

Violence Against Women in Nigeria as a Violation of Women's Human Rights: Causes of Violence Against Women

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ABSTRACT

Women in most communities or localities in Nigeria are subjected to all forms of violence committed against women, particularly with regards to domestic violence and violence that occur within human environment in our society. Thus, this paper examined the fact that violence against women in Nigeria is a violation of women's human rights, enshrined in our domestic law as well as international human rights law, applicable in our legal system. However, the paper exposed the various forms of violence against women in Nigeria and factors responsible for the commission of violence against women. The findings of this paper revealed that gender stereotypes affect the observation of women human rights in our society as well as the patriarchal nature of our society that believed in male dominance and superiority over female and the evidence of cultural prominence and religious belief result to violence against women. The paper recommended that all harmful traditional practices, cultures and customs that result to violence against women should be criminalized as an offence in our domestic law; the national Assembly should enact a law explicitly address issues of women rights violation; sensitization of women on their rights in rural and urban environment in Nigeria, should be conducted by human rights institutions and agencies in collaboration with non-government organization; amendment our archaic laws and the criminalization of spousal rape as an offence in our domestic law.

Keywords: Violence Against Women and Human Rights.

INTRODUCTION

Violence against women as violation of human rights is not a recognized concept, however the concept owes it success to the revolutionary ideas of women's rights advocate, activists as well as women rights groups where women from difference geographical background, race, religious, cultural and class campaign towards the advancement of women's human rights, which led to the United Nations sponsoring series of women's conferences which took place in Mexico city 1975, Copenhagen 1980 and Nairobi 1985.¹ The women's rights conference where critical venues at which women came together to debate their differences and discover their commonalities and gradually create a global movement that will advance the advocacy for women's human rights in areas of politic, economic, social and environmental issues. However, these conferences led to the United Nations General Assembly to adopt the UDHR 1948. Thus, the World Conference was also held by the United Nations in Vienna, Austria on the 14th-25th June, 1993 for the first time after the cold war, addressing the issues of women's human rights and violence against women affirming that the human rights of women and that of girls child are inalienable, integral and indivisible and part of universal human rights and the full and equal participation of women in political, civil, economic, social and cultural life and the eradication of all forms of discrimination on grounds of sex should be international concern.²

Consequent of the above premises women's rights was recognized and defined in the Vienna Declaration Programmed Action 1993, Part 1 section 18 as inalienable, integral and indivisible rights

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¹ Charlotte Bunch and Samantha Frost, 'Women Rights Human Rights: An Introduction' (2000) <wwda.org.au/2013/12/whrintr01> Accessed 16 August 2019.

² VDPA 1993.

accrued to women and girls.³ The recognition of women's rights as human rights gain momentum after the 1993 VDPA which led to United Nations General Assembly to adopt resolution 48/104 of 20th December, 1993 the Declaration for the Elimination of Violence Against Women as issues relating to women's rights were explicitly dealt with. Thus, women's human rights can be described as the basis rights and freedom that all women and girls are entitled to as human beings.⁴

Violence Against Women

Before examine the concept of violence against women, it is essential to define the term violence and women disjunctively. The term violence is defined by the World Health Organization as the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group in community which in result injury, death, psychological harm, mal-development and deprivation".⁵ While the term women is defined in the Council of Europe Convention on Preventing and Combating Violence Against Women 2011, Article 3(f) in the following terms, " women" including girls under the age of 18 years.⁶ However, the conjoined terms of violence against women is a universal concept that has been defined by various International women rights law, regional legal instrument as well as domestic laws of different countries around the world.

Violence against women was for the first time expressly and explicitly defined in United Nations General Assembly Resolution 48/104 of 20th December, 1993 the Declaration for the Elimination of Violence Against Women 1993, Article 1 as thus:

Any act of gender-based violence that results in or likely to result in physical, sexual or psychological harm or suffering to women including threats of such acts coercion on arbitrary deprivation of liberty whether occurring in public or private life.⁷

Violence against women as a global phenomenon is also defined in the Protocol to the African charter on Human and Peoples' Rights on Rights of Women in Africa 2003, Article 1(J) defined violence against women as that,

Which cause or could cause physical, sexual, psychological and economic harm including the threat to such acts or undertake the imposition of arbitrary restriction or deprivation of fundamental freedoms in private or public life in peace time and time and during situations of armed conflict or war.⁸

In theoretical review many authors or scholar express their views on concepts, however, violence against women is defined as a wide range of acts including murder, rape and sexual assault, physical assault, emotional abused, stalking, prostitution, female genital mutilation, sexual arrest and pornography.⁹ Furthermore, another literature on violence against women is that, it described violence against women as the manifestation of unequal power relation between male and female leading to discrimination against women to the prevention of the full advancement of women's rights.¹⁰

Human Rights

Human rights is a universal concept recognized in all countries of the world, particularly with reference to the United Nations General Assembly on the adoption of the Universal Declaration of Human Rights of December 10, 1948 in which the preamble of the UDHR unequivocally affirmed the

³ VDPA1993, pt1 s 18.

⁴ F.P. Hosken, 'Toward a Definition of Women's Rights' (1981) (3) (2) *Human Rights Quarterly* <<https://www.jstor.org/stable>> Accessed 16 August 2019.

⁵ WHO, 'World Report on Violence and Health' <<https://www.who.int/world-summary>> Accessed 24 April 2019.

⁶ CECPCVAWDV 2011, art 3 (f).

⁷ DEVAW1993, art1

⁸ ACHPRRWA2003, art 1(J)

⁹ N.A Cowell and A. W Burges, 'Understanding Violence Against Women' <<https://www.pdf flies>> Accessed 24 April 2019.

¹⁰ A. Hossain, 'The Impact of Domestic Violence Against Women: A case Study From Rural Bangladesh' (2016) <<https://www.longdom.org>> Accessed 24 April 2019.

principle of fundamental human rights in the dignity of human person as well as the equal rights of men and women. Thus, the literature on the topical definition of human right is not exhaustive and various statues and authors has defined the concept based on individual perspective, however the Protection of Human Rights Act 1993 describes “Human Rights as the rights relating to life, liberty and the dignity of individual guaranteed by the constitution or embodied in the international covenants and enforceable by courts Indian”.¹¹

Basically various authors has also defined and described the concepts base on individual perspective since there is no universally acceptable definition of human rights, according to Anyakwee Nsirimove, ‘human rights means the conditions of life which men have the rights to expect by virtue of being a human being’.¹² Another, author in attempt to defined human rights construed, “human rights as those rights which are inherent in our state of nature and without which we cannot live as human being”.¹³ Thus, according to Igwe, human rights actually mirror the way we live our live out our lives.¹⁴ The learn author further reiterated that the presence of human rights is contingent upon human existence itself and noted that the rights to dignity and freedom underlines the recognition for safe guarding human rights in every society through the instrumentality of law. The different definition of human rights as defined by authors and jurist is quite adequate in one way or the other despite divert views and opinion, thus, the juristic ink on the definition of human rights has flown and will continue to flow, as motion varies as well as ideology and cultures varies, as cultures itself s are dynamic. Human rights are a universal concept that has been repeatedly reaffirmed under domestic law as well as regional and international human rights law.

Violence Against Women in Nigeria As a Violation of Women’s Human Rights

Violence against women is an age-long vice that have been in existence from time immemorial. Violence against women is wide spread in the world, it is global phenomenon.¹⁵ In Nigeria violence against women is virtually experienced in all sphere of women’s life, whether political, civil, social, economic and cultural, it cut across all strata of life irrespective of class, status, age, race, religion and cultures.

Violence against women is the violation of women’s human rights guarantee under our domestic laws particularly in Chapter IV of the Constitution of Federal Republic of Nigeria 1999 (as amended) and other extant laws for instance, the Violence Against Persons (Prohibition) Act 2015, Marriage Act Cap218 LFN 2004, Matrimonial Causes Act Cap M7 LFN 2004, Criminal Code Act Cap C38 LFN 2004, Penal Code Act Cap P3 LFN 2004 and the Traffic in Persons (Prohibition) Enforcement and Administration Act, 2003 and some selected state laws such as the Female Genital Mutilation Law, Laws of Bayelsa State 2006 and the Prevention of Person Against Domestic Violence, Laws of Lagos State 2007 as well as the women rights law under regional human rights law for instance the Protocol to the ACHPRWA and the various international human rights laws, such as the United Nations Charter 1945, the Universal Declaration of Human Rights 1948, ICCPR 1966, ICESCR 1966, CEDAW 1979 and CEVAW 1993. However, the rights enshrine under these human rights laws accrued to women as human rights and a violation of these rights is a violation of women’s human rights which must be observed and protected in our society by every persons and institutions of authority and women must not be unjustly denied and deprived of their human rights.

Types of Violence Against Women

Violence committed against women manifest itself in several ways with reference to the Convention on the Elimination of Violence Against Women 1993, Article 2, provides for the various types of violence committed against women which shall be understood to encompass but not limited to the following.

¹¹ PHRA 1994, Act No.10

¹² Anyakwee Nsirimove, *Human Rights Education Technique in Schools: Buildings Attitudes and Skill* (Nawa Publishers, 1994) 24.

¹³ M K Pramod, *Human Rights: Global Issue* (Kalpaz Publishers, 2004) 4.

¹⁴ O W Igwe, *Preliminary Studies in Human Rights Law* (Rings and Rovlt Ltd, 2002)1.

¹⁵ Paul .T. Haaga and others, ‘Violence Against Women and the Implication for Peace and Security in Nigeria’ (2013) (2) (3) *International Journal for Peace and Conflict Studies* <<http://www.rcmss.com>> Accessed 15th September 2019.

- (a) Physical violence, sexual and psychological violence occurring in the family, including wife battering, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practice harmful to women, non-spousal violence and women related violence.
- (b) Physical sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, educational institutions and elsewhere, trafficking in women and forced prostitution.
- (c) Physical, sexual and psychological violence perpetuated or condoned by the state, whether it occurs in public place or private place¹⁶

Based on the above position of the DEVAW 1993, Article 2 classify violence against women as physical, sexual and psychological violence which includes wife battering, rape, marital rape, female genital mutilation and other traditional practice harmful to women, which Nigerian women has been unjustly subjected to in our society. However, in line with the classification of violence against women as encapsulated in the DEVAW, the following forms of violence committed against women been identify will be analyzed in the proceeding paragraphs.

Domestic Violence

The Nigeria Society is bedeviled with various form of violence committed against women and one of which is domestic violence which take place in the family setting and occur in case of husband hitting, kicking, biting, shoving, restraining, slapping, throwing objects and killing their wives at the slightest provocation or threats thereof and father's sexually abusing the female child as well family acquaintance.¹⁷ Women in our society are subject to domestic violence irrespective of class, age, sexual orientation, religion or social status.¹⁸ Domestic violence against women can happen to women, either married, dating or cohabiting with their partner or to the female child living in the same house with her parent or relatives.¹⁹ Basically, the Nigerian society based on the tradition and religious belief of people conceived that wives and children battering is generally acknowledge as means of discipline, therefore parent believed that beating their children is a means of instilling discipline on them, likewise in the case of husband beating the wives, who are regarded as children prone to be discipline which must be curbed.²⁰ Domestic violence against women is on the increased which relatively affects women of all socio-economic backgrounds and educational background. Domestic violence against women is divesting, it is regarded as a crime against women which infringes on women's rights thereby inhibiting the ability of women to enjoy their human rights on equal basis with the male counterparts.²¹ Domestic violence violate women's human rights guarantee under Chapter IV of the CFRN 1999 (as amended), pursuant to the CFRN 1999 (as amended), section 34 (1) (a) which provided thus:

Every individual is entitled to respect for the dignity of his person and accordingly-

- (a) No person shall be subject to torture or inhuman or degrading treatment.²²

¹⁶ DEVAW 1993, art 2.

¹⁷ Fareo Dorcas Oluremei, 'Domestic Violence Against Women in Nigeria' (2015) (2) (1) *European Journal of psychological Research* < www.idpublications.org > Accessed 16 September 2019.

¹⁸ M. O. Izzi, Domestic Violence and the Human rights Challenge in Nigeria (2012) (3) *Rivers State University Journal of Public Law* 215.

¹⁹ Ogunkoroda .O. Oluwayemi, 'The Prevalence of Domestic Violence Against Women in Nigeria: Causes and Consequences' *Benson Idahosa University Journal of Private and Property Law* <www.biu.edu.ng2018/09> Accessed 16 September 2019.

²⁰ Oluremei (n17) 25.

²¹ Izzi (n18)215

²² CFRN 1999, s 34(1) (a).

Basically domestic violence against women constitute cruel, inhuman and degrading treatments which causes physical and mental pain to the victims as well as loss of life, in other words domestic violence against women contravened, deprived and violate women human rights guarantee under our domestic laws as well as international human rights laws, for instance the CFRN 1999(as amended), section 33 (1) which provides that:

Every person has a right to life, and no one shall be deprived intentionally of his life save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria²³.

Apparently domestic violence against women constitute a violation of women's human rights pursuant to the Protocol to the ACHPRWA 2003, Article 4(1) which provides that, "every woman shall be entitle to respect for her life and integrity and security of her person, all forms of exploitation, cruel inhuman degrading punishment and treatment shall be prohibited".²⁴ Based on the above analysis domestic violence melted against women, violate women's human rights in our society.

Wife Battering

Wife battering denotes a brutal attack on a woman's physical and emotional well-being and it is a common phenomenon in our society.²⁵ Wife battering is regular practice that subject women to violence that is tolerated in our society and family system.²⁶ Wife battering prior to this time has not gain international recognition however women's right activist and feminist groups campaign for the international recognition of this forms of violence committed against women in which the United Nations General Assembly, pursuant to United Nations CEVAW 1993, Article 2(a) where spousal violence is recognized as a form of violence against women which Violate women's human rights.²⁷

In Nigeria due to the patriarchy tradition and belief the extant laws before 2015 did not recognized spousal battering or wife battering as a criminal offence rather it seen as a taboo for a woman to report her abusive husband to the law enforcement agencies (Nigeria police force) for physically abusing her or even suing the abusive husband for battery, this is so because the traditional belief in our society permit the husband to beat the wife as a means of chastising the wife, this is evidence in one of the domestic law in Nigeria, particularly the Penal Code Act LFN 2004, section 55(1)(d) which provided thus:

- (1) Nothing is an offence which does not amount to grievous hurt upon a person and which is done-
- (a) by a husband for the of correcting his wife such husband and wife being subject to customary law in which the correction is recognized as lawful.²⁸

The implication of section 55(1) (d) of the PCA LFN 2004 is that the husband has the rights to batter his wife as well as cause the wife bodily harm as a means of chastising the wife provided the spouse are subject to the custom and tradition that accept the belief. However, this position under the Penal Code differs from the position in the Criminal Code, thus, the Criminal Code Act LFN 2004, section 335 provides that 'any person who unlawfully does grievous harm to another is guilty of a felony and is liable to imprisonment for seven years.'²⁹ It is presumed that the Criminal Code Act LFN 2004 by inference is against wife battering even though it is not expressly stated in the Criminal Code Act that

²³ CFRN 1999, s 33(1).

²⁴ ACHPRRW 2003, art 4(1).

²⁵ Adeyemi Oladipo Olatunji, 'Socio- Economic Determinants of White-Battering Married Women in Somolu Local Government Area OF Lagos State' (2007) (14) (2) *Bangladesh e-Journal of society* <www.badladeshsociology.org> Accessed 16 September 2019.

²⁶ Adewale Rotimi, 'Violence in the Family: A Preliminary Investigation and Overview of Wife Battery in Africa' (2007) (9) (1) *Journal of International Women Studies*<<http://vc.bridg.edu/jiws/vol9/iss1/13>> Accessed 16 September 2019. *Ibid.*

²⁷ CEVAW 1993, art 2(a).

²⁸ PCA LFN 2004, s 55(1)(d).

²⁹ CCA LFN 2004, s 335.

the husband can be guilty of wife battering by reading of the above section of the CCA LFN 2004 the husband can be prosecute and convicted for causing grievous body harm to the wife.

The conception also took a new turned in Nigeria due to the change in time, in which spousal battery was recognized as an offence which violate women's human rights to dignity of her human person, pursuant to the Violence Against Persons (Prohibition) Act 2015, section 19(1) which provides that "A person who batters his or her spouse committed an offence and is liable to conviction to a term of imprisonment not exceeding 3 years or to a fine not exceeding N200, 000 or both".³⁰ Thus, the VAPP Act recognized wife battering as a criminal offence in Nigeria, even though the VAPP Act is not general law applicable to all state in the Nigeria, most states in the country has taken steps to enact their respective state Violence Against Persons (Prohibition) Law, in order to protect women against this forms of violence.

Wife battery is the most frequent form of violence committed against women which occur on a daily basis and subject women to torture and inhumane degrading treatment contrary to the rights enshrined in our domestic law as well as regional and international human rights laws, for instance the CFRN 1999 (as amended) section 34(1)(a) which provided that,

- (1) Every individual is entitled to respect for the dignity of his person and accordingly-
 - (a) no person shall be subject to torture or to inhumane degrading treatment.³¹

On the above position, the Protocol to the ACHRRWA 2003, Article 4 (1) also provided thus:

- (1) Every woman shall be entitled to respect for her life and the integrity and security of her person and all forms of exploitation, cruel, inhumane or degrading punishment and treatment shall be prohibited.³²

Apparently based on the above premise, wife battering violates women's human rights as guaranteed in our domestic law as well as regional and international human rights law.

Rape

This is one of the most common forms of sexual violence committed against women and girls, thus women and girls are indiscriminately raped without regards to their personal liberty and human dignity. The violence act of rape committed against women constitute an offence criminalized under our domestic law where punishment is prescribed under our criminal laws to punish perpetrators of this forms of violence committed against women, for instance the Criminal Code Act Cap c38 LFN 2004, Section 358 provides that 'any person who commits the offence of rape is liable to imprisonment for life, with or without canning'.³³ The Criminal Code Act also punished those who attempt to commit this form of violence against women, this pursuant to the Criminal Code Act LFN 2004, Section 359, which provide that 'any person who attempts to commit the offence of rape is guilty of felony, and is liable to imprisonment for fourteen years, with or without canning'.³⁴ The Penal Code Act LFN 2004 which regulate criminal offence in Northern Nigeria also criminalized as well as punish perpetrators of this forms of violence committed against women, pursuant to the Penal Code Act LFN 2004, section 283 provides that 'any person who commits rape shall be punished with imprisonment for life or for any less term and shall be liable to fine'.³⁵ However in recent time rape has also been criminalized in the Violence Against Persons (Prohibition) Act 2015, section 1(1) which provided thus:

³⁰ VAPPA 2015, s 19(1).

³¹ CFRN 1999, s 34(1) (a); UDHR 1948, art 5 & ICCPR 1966, art 7.

³² ACHPRRWA 2003, art 4(1).

³³ CCA LFN 2004, s 358.

³⁴ CCA LFN 2004, s 359.

³⁵ PCA LFN 2004, s 283.

1. A person commits the offence of rape if-
 - (a) He or she intentionally penetrates the vaginal, anus or mouth of any person with any part of his body or anything else;
 - (b) the other person does not consent to the penetration; or
 - (c) the consent is obtained by force or means of threat or intimidation or representation as to the nature of the use of any substance or additive capable of taking away the will of such person or in the case of a married person by impersonating her husband.³⁶

Apparently women who are victims of this form of violence in our society suffer ill-treatment such as forceful penetration to the vaginal, anus or mouth thereby subjecting the victims to inhumane degrading treatment contravening the human rights of women guaranteed in the CFRN 1999(as amended), section 34(1) which provided that 'no person shall be subject torture or inhumane degrading treatment'.³⁷ This form of violence also deprived women of their personal liberty and freedom as well as the violation of women's human rights guaranteed under our domestic law as well as international human rights. Thus, rape committed against women and young also constitute a crime against humanity particularly with reference to the Rome Statute of ICC 1998, Article 7 (1), (g) which provides thus:

For the purpose of this statute, crime against humanity means any of the following acts when committed as part of widespread or systematic attack directed against civilian population with knowledge of the attack-
(g). Rape, sexual, slavery, enforced prostitution, pregnancy, for sterilization or any forms of sexual violence of comparably gravity.³⁸

Rape as a form of violence committed against women subject women to ill-treatment thereby violating women's human rights enshrined in our national laws and international human rights laws. Apparently, this form of violence against women has devastating effects on victims and her families, it causes severe physical, psychological pain and sufferings including death, sexually transmitted disease and several others.

Spousal Rape

Spousal rape prior to this time was not given proper consideration due to the concept of marital rape exemption rule, the marital rape 'exemption doctrine' gives legal immunity to men who forcibly have sexual intercourse with the wife, an act that could be rape if committed against another woman, the implication of the marital rape exemption rules is that by the act of marriage, the wife had given her consent to the husband to have sexual intercourse with her at any given time, during the time which the marriage subsists between them, this means that at the point of marriage the wife consented to the notion of sexual relationship with her husband and has never taken such consent away, it implies that consent once given, it is given at all times, this is the idea that wife or spouse are made to submit to their husband in all acts of sexual intercourse in marriage and the question of rape does not arise so far as the marriage subsists.³⁹

In England the marital exemption rule, that a spouse cannot be prosecuted for sexual offence committed upon his wife was recognized in the dictate of the crown where Sir Mathew Hale stated:

But the husband cannot be guilty of rape committed by himself upon his own wife, by their mutual matrimonial consent and contract the wife hath given up herself in this kind unto her husband which she cannot retract.⁴⁰

The implication of this statement by Hale is centered on the assumption that the wife cannot revoke the marital rights of the husband having sexual intercourse with the wife but this can be revoked upon the separation of the marriage between spouses. However, the marital exemption rule where a husband is

³⁶ VAPPA 2015, s 1.

³⁷ CFRN 1999, s 34(1); UDHR 1948, art 5 & ICCPR 1966, art 7.

³⁸ ICC 1998, art 1(g).

³⁹ Itunu Kolade Faseyi, 'Spousal Rape in Globalized World' (2018) (9) (1) *Nnmadi Azikiwe University Journal of International Law and Jurisprudence* <<https://www.ajol.info/index.php> (NAUJIL) view<Accessed 16 September 2019.

⁴⁰ I Hale P.C.628

not criminal liable for spousal rape has been abolished in United Kingdom, in *R v R* when the Court held that 'in modern times, the supposed marital exemption rule of rape, forms no parts of the law of England'.⁴¹

In Nigeria the ideas that married women are made to submit to their husband in all acts of sexual intercourse in marriage is a traditional believe that exist from time immemorial, which is being practice in most countries of the world like Nigeria that has not adopt to change in time and same is still subsist in our society, for instance the Penal Code Act LFN 2004, section 282 (1) and (2) provided thus:

- (1) A man is said to commit rape, save in the case referred in subsection (2) of this section, have sexual intercourse with a woman in any of the following circumstances-
 - (a) against her will;
 - (b) without her consent;
 - (c) with her consent, when her consent has been obtained by putting her in fear of death or of hurt;
 - (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;
 - (e) with or without her consent, when she is under fourteen years of age or of unsound mind;
 - (f) Sexual intercourse by a man with his own wife is not rape, if she has attained to puberty.⁴²

Based on the above provision of section 282(1) and (2) of the Penal Code Act LFN 2004, it is glaring that the Penal Code Act to some extent guaranteed the marital rape exemption rule while on the other where the woman is under age specified, particularly below the age of 14 years the man can convicted for rape. The provision of the Penal Code Act LFN 2004 and the Criminal Code Act LFN 2004 are similar. However, the Criminal Code Act LFN 2004, section 357 provided thus:

Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threat or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or in the case of a married woman by personating her husband, is guilty of an offence which is called rape.⁴³

Whereas the Criminal Code Act, LFN 2004, section 6 provides that 'unlawful carnal knowledge means carnal connection which takes place between husband and wife'.⁴⁴ Based on the above analyzed provision of section 6 and 387 of the Criminal Code Act and section 282 of the Penal Code Act, it glaring that our criminal laws is in support of the marital exemption rule that a husband is not criminally liable for having forceful sexual intercourse with his wife which contravene the United Nations Convention for the Elimination of Violence Against Women 1993, Article 1 which state that 'spousal rape is a form of violence against women that violate women's rights'.

Spousal rape is a sexual violence have been out rightly abolished in international women rights law and domestic law of in most jurisdiction of the world, however our society has failed to adopt to the changing trend of the world by criminalized spousal rape committed against women in our society as an offence, as a result of which women who are victims of this form of violence in our society have refused to speak out due to the acceptability of this form of violence committed against women in our society which violate their human rights.

⁴¹ (1991) 4 ALLER 481.

⁴² PCA LFN 2004, s 282(1) & (2).

⁴³ CCA LFN 2004, s357.

⁴⁴ CCA LFN 2004, s6.

Force Prostitution

Prostitution is widely described as the oldest profession, the practice of selling sex for cash or other immediate compensation has existed across cultures from time immemorial.⁴⁵ Prostitution is at an alarming rate in Nigeria, it is seen as a means of employment due unemployment rate in Nigeria and this act is been practice in private homes, brothels and hotels.⁴⁶ Prostitution is not strange in Nigeria as it found in many town, cities and villages in Nigeria.⁴⁷ In Nigeria prostitution is not regarded as an offence in our domestic law, as there is no known law on prostitution, but our national law protects women against force prostitution, which young girls and women are forced into prostitution and sexually exploitation. However, the Criminal Code Act Cap C 28 LFN 2004, section 223 criminalized the act of procuring a woman or girls to become a prostitute in Nigeria or elsewhere.⁴⁸ The Penal Code Act LFN 2004, section 278 provides for a corresponding provision on forced prostitution of compelling persons under the age of eighteen years into prostitution and unlawful or immoral purposes or used for any such purpose shall be punished.⁴⁹

The aforementioned provision of section 223 of the Criminal Code Act LFN 2004 which regulate criminalized offence in the southern part of Nigeria and as well as section 278 of the Penal Code Act LFN 2004 which regulate and criminalized offence in the Northern Nigeria criminalized forced prostitution as a criminal offence and prescribe punishment to punish persons who is found guilty of committing this form of violence against women which deprived women and young girls of their liberty and fundamental freedom as well as subjecting women to inhumane degrading treatment, contrary to the rights enshrine in our domestic law, particularly, the CFRN 1999, section 34(1)(a) which provides that, 'no person shall be subject to torture or to inhuman or degrading treatment'.⁵⁰

Forced prostitution is also consider as a crime against humanity, this is pursuant to Rome Statute of the International Criminal Court 1998, Article 7 (1) (g) which provides that:

For the purpose of this statute, "crime against humanity" means any of the following acts when committed as part of a wide spreads or system attack directed against any civilian population with the knowledge of the attack.

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforce sterilization of comparable gravity.⁵¹

Apparently from the above analysis force prostitution violate and deprived women of their human rights guarantee in our domestic law as well as international human rights law.

Women Trafficking

This is a common practice in our society, it is predominance in some states in the country, for instance Edo State where women and young girls are traffic to foreign countries like Europe, particularly Italy in guise to get a well-paid job and upon arrival these women and young girls are forced into prostitution. The trafficking of human beings, especially minors and women for the purpose of sexual exploitation and sex slave has become an issue of major concern globally, its rapid growth in recent years has become more transnational in scope, it is regarded as a modern day slavery which women and young girls are subjected to, women trafficking has no jurisdictional boundary, it occur in every state regions and country it is a global phenomenon that violate women's human rights to personal liberty and freedom.⁵²

⁴⁵ E.E Aloba and Rita Ndifon, 'Addressing Prostitution Concern's in Nigeria: Issue Problem and Prospects (2014) (10) (14) *European Scientific Journal* 36.

⁴⁶ *Ibid.*

Asiya Abubaakar Bagudo and Murtala Akanbi Yusuf, 'Addressing Prevalence of Prostitution in Nigeria: Through non-Education Provision' (2019) (7) (2) *European Journal of Education and Development Psychology*<www.ejournal.com>Accessed 30 September 2019.

⁴⁸ CCA LFN 2004, s 223

⁴⁹ PCA LFN 2004, s 278.

⁵⁰ CFRN 1999, s 34(1)(a).

⁵¹ ICC 1998, art 7(1)(g).

⁵² Christiana E. E Okojie, 'Trafficking in Women for Sexual exploitation and Good Practice: for Addressing the Problem by all Stakeholders' <<https://www.un.org/d0c/Experts>> Accessed 30 September 2019.

Women trafficking is an organized crime, a form of modern slavery, it is an illegal business a social problem that affect many people as well as different categories of people, it unleashed untold hardship on victims especially women and children in Nigeria with daily occurrence in our society as result of the frequent abduction or kidnapping of women and girls to foreign land or within Nigeria.⁵³ However, in Nigeria under our domestic law women trafficking is criminalized as an offence, with reference to the Criminal Code Act Cap C38 LFN 2004, section 364 (1) and (2) which provided thus:

Any person who-

- (1) unlawfully imprisons any person and takes him out of Nigeria without his consent, or
- (2) unlawfully imprisons any person within Nigeria in such a matter as to prevent him from applying to court for his release or from discovering to any other person the place where he is imprisoned, or in such a manner as to prevent any person entitled to have access to him from discovering the place where he is imprisoned is guilty of a felony, and is liable to imprisonment for ten years.⁵⁴

Whereas the Penal Code Act LFN 2004, sections 280 and 281 provided thus:

Whosoever unlawfully compels a person to a labor against her will of that person, shall be punished with imprisonment for a term which may extend to one year or with a fine or both.⁵⁵

While Section 281 provided thus:

Whosoever unlawfully compels a person to labour against the will of that person, procures, entices or leads away even with her consent, a woman or girl for immoral purposes shall be punished with imprisonment which may extend to seven years and shall also be liable to fine.⁵⁶

Based on the provisions, it is glaring that the Criminal Code Act LFN 2004 and the Penal Code Act LFN 2004 criminalized this form of violence committed against women as a criminal offence, in order to protect women against this form of violence. Thus, the Trafficking in Person (Prohibition) Enforcement and Administration Act 2003 also criminalized the abduction of women and girls for traffic, this is pursuant to the Trafficking in Person (Prohibition) Enforcement and Administration Act 2003, section 20 which provided thus, “a person who kidnaps, abduct or by deceitful means lures any person away in order that such person may be used for any purpose, commits an offence and is liable on conviction to imprisonment for life”⁵⁷.

Basically, women trafficking enslaves women and young girls and as such women and young girls are used as slave or sex slave or they exploited economically as such violate women’s human rights and same is regarded as an offence pursuant to the TPPEAA 2003, section 23 which provided thus,

Any person who imports, exports, removes, buys, sells, disposes, traffics, or deals in any person as a slave or accepts, receives or detains a person against that person will as a slave, commit an offence and is liable on conviction to imprisonment for life.⁵⁸

Women trafficking deprived women of their human dignity and liberty as well as subjecting women to torture, ill treatment and force labor contravene the rights guaranteed in our ground norm, particularly the CFRN 1999, section 34 (1) which provided thus:

- (1) Every individual is entitled to respect for the dignity of his person, and accordingly-

⁵³ Folashade B. Okeshola and Adebimpe A. Adenugba, ‘Human Trafficking a Modern Slavery in Nigeria’ (2018) (8) (2) *American international Journal of Contemporary Research* 41.

⁵⁴ CCA LFN 2004, s 364(1) & (2).

⁵⁵ PCA LFN 2004, s 280.

⁵⁶ PCA LFN 2004, s 281.

⁵⁷ TPPEAA 2003, s 20.

⁵⁸ TPPEAA 2003, s 23.

- (a) no person shall be subject to torture or to inhuman or degrading treatment;
- (b) no person shall be held in slavery or servitude; and
- (c) no person shall be required to perform force or compulsory labor.⁵⁹

Women trafficking is global problem is not peculiar to any nation, state or region. Thus, Protocol to Prevent Suppress and Punish Trafficking in Person especially Women and Children for Prostitution 2000, Article 1 states, that the purpose of the protocol are for preventing, combating and protecting women against women trafficking as well protecting women who are victims of women trafficking and address women trafficking as a global phenomenon in which obligations are impose on states parties are to enact national law to combat women trafficking in respective states.

Women trafficking is a recognized as a form of violence against women, which violate women's human rights guaranteed under our domestic law as well regional and international legal instrument in which cut cross all nations and diminish the status of women, which women are subjected to on a daily basis.

Female Genital Mutilation

Female genital mutilation is also known as a female circumcision is an old traditional practice that reflect human rights abuse, the female genital mutilation involves the modification or cutting of the female genitals, this practice is predominance in our society and other parts of the world, however in Nigeria the practice of mutilating the female genitals is commonly practice in some states in the southern part of Nigeria particularly Bayelsa State, Delta State, Rivers States, Cross-Rivers State and Edo State.⁶⁰ Women in these region experience severe pains and torture during the process of mutilating the female genital thereby subjecting them to cruelty and inhumane treatment, contravene rights guarantee under national law particularly the CFRN 1999(as amended), section 34(1)(a) which provided that 'no one shall be subject to torture or inhumane or degrading treatment'.⁶¹

Female genital mutilation is not peculiar to Nigeria it is a global problem that is recognized under international women's rights law as well as regional legal instrument on the rights of women, however based on the globalization of form of violence committed against women, the United Nations General Assembly, pursuant to the Convention on the Elimination of Violence Against Women 1993, Article 2(a), recognized female genital mutilation as a form of violence against women, which violate women's human rights. The CEVAW also imposed obligations on states parties to the declaration to eliminate the traditional practice of mutilating the female genitals as it violates women's human rights, this is pursuant to DEVAW 1993, Article 4 which provided thus:

States should condemn violence against women and should not invoke any custom, tradition or religious consideration to avoid their obligations, with respect to its elimination, states should pursue by all appropriate means and without delay a policy of eliminating violence against women.⁶²

The above provision of the CEVAW has similar provision with the Protocol to the ACHPRRWA 2003, Article 5 (b) provides that:

States parties shall prohibit, through legislative measured backed by sanction all forms of female genital mutilation, scarification, medicalization and par armed castigation of the female genital in order to eradicate them.⁶³

⁵⁹ CFRN 1999, s 34(1)(a), (b)&(c).

⁶⁰ Ine Nnadi, 'An Insight into Violence Against Women Human Rights Violation in Nigeria: A Critique (2012) (5) (3) < citeseervx.ist.psu.edu>view>Accessed 30 September 2019.

⁶¹ CFRN 1999, s 34(1)(a).

⁶² CEVAW 1993, art 4.

⁶³ ACHPRRWA 2003, art 5(b).

Based on the above provisions, female genital mutilation is considerable a global epidemic which violate women's human rights, and obligation has been imposed on states to eliminate and abolish this form of violence in our society, and Nigeria being a member of the United Nations and a member of the African Union has enacted it domestic law, specifically Violence Against Persons (Prohibition) Act, 2015. Thus, the VAPP Act 2015, section 6 (1) and (2) provided thus:

- (1) The circumcision or the genital mutilation of the girl child or woman is prohibited,
- (2) A person who person performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction and as liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding ₦200,000.00 or both.⁶⁴

Consequent of the above premises, the practice of mutilating the female genital has been prohibited, abolished and criminalized as an offence and punishment is prescribe to punish and convict perpetrators of this form of violence committed against women in our society. However, most states in Nigeria have enacted their respective state Female Genital Mutilation Laws, for instance the Bayelsa Female Genital Mutilation Law 2006, criminalized the act of mutilating the female genitals as a criminal offence, pursuant to section 2 which provides that:

Any person who knowingly separate surgically alters the normal healthy functioning genitals tissue of a female, circumcises, excises or infibulates the whole or any part of the labia majora or minora or clitoris of a female shall be guilty of the offence of female genital mutilation.⁶⁵

Whereas punishment is prescribed for the perpetrators of this form of violence against women pursuant to the Bayelsa State Female Genital Mutilation 2006, section 4 provides that, "any person who commits a breach of section 2 of the law shall be deem committed offence of female genital mutilation and shall be liable upon conviction an imprisonment for a term of 2years or a fine of twenty thousand naira or to both such imprisonment"⁶⁶. It is essential to note that the Female Genitals Mutilation Law, Laws of Bayelsa State also affirmed that female genital mutilation is an extreme child abuse and a violation of women's fundamental human rights to life, enshrine in the 1999 CFRN. Apparently, our domestic laws have done enough in the protection of women against this form of violence in our society by prohibiting, abolishing and criminalized the practice of mutilating female genital as offence for purposes of eradicating this epidemic in our society.

Forced Marriage

Forced marriage is predominance in our society it is not peculiar to one region in our society, it is witness in all regions in the country Nigeria, however it is prevalent in the Northern part of Nigeria where young girls below marriageable age is force into marriage without consent.⁶⁷ Marriage is a vital institution in our society that is regulated by a statute, the Marriage Act Cap 218 LFN 2004 stipulates the age for which a person is to married as well as the validity of marriage in Nigeria, thus the Marriage Act LFN 2004, section 18 provided thus:

If either party to an or intending marriage, not being a widower or Widow is under the age of twenty one years of age, the written consent of the father, or of his death or unsound mind or absent from Nigeria, of the mother or if both is dead of unsound mind or absent from Nigeria, of the guardian of such party, must be produced annexed affidavit as aforesaid before a license can be granted or certificate issue.⁶⁸

Whereas the Marriage Act Cap M 218 LFN 2004, section 20 provides that:

⁶⁴ VAPPA 2015, s 6(1) & (2).

⁶⁵ FGMLBS 2006, s 2.

⁶⁶ FGMLBS 2006, s 4.

⁶⁷ Bernard O Itebiye, 'Force and Early Marriage: Moral Failures and Religions Nuances' (2016) (12) (17) *European Scientific Journal* 307.

⁶⁸ MA LFN 2004, s 18.

If there be no parent or guardian of such party residing in Nigeria and capable of consenting to the marriage, the following, may consent to such marriage in writing upon being satisfied after due inquiry that the marriage is a proper one –

- (a) Governor
- (b) A judge of the High Court of the state or Federal High Court Abuja
- (c) Any officer of the above the grade of Assistance Secretary.⁶⁹

Consequently, force marriage where young girls are forcefully married without consent and not within marriageable age contravene the aforementioned sections 18 and 20 of the Marriage Act LFN 2004. Basically, force marriage is an abuse and a violation of women's human rights guarantee under the Marriage Act and regional legal instrument as well as international human rights laws, for instance the Protocol to the ACHPRWA 2003, Article 6 (a) provides that 'no marriage shall take place without the free and full consent of both parties'.⁷⁰ While the United Nations, CEDAW 1979, Article 16 (1) (b) which provides that 'the same rights freely to choose a spouse and to enter into marriage only with their free and full consent'.⁷¹

Based on the provisions it is glaring that force marriage is an abuse and violation of women's human rights in which women and young girls are denied and deprived of the rights to choose a spouse and are compel or coerced into marriage either by parents, guardian or abducted to be married without consent. Forced marriage is one the most outrageous forms of violence against women which victims of forced are deprived of their personal liberty, enslave and subject to ill-treatment and torture by their abductors, thereby violating the human rights guarantee under constitution of Federal Republic Nigeria 1999 (as amended), section 34(1) which provided thus:

- (1) that every individual is entitled to respect for the dignity of his person, and accordingly-
 - (a) no person shall be subject to torture or inhumane or degrading treatment;
 - (b) no person shall be held in slavery or servitude and
 - (c) no person shall be required to perform force or compulsory labor.

Apparently force marriage which is prevalent in our society subject women and young girls to all forms of deprivation of personal liberty and the restriction of freedom of movement and association as well as women been enslave, torture and subjected to force labour which violate women's human rights enshrined in our domestic law as well as regional and international human rights law.

Widowhood Practice

Nigeria like the other African countries, the traditional practice of widowhood still exist despite the changes in time, the practices have continued to exist silently or openly in spite of modernization.⁷² In our society human greed exist in many families, alleging it to be custom of the people which permit the immediate male brothers of the deceased husband and the extended male brothers an opportunity to acquire the widow's deceased husband real and landed properties upon the death of the widow's husband in which the widow and her children will be falsely accused of been responsible for the man's dead and the widow will be subjected to all forms of ill-treatment, mystification, other rituals and superstition, thus, the implication of the oppression, ill-treatment and torture of the wisdom is solely for the acquisition of widow deceased husband properties.⁷³

Widowhood practice exists across Nigeria, the practice varies from one community to another and from one ethnic group to another, however the practice is predominately common among the

⁶⁹ MA LFN 2004, s 20.

⁷⁰ ACHPRWA 2003, art 6(a).

⁷¹ CEDAW 1979, art 16(1)(b).

⁷² Akinbi Joseph Olukayode, 'Widow Practice in Some Nigeria Societies: A Retrospective Examination' (2015) (5) (4) *international Journal of Humanities and Science* 6.

⁷³ Akinbi Joseph Olukayode, 'Widow Practice in Some Nigeria Societies: A Retrospective Examination' (2015) (5) (4) *international Journal of Humanities and Science* 6.

Yoruba's, Igbo's and Hausa's ethnic groups in Nigeria, widowhood practice is harmful as it takes in different forms, for instance the widow being locked up with the corpse of the deceased husband for days or hours, being forced to sit on the bare floor for the duration of the mourning period; isolating the widow from other people for some period; shaving the hair on head of the widow and armpit with unsterilized razor blade, scissors or piece of glass; eating meal from dirty unwashed plates; denial of right to inherit husband's properties; drinking of water used in washing the deceased husband's corpse and ex-communication of the widow, these acts are done in guise to prove her innocence.⁷⁴

The list of widowhood practices is endless as it varies from community to the other, widowhood practice posed a serious problem in our society, it is another harmful traditional practice that discriminates women on grounds of sex as well as subjecting women to ill-treatment thereby violating women's human rights guarantee in our domestic law. Widow practice basically subjects women to ill-treatment and cruelty meted towards the widow by her brother-in-laws upon the death of her husband thereby contravening the constitutional rights of women guaranteed in our national law, particularly the CFRN 1999 (as amended), section 34 (1) which provided thus:

- (1) Every individual is entitled to respect for the dignity of his person, and according –
 - (a) no person shall be subject to torture or inhumane or degrading treatment.⁷⁵

Widowhood practice deprived women's right to acquire and inherit their deceased husband's private and personal property on grounds of sex which is guaranteed under our domestic law which contravenes the provision of the CFRN 1999, section 42(2) which provides that, 'no citizen of Nigeria shall be subject to any disability or deprivation merely by reason of the circumstance of his birth'.⁷⁶ Widowhood practice violated women's rights as well as deprived women the rights to inherit interest accrued to a woman in respect of a deceased husband's property, thereby contravening the rights of women to acquired property enshrined in our national law, pursuant to CFRN 1999 (as amended), section 44(1) which provided thus:

No immovable property or any interest in an immovable property shall be taken into possession compulsorily and no rights over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by law that amongst other things.⁷⁷

Widowhood practice which deprived and discriminates women on grounds of sex and violates women's human rights in our national law as well as international human rights law, particularly the UDHR 1948, Article 55 (c) which provides that, 'universal respect for and observation of human rights and fundamental freedoms for all without distinction as to races, sex, language and religion'.⁷⁸ Widowhood practice does not only discriminate women of their human rights on grounds of sex, it also deprives women of their personal liberty and freedom guaranteed under the CFRN 1999, particularly where the widow is locked up with the deceased husband's corpse for days, restraining the women from exercising her human right as to movement pursuant to the CFRN 1999, section 41 which provides that, "every citizen of Nigeria is entitled to move freely throughout in Nigeria and to reside in any part thereof, and no citizen of Nigeria shall be expelled from Nigeria or refused entry thereby or exit there from".⁷⁹

It is essential to note that traditional practice of widowhood which violates women's human rights has been prohibited, abolished as well as criminalized in our society pursuant to the Violence Against Persons (Prohibition) Act 2015, section 20(1) which provided that, "a person who carries out harmful traditional practices against another commits an offence, is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine of not exceeding N500, 000.00 or both".⁸⁰

⁷⁴ Ine Nnadi, 'An Insight into Violence Against Women Human Rights Violation in Nigeria: A Critique' (2012) (5) (3) <citeseerx.ist.psu.edu>view>Accessed 30 September 2019.

⁷⁵ CFRN 1999, s 35(1)(a).

⁷⁶ CFRN 1999, S 44(2)

⁷⁷ CFRN 1999, s 44(1).

⁷⁸ UDHR 1948, art 55(1)(c).

⁷⁹ CFRN 1999, s 41.

⁸⁰ VAPPA 2015, s 20(1).

Apparently, widow practice has been disregarded in several judicial cases, for instance in *Theresa Onwo v Nwafor & 12 ORS*, the Court of Appeal held that, ‘a custom which compel widow in shaving her hair after the death of her husband is violation of human rights of the widow’.⁸¹ Also in the *Uke v Iro* the court of appeal held that, “any law or custom that seeks to relegate women to the status of a second class citizen thus, depriving them of their invaluable and constitutionally guaranteed rights are laws and customs fit for the garbage and should be consigned to history”.⁸²

Consequent of the above analysis it glaring that widowhood practice violate women’s human rights guaranteed and same has be abolish in our society, however some community in our society still hold to this practice though it minimalized.

Son Preference

Nigeria like most African countries that practices patrilineal and patriarchal family system where sons exclusively inherit the wealth of the family and perpetual family lines based on notion that the daughters on the other hand are inferior to their male siblings as they will be married out of the family.⁸³ Son preference is a global phenomenon it is not peculiar to our society, it is prevalence in any given society particularly in a patriarchal society like Nigeria where women are under intense or pressures to give birth to male children in other to satisfy their husband and mothers in-law desire of having a male child who will preserved their lineage from be extinguish. Basically, mothers who gave birth to only daughters are therefore unhappy because of the fear of disappointment by their spouse and reactions from family member, thus this anxiety compel women to ascertain the sex of their unborn child during ultra sounds-scan and where the sex of the child is not the mother desired sex, the mother in most cases opted for evacuation (abortion) of the unborn child thereby deprived the unborn child the opportunity to live.⁸⁴

Son preference is predominance practice and mostly common amongst the Igbos in Nigeria where only male children are entitled to the father’s properties, to the exclusion of the female children. Basically, son preference discriminates female children the entitlement to inherit their father’s property on grounds of sex contravenes the rights of women enshrine in our national law, particularly with reference to the CFRN 1999 (as amended), section 42 which explicitly provided thus:

1. A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, by reason only that he is such a person: -
 - (a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administration of the government, to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, place of origin, sex, religions or political opinion are not made subject; or
 - (b) be accorded either expressly by, or in the practical application of any law in force in Nigeria or any executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religion or political opinion.⁸⁵
2. No citizen of Nigeria shall be subject to any disability or deprivation merely by reason of the circumstances of his birth.⁸⁶

Apparently son preference offends the provisions of section 42 (1) and (2) of the CFRN 1999 which guarantee the equal rights of men and women in our society as well as the provision of CFRN 1999(as amended), section 43 which provides that, “subject to the provision of the constitution, every

⁸¹ (1996) 6 NWLR (Pt. 456) CA 584.

⁸² (2001) 11 NWLR (Pt.723) CA 196 at 202 para g.

⁸³ Emmanuel. C. Inyang- Efok and Anyiekere M. Ekenam, ‘Child Sex Preference and the Factors That Influence Such Choice among Women Obstetric Population in Nigeria’ (2016) (3) (10)*Open Access Library Journal*<<https://file.scip.org>>html> Accessed 16 September 2019.

⁸⁴ *Ibid.*

⁸⁵ CFRN 1999, s 42(1)

⁸⁶ CFRN 1999, s 42(2).

citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria”.⁸⁷ Ideally, the CFRN 1999, section 44(1) provides that:

No movable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that among other thing.⁸⁸

The act of discrimination against women on grounds of sex which violate women’s human rights has been disregarded in the United Nations CEDAW 1979, Article 2 which provides that, “states parties condemn discrimination against women in all forms, agrees to pursue by appropriate means and without delay policy of eliminating discrimination against women”.⁸⁹ However, the United Nations CEDAW 1979, Article 2(F) also provides that, “states should take appropriate measures including legislation to modify or abolish existing laws, regulations, customs and practice which constitute discrimination against women”.⁹⁰ Based on the above background the Violence Against Persons (Prohibition) Act 2015 criminalized and prohibit any custom or religion that discriminate on grounds of sex, thus, this is pursuant to the VAPP Act 2015, section 20(1) which provides that, “a person who carries out harmful traditional practices against another commits an offence is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine of not exceeding N500, 000.00 or both”.⁹¹

Son preference which discriminates and deprived women of their rights has been disregarded in notable judicial authorities in Nigeria, for instance in *Mojekwu v Mojekwu*, where the court held thus:

Nigeria is an egalitarian society where the civilize society does not discriminate against women, however, there are customs all over which discriminate against women folk which consider them as inferior to the menfolk, that should not be so as all human beings male and female are born into a free world and are expected to participate freely without any inhibition on grounds of sex, thus any forms of societal discrimination on grounds of sex apart from being constitutional is antithesis to a society built on the tenets of democracy, the Oli-ekpe custom which permit the son of the deceased bothers to inherit the property of the decease to the exclusion of his female children is discriminatory and therefor inconsistent with the doctrine of equity and repugnant to natural justice and good conscience.⁹²

Consequent of the above premises the Supreme Court took a similar decision in *Ukeje v Ukeje*, where the court held that:

No matter the circumstances of the birth of a female child she is entitle to an inheritance from her late father’s estate, consequently the Igbo native law and custom that disentitles a female child from partaking in her deceased father’s estate is in breach of section 42(1) void as it in conflict with the provision or Section 42 (1) and (2) of 1999 CFRN a fundamental rights provision guaranteed to every Nigerian, the said discriminatory customary law is null and void as it conflict with section 42 (1) and (2) of the 1999 Constitution of Federal Republic of Nigeria.⁹³

Apparently, son preference which discriminates and deprived women of their human rights has been regarded as cultural practice that is repugnant to natural justice, equity and good conscience and it is declared inconsistency, null and void with the law in force. On the above analysis son preference

⁸⁷ CFRN 1999, S43.

⁸⁸ CFRN 1999, s44(1).

⁸⁹ CEDAW 1979, art 2.

⁹⁰ CEDAW 1979, art(f)

⁹¹ VAPPA 2015, s 20(1).

⁹² (1997) 7NWLR (Pt. 512) CA 283 at 304-305 paras H-B.

⁹³ (2014) 11 NWLR (Pt. 1418) SC 384 at 408 paras C- E.

discriminate and deprived women of their human rights enshrine in our national laws as well as regional and international human rights law.

Causes of Violence Against Women

The causes of violence against women are identified as follows:

Gender Stereotypes-Gender stereotype refers to as the practice ascribing to an individual woman or man, gender stereotype is wrongful when it results to violation of human rights and freedom. Women are subject to all forms of discrimination and violence in our society as a result of gender stereotype, they believe that men have dominant power to oppress and humiliate women, by disregarding women as less valuable in society result to physical harm, psychological harm and the deprivation of women's human rights in the society.

Culture -Cultural is one of the root cause of violence committed against women, this is so because where a cultural practice, over the years has a general acceptance by the people, even though it violates women's human rights, women will continue to subject themselves to such cultural practices as a result of the ideology behind the culture being conceived by the people.

Poverty -This is one of the major cause of violence against women most women in our society are poor and unemployed and basically depend on men for all their needs and where their rights have been violated the victims lack the financial capacity to seek redress in court as a result of financial constraints to commence necessary legal action in enforcing their rights.

Low Education/ Ignorant of the Law- Due to the low level of illiteracy in our society most women are not aware of their rights and are ignorant of the facts that there exist a law protecting their rights from being violated and as a result of which violence against women continued to persist in our society.

Findings

The findings of this paper revealed as follows:

1. The patriarchal nature of our society that believed in male dominance and superiority over women result to the consistent violations of women's human rights in our society.
2. The evidence of cultural prominence, religious belief and gender stereotype that give impetus to violence against women without regards to the observation of women's human rights, constitute the factors responsible for violation of women's human rights in Nigeria.
3. That violence against women result to certain consequences in that women who are victims of violence against committed women suffer physical, psychological and emotional pain as well as economic effect on the part of state in setting out measures in protecting women against violence in Nigeria.
4. The high rate of poverty, illiteracy, fear of reaction from relatives, lack of political will, legal constraint (technicalities and ambiguity of our criminal law, rules and procedures for offences of women's rights violation) and religious belief affect the enforcement of women's human rights in our society as well as our archaic domestic laws.

CONCLUSION

Violence against women is a global phenomenon, violence against women is very pervasive and rampant in our society affecting every region in Nigeria and every state of our society irrespective of age class, colour or education. Thus, no state, region or community in Nigeria and the world that is spared. The degree of violence differs from one region in our society to the other, it varies in different dimension in most cases is the frequent abuse of women and young girls either sexually, physical, cultural and psychologically, where women are raped, beaten, injured, disfigured and traumatized through all manners of behavior that occurs at the domestic setting or the human environment. Violence against women is a violation of women's human rights as recognized in our domestic laws as well as international human rights laws.

RECOMMENDATIONS

This paper proffers the following recommendations:

1. All harmful traditional practices, cultures and customs resulting to violence against women in our society should be abolished, eliminated and criminalized as an offence in our domestic law.
2. The National Assembly should enact a law explicitly addressing issues of women's human rights violations and violence against women in our society.
3. Domestication of International instrument, the domestication of International Instruments on the rights of women which Nigeria is a signatory is necessary in order to strengthened women's rights law in our society.
4. Sensitization of women on their women's human rights both in rural and urban environment should be conducted frequently in order to educate and enlighten women and young girls of their rights by human rights institutions and human rights agencies with collaboration with Non-Governmental Organization and law enforcement agencies in conducting women enlightenment seminars and workshops.
5. Amendment of our archaic laws, most of our laws are archaic and subject to amendment for instance the Criminal Code Act needs to be amended to do away with the technicalities associated in proving a person guilty of the offence of rape as well as the offence of women trafficking and force prostitution that required collaboration of evidence to prove a person guilty of the offence of women trafficking and force prostitution.
6. The act of spousal rape which victims are basically women should be criminalized as an offence in our domestic law as same is regarded as offence in most jurisdiction of the world.