>Category</i>	<i>Freq Agreed</i>	<i>% Agreed</i>	<i>Freq Disag'd</i>	<i>% Disag'd</i>	<i>Freq Undec'd</i>	<i>% Undec'd</i>	<i>Freq Total</i>	<i>% Total</i>
Beating	225	77	44	15.1	23	7.9	292	100
Forceful sexual intercourse	179	61.3	69	23.6	44	15.1	292	100
Deprivation of money	193	66	65	22	34	12	292	100
Abusive words	215	74	46	16	29	10	292	100
Neglect	198	68	20	9	35	12	292	100

\* Freq stands for frequency; Disag'd for disagreed; Undec'd for undecided. Source: Field Work, 2019

From Table 2 above, physical abuse in the form of beating is widely believed to be a common form of domestic violence against women in South West Nigeria. The majority of the respondents (225 or 77%) agreed, while 44 (15%) disagreed and 23 (8%) were undecided. The physical abuse of women is a form maltreatment that is harmful or capable of inflicting injury on the victim. Igbokwe, Ukwuma and Onugwu (2013) describe physical abuse as the use of physical force in a way that injures the victim or puts him or her at risk of being injured. It is unwanted and unnecessary physical contact that is usually violent and hurtful and usually results in bodily harm, discomfort and/or injury (Makinde, 2017). These forms of abuse include hitting, shaking, throwing, slapping, kicking, pushing, punching, choking, strangling, suffocating and burning (Makinde 2017). Others have resorted to the use of acids in the form of corrosive chemicals usually used in laboratories and factories: these are poured onto victims to cause permanent disfigurement (Inadi 2012, 53; Adeyemo and Bamidele 2016). In a similar study carried out in Oyo State, Bakare, Asuquo and Agomoh (2017) revealed that the prevalence of wife beating was 31%. For instance, a Mrs Kokotie told how she was married without a child for four years. According to her, her husband looked for every opportunity to embarrass her by kicking, hitting, slapping or beating her (stark naked) at times. The last form, according to her, involved his brother joining him by slapping her and telling her to shut up because she was barren (Agaga 2016).

The use of abusive words has also been identified as a further form of domestic violence against women in South West Nigeria. More respondents (215 or 74%) agreed that domestic violence does take the form of the use of abusive words against women; 46 (16%) disagreed, while 29 (10%) were undecided. This is corroborated by the submissions of Adeyemo and Bamidele (2016) and Makinde (2017) that many women are confronted daily with such provocation to reduce their self-esteem or self-worth.

According to them, it can take the form of intimidation, silent treatment, yelling, blackmailing, coming home drunk, neglect, a lack of proper care and verbal insults.

The neglect of women by their husbands is another identified form of domestic violence against women in South West Nigeria. More than two-thirds of the respondents (198 or 68%) attested to this fact, while 59 (20%) had a contrary opinion and 35 (12%) were undecided. The neglect may be temporary (brief neglect) or chronic (total neglect), emotional (no conversation, no physical contact) or physical (staying away from home) (Cohen 2013; Ashley 2018; Mom Junction 2018). The consequences of violence on women include psychological problems such as eroding women's self-esteem, creating fear, anxiety, depression or phobia. The health problems and health implications include pains, sexually transmitted infections, miscarriages and complications at delivery, bruising, fractures, injury to internal organs, abortion and permanent disability (Bakare, Asuquo and Agomoh 2010, 18; Adeyemo and Bamidele 2016).

Furthermore, domestic violence against women has been discovered to take the form of depriving them of the money they needed for home maintenance. Most of the respondents (193 or 66%) supported this fact, while 65 (22%) disagreed and 34 (12%) were undecided. According to National Network to End Domestic Violence (2017) and Allstate Foundation Purple Purse (2019), financial abuse against women includes

controlling how money is spent; withholding money or “giving an allowance”; not allowing a partner to work or earn money; stealing a partner's identity, money, credit or property; not including the victim in investment or bank decisions; withholding funds for the victim or children to obtain basic needs such as food and medicine; forcing the victim to work in family business without pay.

In some cases, the abuser has control over the victim's money and other economic resources or activities. Furthermore, Fawole (2008, 3), Macaulay (2016, 3) and Makinde (2017) add to this list spending money on an addiction, gambling, damaging jointly owned properties and preventing women from commencing or completing their education. A male abuser in such circumstances maintains control of the family finances, deciding without regard to a woman how the money is to be spent or saved, thereby reducing women to complete dependence on money to meet their needs (UNIFEM 1999, cited in Fawole 2008, 2–3).

It is also believed by more than half of the respondents (179 or 61%) that forceful sexual intercourse is one form of domestic violence women are confronted with in South West Nigeria, while 69 (24%) disagreed and 44 (15%) were undecided. The World Health Organization (2017) defines “sexual violence” as

any sexual act, attempt to obtain a sexual act, or other act directed against a person's sexuality using coercion, by any person regardless of their relationship to the victim in

any setting. This include any attempt by a man to forcefully have sexual intercourse with his wife against her interest, uttering threats to obtain sex, forcing sex when she is sick, after child birth or surgery, refusing to allow or forcing her to use contraceptives (Makinde 2017).

## **Family Courts and Human Security**

The family courts in Nigeria have their source in the Matrimonial Causes Act enacted in 1970 (now Cap M7 Laws of the Federation 2004). Their function was mainly to govern marriages, marital breakdown and the welfare of children in Nigeria. Also, in 1983, the Matrimonial Causes Rules were made pursuant to the Matrimonial Causes Act. The rules set out the procedure for instituting actions to dissolve marriages and also custody and maintenance matters following the dissolution of a marriage (Etomi and Asia 2019). In addition, there is the Child's Rights Act, which was enacted in 2003 pursuant to the United Nations Convention on the Rights of the Child (CRC). The law sets out provisions concerning the welfare and adoption of children. Furthermore, in 2012 Lagos State enacted the Family Law Rules pursuant to the Child's Rights Law; these greatly simplify procedures for the adoption, custody, guardianship and welfare of children generally in Lagos State (Etomi and Asia 2019). Other relevant laws include:

- The Maintenance Orders Act (Cap MI, Laws of the Federation of Nigeria 2004), which facilitates the enforcement in Nigeria of maintenance orders made in England, Ireland and other countries in which it applies.
- The Married Women's Property Act 1882, a statute of general application in Nigeria.
- The Law against Domestic Violence in Lagos 2007 (Etomi and Asia 2019).

The courts are to have jurisdiction in relation to proceedings for matrimonial causes domiciled in Nigeria. "Domicile" is generally defined as the place a person is physically present and which they regard as their home (section 7 of the Matrimonial Causes Act ("the Act")).

Family courts were established to deal with sensitive issues such as rape, battery and sexual assault. The process is private and only the parties, their lawyers and the judge are allowed to witness the proceedings (Adeyemo and Bamidele 2016). This is to ensure privacy because many victims of domestic violence would prefer their matters to be kept out of the public glare. Because the matters are conducted in private, the victims are encouraged to open up to discuss sensitive issues which otherwise might be concealed. The establishment of family courts is therefore intended to enforce and consolidate all legislation relating to the protection and welfare of children and for other connected and incidental purposes, including child survival, child development, protection and participation, and matrimonial causes (Azu 2010; Fajinmi 2008).

## Some of the Cases handled by Family Courts in Selected Areas

**CASE 1:** The case of Mr K having carnal knowledge of Miss T, who was 16 years old, since she was in primary 5 in 2009. The defendant pleaded not guilty, although, after intervention, he confessed that he had been having carnal knowledge of the victim, but only since 2014. The result of the DNA test also confirmed that he was the biological father of the baby of the victim. The court found the defendant guilty. The defendant was ordered to pay a lump sum of ₦400 000 (the equivalent of about USD 1 100) as compensation to the victim. The defendant also had to pay to the victim the sum of ₦200 000 every September as educational support. He was also required to pay the sum of ₦10 000 as monthly upkeep, commencing in June 2018, into a bank account opened for that purpose. The defendant would also have to pay ₦7,000 for the monthly upkeep of the baby delivered by the victim. Furthermore, the defendant would have to register the baby in any hospital of his choice for medical treatment whenever the need arose. The monthly upkeep of the baby will be subject to review when the baby turns two years old. This case is corroborated by the finding of this research: 61% of the respondents agreed that forceful sexual intercourse is one category of domestic violence against women; moreover, the Ekiti State Gender-Based Violence (Prohibition) Law (2011) declared forceful sexual intercourse to be a form of domestic violence. The above case is an illustration of the effective intervention of the family court to restore the human security of the victim.

**CASE 2:** There was another case of Mr A, who had carnal knowledge of Miss X. After admitting the offence, he refused to own up to the victim's pregnancy. The complainant, the father of Miss X, opted for withdrawal of the case because of a meeting held for amicable settlement, but the victim openly reacted to show her disapproval on the ground that the defendant was insisting that he was not responsible for her pregnancy. She insisted that she wanted a scientific test (after her delivery) to ascertain the biological father and to show that the defendant alone had been taking advantage of her. On the date of the next adjourned hearing, the defendant admitted guilt after the DNA test had proved he was the biological father. However, because of the move for amicable settlement, the court discharged the defendant conditionally on his agreeing to make available surety in the sum of ₦500 000 and undertaking to be of good behaviour during the next five years. The above case showed the efforts of the family court in defending the right of Miss X, who would otherwise have been burdened with the responsibility of raising a fatherless child.

**CASE 3:** There was another case of the alleged rape of a very old woman of about 95 years. She happened to be the only surviving wife of the grandfather of the defendant, who was like a grandson to the victim. The victim alleged that the sexual assault took place twice despite her pleading with the defendant to stop his dastardly act. He turned a deaf ear and instead threatened to kill her should she raise her voice. This resulted in panic attacks that caused the victim to bleed and defecate. The old woman, however,



managed to report the incident to one elderly man, who confronted the defendant before the matter was reported to the police. The defendant denied the allegation, but evidence obtained from the hospital of a whitish substance suspected to be sperm and of bruises on her anterior vaginal walls testified to the act of sexual assault on the aged woman. The victim, whose age was put at about 95 years, died before she could testify; however, the defendant was pronounced guilty as charged and sentenced to life imprisonment. This sentence was imposed to serve as a deterrent to other young, able-bodied men in society that perpetrating such a crime would have grave consequences.

**CASE 4:** Mrs R was the complainant in this case. She complained that her husband used to maltreat her and beat her at will, with the result that she moved out of the marital home. It was noted that the complainant had no child from the respondent. Their case could not be resolved and they were separated. This case was similar to the position acknowledged by 77% of the respondents, who agreed that beating is a form of abuse common in domestic violence; 66% also agreed that monetary deprivation was another category of domestic violence. The intervention of the family court in the above case of domestic violence would prevent the woman from continuous abuse and even the danger of losing her life by enduring the husband's physical violence.

**CASE 5:** Mrs O was the complainant in this case. She complained that her husband had neglected her and three children for more than three years while he was married to another woman. The complainant was the only one who took care of the three children of the marriage for more than three years. The respondent was committed to paying maintenance for the upkeep of the children. The intervention of the family court in this case led to the ending of the woman's economic deprivation. The outcome of this case would also serve to relieve her of psychological torture.

## **Conclusion and Recommendations**

This article has revealed the causes of domestic violence against women to include a cultural belief in male superiority, women's lack of awareness of their rights, poverty due to joblessness, women having only female children, money matters, the social acceptance of discipline, a failure to punish the perpetrators of violence, the influence of alcohol, interference by in-laws and men having multiple partners. The above causes of domestic violence have been corroborated by the findings of scholars and researchers (Ekeanyanwu 2016; Kaganas 2016; Ajaja 2018 and Obaji 2018; Alonge 2018). Domestic violence against women ranges from beating, forceful sexual intercourse and depriving them of money to the use of abusive language and neglect. Similar findings were recorded by Makinde (2017), Agaga (2016), Bakare Asuquo and Agomoh (2010), and Adeyemo and Bamidele (2016). The wave of domestic violence in Nigeria and its attendant effects calls for urgent action to curb the abusive practice. It is a great threat to human security, it has claimed many lives and it has subjected many women to psychological and socio-economic torture. The family court system, however, has been

a source of succour to victims of domestic violence owing to the courts' intervention and handling of domestic violence cases.

A major challenge to the optimal use of family courts is that many Nigerians are not aware of their existence. Many women and girls have suffered in silence while some have died an untimely death due to their ignorance about where and how to seek help. The locations of the family courts is another challenge to their wide use. In most cases, the available courts are located in the cities or at state headquarters, while people in the remote areas cannot access such a facility easily. The absence of security agents such as police to handle respondents who tend to prove stubborn and unyielding to a peaceful process of settlement is another major challenge to the operation of family courts. For instance, some respondents who renege on their commitment to paying the money demanded for maintenance have been heard to say "there is nothing they can do if I refuse to bring the money". Similarly, there is no prison cell in which to incarcerate the stubborn and hard respondents, at least to make them comply with the court's intervention (Field Survey 2019). The unavailability of agents to arrest those who do not comply with decisions of the courts is another major challenge to the effectiveness of the system. This is tied to the scope and purpose of the family courts: to settle matrimonial cases amicably and peacefully. The power of the family courts is limited to peaceful settlement. They have no power to sentence respondents to jail, but they have at least have the option to refer serious cases to the High Court, where such offenders can be prosecuted (Field Survey 2019). The lack of sufficient funding, which prevents them from operating effectively, has also been identified as a challenge to the effectiveness of these courts.

In spite of the above challenges, however, the family courts in Nigeria have helped to reduce the rate of domestic violence in the states included in this study. Also, the trials in the courts have been speedy and, for this reason, they have ensured that justice is not denied women and children as a result of delays.

Over and above these judicial measures, concrete efforts should be made by both government and non-governmental organisations (NGOs) to create a greater awareness of the rights of women and girls. Wide publicity should be undertaken to create awareness of the avenues for report any cases of violence against women and girls. This can be done through the media, radio and television, in the form of jingles, announcements, seminars, conferences, rallies and outreach campaigns. Public teaching opportunities should be employed by religious organisations, community meetings, government and NGOs to dispel evil cultural beliefs and practices that are acting against the well-being of women and girls. Moreover, the family courts should be strengthened with the necessary laws for the quick prosecution of perpetrators of violence against women and girls. Security agents such as the police should be attached to family courts to help them to perform more effectively. A means of arrest and custody should be made

available to handle respondents who are stubborn and refuse to cooperate. This will strengthen the courts in their mission to operate effectively. Finally, it is recommended that family courts should be established in all the local government jurisdictions in Nigeria to make them easily accessible to citizens – their closeness to the populace will surely enhance the effectiveness and the patronage of the courts.

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