

Chapter 13

DOMESTIC, COMMUNITY AND STATE-SPONSORED VIOLENCE IN NIGERIA

J. Shola Omotola and Saheed Aderinto

INTRODUCTION

As the tenth largest country in the world and the most populous country in Africa (one out of every five Africans is a Nigerian), the population was estimated in mid-2007 at 144 million.¹ Of this population, 49 percent are women and 56% are under 20. HIV prevalence is 5 percent. The fertility rate of the nation is 5.9 percent per woman. The average fertility rate in the North is estimated at above 6.5 children per woman, which explains the size of most families. This situation is encouraged and sustained by some cultural/religious practices such as early child marriage, polygamy, poor girl-child education and the general poverty of families. The average infant mortality rate was calculated in 2003 to be as high as 201 per 1,000 births. Maternal mortality stood at between 1,100 and 3,000 per 100,000 births (exact statistics are hard to determine). In addition to its federal government, Nigeria has 36 state governments; social and health policies are decided and executed at both levels.²

Nigeria is composed of more than 250 ethnic groups, of which the most important are the Hausa-Fulani (north), Yoruba (west) and Ibo or Igbo (east). After the Hausa-Fulani (29 percent), Yoruba (21 percent), and Ibo (18 percent), the next most populous and politically influential are the Ijaw (10 percent), Kanuri (4 percent), Ibibio (3.5 percent), and Tiv (2.5 percent). Nigeria is 50 percent Muslim (dominant in the north), 40 percent Christian, and 10 percent indigenous beliefs. The Hausa-Fulani in the north constitute a model of an ethnic group fusion. The Hausa are themselves a fusion, being a collection of West African peoples who were assimilated long ago into the population inhabiting what is now considered Hausaland. The Fulani, for their part, is the name given to the Fulve pastoralists who began to enter the Hausa country in the 13th century, and by the 15th century they were tending cattle, sheep, and goats in Borno as well. The Fulani came from the Senegal River valley, where their

¹ Population Reference Bureau, 2007 Data Sheet, World's 10 largest Countries in Population.

² Nigeria Census 2006.

ancestors had developed a method of livestock management and specialization based on transhumance. The movement of cattle along north/south corridors in pursuit of grazing and water followed the climatic pattern of the rainy and dry seasons. Gradually, the pastoralists moved eastward, first into the centres of the Mali and Songhai empires and eventually into Hausaland and Borno. They have intermarried with the Hausa, and have mostly adopted the latter's customs and language, although some Fulani decided to stay 'pure' by retaining a nomadic life.³

In Nigeria, as elsewhere, violence against women carries implications for the country's democracy and development. Given the staggering incidence and increasing rate of violence in Nigeria, a solution has to be found.

THE PROBLEM IN HISTORICAL PERSPECTIVE

Violence against women in Nigeria has its roots in antecedents predating the colonial period. The disparate entities that later melded into a single sovereign power had a common denominator: a patriarchal system of gender inequality in which women were socially and politically marginalized. In certain settings, however, women occupied respectable positions and contributed immensely to the development of their communities, to such an extent that women were seen as complementary rather than subordinate to men. Such settings were nevertheless exceptional, and the stature of women never approximated equality with men.⁴ Male domination, often repressive, manifested itself in the cultural and socio-economic domains.⁵ Across different Nigerian societies—especially Hausa, Igbo and Yorubaa—women were seen as the 'property' of men, to be adapted to roles and conditions that satisfied the interests of their male masters and owners.⁶ It was into this skewed system of gender power relations that colonialism arrived.

The colonial interregnum that effectively began in 1900, with Britain creating separate protectorates over Northern and Southern Nigeria, brought further harm to the cause of Nigerian women. The colonial state, by any standard, was patriarchal in nature, since all colonial officers were male. The introduction of indirect rule by Lord Lugard, Britain's first colonial governor in Nigeria, who sought to administer the country through traditional social structures and political institutions, added salt to a festering wound, since it strengthened the existing patriarchal nature of Nigerian society. Colonial policies soon became anti-women both in content and execution. The most notable of these was the introduction, in the Eastern region of the country, of a tax payable by women that was to precipitate the legendary Aba

³ 'The Hausa-Fulani of Nigeria,' <http://www.jamtan.com/jamtan/fulani.cfm?chap=3&linksPage=356>.

⁴ Eno B. Ikpe, 'The historical legacy of gender equality in Nigeria,' in: Solomon O. Akinboye, ed. *Paradox of Gender Equality in Nigerian Politics* (Lagos: Concept Publications, 2004), p. 21.

⁵ Felicia D. Oyekanmi, 'Socio-Economic Dimensions of Gender Equality in Nigeria', in: Solomon O. Akinboye, ed. *ibid*, pp. 41-61; Iyabo Olojede, 'Public Policy and Gender Politics in Nigeria', in: Solomon O. Akinboye...*ibid*, pp. 119-135; and Risikat O. Dauda, 'The Economic Context of Gender Equality in Nigeria', in: Solomon O. Akinboye, ed. *ibid*, pp. 62-90.

⁶ Ebenezer E. Lawal and Ronke C. Ojo, 'Politics of Gender Inequality in Nigeria', in: Emmanuel O. Ojo, ed. *Challenges of Sustainable Democracy in Nigeria* (Ibadan, Nigeria: John Archers Publishers, 2006), pp. 330-246.

Women's Riot of 1929. This marked the beginning of the radicalization of female activism in Nigeria.⁷

The post-independence era that began in 1960 has done very little to reverse the trend. Not even the manifold public policies on women's rights that characterized the country's prolonged military rule have brought about any fundamental change. These policies included the Better Life for Rural Women and the Family Support Program, introduced under the Babangida and Abacha regimes, respectively. Equally ineffective was the establishment of the National Commission on Women and the unprecedented upsurge of gender-based NGOs.⁸ Their failure represents one of the ironies of Nigeria's successive military regimes. The attendant militarization of state and society, coupled with increasing economic hardship as a consequence of the Structural Adjustment Program, has served to neutralize the positive elements of these developments. Indeed, these measures merely added to the potency of violence against women, such that the transition from marginalization to oppression became almost visible. It is against this background that one now speaks of the feminization of poverty and violence in Nigeria.⁹ Owing largely to the unforeseen, unintentional consequences of the Structural Adjustment Program, women now have to shoulder additional responsibilities beyond their traditional roles. This development has made women much more vulnerable to diverse forms of abuse, including domestic violence.¹⁰

Domestic violence against women, in Nigeria as elsewhere, breaks down into several forms of abuse: psychological, emotional, and physical. Often this takes the form of a vicious cycle that begins when tensions begin to rise. Then comes the 'stand over' phase, when the male becomes threatening, followed by the explosive stage when actual violence occurs, followed by the remorse phase, when the male is apologetic and promises never to do it again. This remorse phase, if successful, is followed by a fourth, the honeymoon phase, when normalcy returns and the man becomes loving and caring again. The collapse of this phase signals a return to the first stage in the cycle.¹¹

Among the forms of domestic violence in Nigeria is the situation where one partner, usually a husband or boyfriend, sets out to dominate the other, usually a wife or girlfriend, through violence, the threat of violence, or the control of the couple's finances and social life.¹² A comparative empirical study carried out across selected states in Nigeria found that this kind of violence manifests itself under the form of wife-battering, sexual abuse, marital rape and dowry disputes.¹³ Respondents in the study painted the dehumanizing conditions

⁷ Charles Ukeje, 'From Aba to Ugborodo: Gender Identity and Alternative Discourse of Social Protest Among Women in the Oil Delta of Nigeria', in: *Gender Activism and Studies in Africa* (Dakar, Senegal: CODESRIA, pp. 66-87).

⁸ J. Shola Omotola, 'What is this Gender Talk All About After All? Gender, Power and Politics in Contemporary Nigeria,' in: *African Study Monographs*, 28 (1), April 2007, pp. 33-47.

⁹ *Ibid.* p. 39.

¹⁰ Bola Udegbe, 'Female (In)dependence and Male Dominance in Contemporary Nigerian Families', in: Goran Therborn, ed. *African Families in a Global Context*, Research Report No. 131, Nordiska Afrikainstitutet, 2004, pp. 79-97.

¹¹ World Aid Organization, *Violence against women*, op. cit.

¹² *Ibid.*

¹³ Marietu Tenuche, *The Burden of Marital Vows: A Study of Domestic Violence in Benue and Kogi States of Nigeria*. Reproach Report, Inter-African Committee (IAC) Nigeria on Traditional Practices Affecting the Health of Women and Children in Africa. Funded by IAC with support from the Ford Foundation, April 2003.

under which they had had to live as an inseparable part of the 'burden of marital vows' they had undertaken. Amina, one of the respondents from Kogi State, sums it up:

Domestic violence is common among all classes of women. In this compound, there are 13 families, and everybody is complaining. Wife battering is very common. There is a woman here whose husband forces her to have sex every night. She often declines, because he goes out with other women, takes drugs and comes home to demand sex. He beats her up when she refuses sex. I know of a woman whose husband would measure some food for her to last for three days. He would travel for a week and, on the occasions when she received a visitor, she could not offer him food. He beats her often and accuses her of infidelity. Most times she gets bruised from the beatings. I know of a woman whose husband is the Chief Executive of a state. He said his father forced him to marry her, so he beats her often and denies her sex. He frustrates her guests and relations by asking the houseboy to watch over their movements, so that they do not take away anything from his house. He instructs his houseboy to spy on the guests to know what they say. Although they have grown-up children, he brings other women to the house and frequently forces the house-girl to sex. Most women who suffer domestic violence do not talk about it. Religion makes them not open up. A lot of women confide in me but would not want to discuss it with other people. I have personally suffered physical abuse, and even now, I suffer from emotional problems.¹⁴

No less worthy of mention is the barbaric practice, still widespread in Nigeria, of subjecting widows, in the immediate aftermath of the death of their husbands, to traditional, multi-stage mourning rites that include a partial or full shaving of their hair, the wearing of widow beads, and the forfeiture of their claim to any part of their husband's estate, as well as husband succession or widow heritage.¹⁵ As for education, women still lag far behind their male counterparts in every respect, from school attendance to adult literacy. The girl child in family circles remains an object of marginalization.¹⁶

In the political sphere the situation is worse. It is disappointing that, all official pretences to the contrary, only a slight improvement has been made, as women's voices are yet to be heard in the nation's leadership. In fact, since independence in 1960, no woman has been appointed Chief Executive at the Federal or State levels. Under the Fourth Republic, founded in 1999, there has been only one woman Speaker of a State House of Assembly among the 36 States of the Federation. At the level of the Federal Parliament, women's representation at all levels remains lower than 10 percent, denying women the power to influence national policies.¹⁷

Other dimensions of violence against women in Nigeria include community-based violence and state-based violence. The former includes issues such as sexual harassment, women trafficking, forced labour and rape. The question of rape encompasses the action and inaction of the state's forces of law and order, especially the police. This takes the form of torture in custody, demand for sex in exchange for cooperation and understanding in custody, and other forms of sexual harassment. This situation becomes worse under war conditions,

¹⁴ Quoted in Maeritu Tenuche, *The Burden of Marital Vows*, ibid, pp. 27-28.

¹⁵ Quoted in Iyabo Olojede, *Public Policy and Gender Politics*, op. cit, pp. 132-133.

¹⁶ J. Shola Omotola, 'What is this Gender Talk All About After All? Gender, Power and Politics in Contemporary Nigeria' *African Study Monographs*, 28(1), April 2007, pp. 33-47.

¹⁷ J. Shola Omotola, 'Engendering the Legislature in Nigeria's Democratization: Faltering Prospects, New Hopes.' Paper Presented at the National Conference on: Nigeria Beyond 2007: Issues, Perspectives and Challenges, Faculty of Business and Social Sciences, University of Ilorin, 27-28 February 2007.

when security agents are sent on peace-keeping missions. Under such circumstances, women are converted into instruments of pleasure. This was the fate of Nigerian women during the protracted clashes between the Ife and Modakeke communities in the 1990s and during the Odi and the Zaki-Biam escapades under the fledging democracy, when the army was deployed on a vengeance mission following the assault on military officers.¹⁸

There is also the religious dimension. For instance, the two imported religions, Christianity and Islam, came and reinforced the existing patriarchal nature of society, elevating male values to a position of divinity, so much so that women's commitment to God is measured in part by the level of their loyalty to their husbands. Informed mainly by this orientation, the Islamic legal and penal codes that derived from Islam and Christianity respectively, as described below, tend to offer more protection to men at the expense of women.¹⁹

Such actions against women lead to dire consequences, not only for women but also for Nigeria's democratic process. The victims of wife-battering have to contend with miscarriage of pregnancy and diverse forms of injuries that in some cases result in permanent disability and infertility.²⁰ In the political sphere, violence against women has served to deny Nigerian women their right to participate. Across the length and breadth of the country there is a widespread belief that women in politics belong to the amoral realm; they are often subjected to ridicule. The economic rights of women are also violated; for any income, women are often at the mercy of their husbands, who are often irresponsible. It follows that the meagre resources available to women oblige them to seek and engage in multiple modes of livelihood in order to survive.²¹ Cultural practices, especially those connected to widowhood, as already described, serve to limit the rights of the widow in her freedom of movement and association. Gender inequality is thereby perpetuated.

In the long run, it is the democratization and developmental agenda of the state that suffer. As elsewhere, Nigeria's marginalized women constitute about 50 percent of the country's population, thus depriving the state of half its human resources. Women have nevertheless proved their importance, not only as mobilisers but also as agents of positive social change. Indeed, their effective role in the popular protest against oil exploitation and the environmental insecurity in the Niger Delta in the late 1990s led to important concessions by the major oil companies, especially Shell and Texaco.²²

What is it about Nigeria that makes violence against women so endemic? An explanation can be found in certain cultural, historical and legal factors. Culturally speaking, Nigeria has been, and remains, essentially patriarchal. For this reason, male values not only predominate but have been institutionalized to the point that no appreciation is left to accommodate women's values. Women continue to be considered the property of men and must always succumb to the whims and caprices of their owners. The advent of colonialism served only to add salt to an already festering injury. Not only was the colonial state an exclusively male affair, it was also a law-and-order state based on the use of force. It was here that the culture

¹⁸ Emmanuel O. Ojo, *State Excesses: Military Exploits in Odi and Zaki Biam*, Mimeo, Department of Political Science, University of Ilorin, Ilorin, 2007.

¹⁹ See, *Innocent Digest*, No. 6, 2000.

²⁰ Marietu Tenuche, *The Burden of Marital Vows*.... op. cit, pp. 30-49.

²¹ Bola Udegbe, 'Female (In)Dependence' art. cit, pp. 84-69.

²² Charles Ukeje, 'From Aba to Ugborodo,' art. cit, pp. 72-81.

of violence, where women were not only quietly repressed but also victimized, began to crystallize. The failure of the post-independent Nigerian state to address this dilemma meant the continuation of the culture of violence. To complicate matters was the entry of the military into the political scene shortly after independence in 1966, an event which represents another paradox. Especially under the second military interregnum in Nigeria (1984-1998), women's issues had blossomed to the extent that the period could be labelled 'the women's era.' Yet, it was the same period that glorified a political culture of violence, in which women and children were the principal victims. It is therefore essential to take into account the legacies both of colonial rule and the prolonged military dictatorship in order to understand fully the phenomenon of violence against women in Nigeria.

It is fundamental, however, to examine Nigeria's system of law. Although the state's social order is founded on ideals of freedom, equality and justice—so that 'every citizen shall have equality of rights, obligations and opportunities before the law' and 'the sanctity of the human person shall be recognized, and human dignity shall be maintained and enhanced'²³—there are discrepancies in practice. In fact, section 17(3) of the 1999 Nigerian Constitution protects the rights of 'all citizens, without discrimination on account of sex, or any other ground whatsoever.'²⁴ Nevertheless, gender discriminatory practices in everyday life in Nigeria are clearly noticeable. This is not due to the absence of legal instruments against such practices. Indeed, beyond constitutional provisions, Nigeria is also a signatory to all international legal frameworks against violence against women. These include the United Nations Convention on the Elimination of all Forms of Discrimination Against Women of 1979 (CEDAW), which Nigeria signed on 23 April 1984 and ratified on 13 June 1985, and ratified further in its optional protocol on 8 September 2001; the International Convention on Economic, Social and Cultural Rights, signed on 29 July 1993; the International Covenant on Civil and Political Rights, also signed on 29 July 1993; The International Convention Against Torture and other Cruel, Inhuman Treatment and Punishment, signed on 28 June 2001.²⁵

In practice, however, these legal instruments are hardly respected. One explanation is Nigeria's practice of legal dualism. In the Northern part of the country, section 55(id) of the Penal Code of the 19 states of the North and the Federal Capital Territory (Abuja) permits a man to beat his wife for the purpose of 'correcting her', and upholds 'any native law or custom in which such correction is recognized as law,' provided only that the result does not amount to 'the infliction of grievous hurt.'²⁶ In a related vein, the criminal code that governs the 17 states of Southern Nigeria provides in its section 6 that carnal knowledge between a man and a woman who are married to one another 'is not unlawful,' a provision which has been interpreted to mean that 'a husband cannot be legally charged with raping his wife.'²⁷ Recently, a Nigerian woman, Amina Lawal, was sentenced to death by stoning in northern Nigeria by an Islamic Shariah Court in northern Nigeria for having had a child out of marriage. This sentence was challenged by human rights activists, and eventually, on 25

²³ Section 17 (1a-b) of the 1999 Constitution of the Federal Republic of Nigeria.

²⁴ Section 17 (3a,e) of the 1999 Constitution of Nigeria.

²⁵ Mojubaolu Olufunke Okome, 'Domestic, Regional and International Protection of Nigerian Women against Discrimination: Constraints and Possibilities', *African Studies Quarterly*, 6(3), 2004, pp. 1-28. <http://web.africa.ufl.edu/asq/v6/v6i3a2.htm>.

²⁶ Section 55 (Id) of the Penal Code of Northern Nigeria. Quoted in Ebenezer E. Lawal and Ronke C. Ojo, *Gender Politics ... op. cit.*, p. 336.

²⁷ Ebenezer E. Lawal and Ronke C. Ojo, *Gender Politics ... op. cit.*, p. 336.

September 2002, the sentence was overturned by the Katsina State Shariah Court of Appeal. Earlier, in 2001, Safiya Husaini Tundun had also been freed on a similar charge by a Shariah appeals court.²⁸ These successes, well celebrated across the country, were nevertheless isolated cases. The Nigerian Constitution itself, and the penal codes, pregnant with inconsistencies, provide little protection for women against societal assault.

CONCLUSION

This article has examined the phenomenon of violence against women in Nigeria, in its diverse forms: political, economic, socio-cultural, educational and domestic. It has also explored its implications, pointing to its negative impact on the health of women, on the family and societal peace and stability; revealing the persistence of gender inequality and the retardation of democracy and development. The pervasive nature of violence against women in Nigeria may very well find its roots in the patriarchal nature of Nigerian society, which was inherited and accentuated by colonialism, then later by the prolonged military rule. Finally, the protection of women, especially in terms of gender equality, has been undermined by the weak institutionalization and implementation of legal provisions.

To put an end to this grave injustice, first and foremost, a constitutional review should be instituted that specifies without ambiguities the equal rights of women vis-à-vis men. Secondly, all legal provisions in the Penal and Criminal codes that give room for the maltreatment of women must be expunged, and a harmonization of the two legal codes undertaken. The process must be open and transparent so that all groups, especially women, can freely participate. Above all, every effort must be made so that, gradually, a democratic political culture can emerge in which, the constitution of the land and the set of principles therein shall protect every Nigerian citizen equally, whether male or female.

²⁸ Sarah Coleman, 'Nigeria: Stoning Suspended,' *World Press Review*, 50 (12), December 2003.