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**ILLITERACY AND POVERTY AS PRECURSORS TO THE PREVALENCE OF
DOMESTIC VIOLENCE IN INDIGENOUS NIGERIAN COMMUNITIES**

By

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Abstract

Indigenous communities in Nigeria are characterised by a negative pattern which pervades the domestic setting of family homes. The negative pattern of domestic violence has led to the breakdown of homes, displacement of family members, estrangement of parents from children, and in cases where physical violence is exerted and severe, it may lead to fatal injuries or even death. Since it is trite that a problem cannot be effectively rectified if its cause is unknown, this paper identifies illiteracy and poverty as the triggering causative elements of domestic violence in indigenous Nigerian family homes. Illiteracy and poverty are prominent features of indigenous Nigerian communities, and this paper posits that there is a direct correlation between these factors and the pervasiveness of domestic violence in these communities. Adopting a qualitative research methodology, this paper considers the positions of existing literatures on the subject matter. To check the frequency of the practice, this study recommends that there should be a sensitisation of the members of the public of the menace of domestic violence and its dangers, creation of an effective legal regime protecting and enforcing the rights of the victims, creating empowerment opportunities for the victims and strengthening the relevant institutions.

1.0. Introduction

Nigeria is one of the most populous countries in Africa as the United Nations Department of Economic and Social Affairs, Population Division stated that Nigeria's current population is estimated to be about two hundred and five (205) million people.¹ With a male population of about 50.6% and a female population of about 49.4%,² Nigeria has a promising future of economic growth and development if its population advantage is fully harnessed.³ Sadly, the menaces of domestic violence, gender violence and other discriminatory practices have fogged this vision, almost permanently leaving the country at a phase where it continually

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¹ <<https://www.worldometers.info/world-population/nigeria-population/>> accessed 9 May, 2021.

² *ibid.*

³ Olusogo Ogunleye et al, 'Population Growth and Economic Growth in Nigeria: An Appraisal' [2018] 5 International Journal of Management, Accounting and Economics 282.

confronts matters of social injustice rather than focusing on matters of economic development and prosperity. According to a report from the Domestic Violence Poll conducted in November 2019, it was found that as at 2019, 63% of the women population have been exposed to domestic violence, 19% of men population have been exposed to domestic violence, and 18% of the children population have been subjected to domestic violence.⁴

Domestic violence is any form of violence that occurs within an intimate or family relationship.⁵ It is a pattern of an abusive behaviour in a relationship that allows one partner to exercise control over another or allows a member of the family to exercise control over others.⁶ It usually encompasses emotional abuse, verbal abuse, and physical abuse.⁷ On the other hand, according to the World Health Organisation (WHO), gender violence can be defined as any act of violence that is gender based which may result or likely cause psychological, physical or emotional harm. It also includes coercive actions that are arbitrary and are likely to deprive persons of their right to dignity and personal liberty in public or private space. Thus, both domestic and gender-based violence are mutually inclusive to an extent as they cause harm to their victims. However, domestic violence should be distinguished from gender violence because, while the former is setting specific but not gender specific as domestic violence can apply to anyone irrespective of their gender, the latter is gender specific but not setting specific because it focuses on violence against one gender irrespective of the setting where such violence is perpetrated. Nonetheless, gender violence may be considered a generic concept within which domestic violence can be circumscribed.

⁴ NOIPolls, 'Domestic Violence Poll with a Focus on Domestic Violence Against Women' [2019] <<https://noi-polls.com/wp-content/uploads/2019/11/Domestic-Violence-Press-Release-2019.pdf>> accessed 10 May, 2021.

⁵ Fareo Oluremi, 'Domestic Violence against Women in Nigeria' [2015] 2 European Journal of Psychological Research 24.

⁶ *ibid.*

⁷ Muideen Bakare et al, 'Domestic Violence and Nigeria Women -A Review of the Present State' [2010] 8 Nigerian Journal of Psychiatry 5.

By examining the prevalence of domestic violence in households of indigenous Nigerian communities, this paper brings into light the fact that there is a spectrum of domestic violence that starts with an individual, then affects his/her relationships, spreads into the community and then becomes a societal issue.⁸ Thus, societal norms held by indigenous communities when carefully traced, may have started with an individual, and then it develops over time to become a generally accepted belief in that community. In this case, domestic violence is the societal issue that is being considered, and in most communities, the societal norms subscribed to will often determine whether it (domestic violence) is acceptable or not.⁹ From research findings, it has been established that women and children are usually the victims of domestic violence because they are accorded a vulnerable status which considers them to be more susceptible to acts of domestic violence than their male counterparts and the acts of violence that they are exposed to highlights the existing inequalities in the society.¹⁰ However, this does not mean that men are not victims of domestic violence, as there have been cases of men who have been exposed to domestic violence by their spouses.¹¹ In Nigeria however, the socio-cultural landscape which is built on the edgy foundations of patriarchy, religion and discriminatory customary beliefs and practices have subjected women and their children to various patterns of subjugation and control which that are overtly affirmed through acts of domestic violence. The man is the head of the household, the captain of the family relation-ship whose authority remains absolute and unchallenged. Any attempt to

⁸ *ibid*, 9.

⁹ Oluwayemi Ogunkorede, 'The Prevalence of Domestic Violence Against Women in Nigeria: Causes and Consequences' [2018] 1 Ben Idahosa University Journal of Private and Property Law 167.

¹⁰ World Bank Group, *Gender-Based Violence An Analysis of the Implications for the Nigeria For Women Project Public* (2019, The World Bank, Washington, DC).

¹¹ Johnson Ayodele, 'The Socio-Cultural Causes of Male Victimisation in Domestic Contexts in Lagos, Nigeria: A Qualitative Analysis' [2017]12 International Journal of Criminal Justice Sciences 252; Paul Dienne & Precious Gbeneol, 'Domestic Violence Against Men in Primary Care in Nigeria' [2009] 3 American Journal of Men's Health 333.

transgress the authority of this demi-god persona is thwarted through ‘discipline’ in the form of corporal punishment for children and intimate partner violence for the spouse.

To comprehend the notoriety of domestic violence in various households in indigenous Nigerian communities, this paper will examine the roles of illiteracy and poverty as one of the extenuating factors of domestic violence in such households. Divided into four (4) parts with the first part being the introduction, the second part of this paper considers the Nigerian legal framework for the protection of persons against domestic violence, the third part examines the roles of illiteracy and poverty as the causative factors of domestic violence in indigenous Nigerian communities, and the last part of this paper is the concluding part which also proffers recommendations to the menace of domestic violence.

2.0. Legal Framework for Domestic Violence in Nigeria

Nigeria has a plural legal system which presupposes a multilateral existence of various legal orders within the same legal system.¹² Statutory law, English law, Customary law, Islamic law and International law have coexist, albeit not harmoniously within the Nigerian legal system with each being introduced at specific periods of time in the country’s legal development history. The inharmonious coexistence of these legal regimes is fraught with a lot of difficulties that have stalled the development of the country’s jurisprudence on certain legal issues of which one of them is domestic violence. To clear all possible doubts, it is imperative to mention that currently, Nigeria has no national legislation that specifically addresses domestic violence.¹³

¹² Terry McGovern, et al., ‘Association between Plural Legal Systems and Sexual and Reproductive Health Outcomes for Women and Girls in Nigeria: A State-Level Ecological Study. [2019] 14 PLOS ONE <<https://journals.plos.org/plosone/article/file?id=10.1371/journal.pone.0223455&type=printable>> accessed 12 May, 2021.

¹³ Jonathan Madu, ‘Domestic Violence Legislation for Development, Peace and Security in Nigeria’ [2015] 24 African Security Review 1.

The Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended) is the supreme law of the land from which other laws derive their validity.¹⁴ The Constitution has no specific provision on domestic violence. Nonetheless, Sections 33, 34 and 35 of the CFRN provide for the right to life, dignity and personal liberty respectively. When considered in its various forms, domestic violence, depending on its severity could constitute a breach of the right to life where it leads to death, breach of the right to dignity where self-esteem of the victim is destroyed by reason of torture or inhumane treatment, and it may constitute a breach of personal liberty where the personal liberty of the victim is unlawfully restrained by the abuser.¹⁵ Also, Section 42 of the CFRN protects every citizen of Nigeria irrespective of origin, sex, or religion from discrimination.

Moving on, the Criminal Code Act and the Penal Code Act do not expressly prohibit domestic violence, but the Criminal Code Act prohibits unlawful or indecent assault made by one person against another.¹⁶ Conversely, the Penal Code Act which is applicable to Northern States provides under Section 55(1)(d) that an assault on a woman by a man provided that they are married and if such assault is recognised under native law or custom as a lawful form of correction that does not occasion grievous bodily harm will not be considered an offence. A similar provision is also provided under Section 55(1)(a) of the Act that permits a parent to assault 'his' child or ward for the purpose of correction.

Customary law is recognised as a part of the Nigerian legal system by virtue of the provision of Sections 16-18 of the Evidence Act, 2011 which allows for the admittance of a customary practice as law in a given situation provided that such custom has passed the Repugnancy

¹⁴ CFRN, Section 1; Abiodun Osuntogun, 'Pure Theory of Law: Another Perspective', Adewale Taiwo & Ifeolu Koni (Eds.) *Jurisprudence and Legal Theory in Nigeria* (2019, Princeton Publishers, Lagos).

¹⁵ Theresa Akpoghome, 'Analysis of the Domestic Legal Framework and Sexual Violence' [2016] 4 *Journal of Law and Criminal Justice* 17.

¹⁶ Criminal Code Act Cap C 38 Laws of the Federation of Nigeria (LFN), 2004,

Tests which means that such custom must be found not to be contrary to natural justice, equity and good conscience, must not be incompatible with any law in the society, and must not be contrary to public policy.¹⁷ The problem with this provision is that the validity or otherwise of a rule of customary law only becomes a subject matter for discussion when an action is presented before the Court. Thus, outside the Court room, discriminatory customary practices abound. The Tiv indigenous community perceive domestic violence in the form of wife beating as an acceptable practice because it is perceived as a way of showing love.¹⁸ This practice among many others evinces the fact that violence against women and children is permitted in many indigenous Nigerian communities because of the shared belief that a husband has the right to chastise his wife and children through violence is engrained in the culture.¹⁹

At the international plane, Nigeria is a signatory to several human rights instruments most of which protect the rights of women and children and they include the Convention on Elimination of Discrimination Against Women (CEDAW),²⁰ African Charter on Human and Peoples' Rights,²¹ Convention on the Rights of the Child,²² United Nations Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa,²³ etc. The provisions of these treaties will only operate within the Nigerian legal system where they

¹⁷ Evidence Act, Section 18.

¹⁸ Clifford Odimegwu, 'Couple Formation and Domestic Violence among the Tiv of Benue State, Nigeria' paper presented at the International Colloquium Gender, Population and Development in Africa organised by UAPS, INED, ENSEA, IFORD, Abidjan 16-21 July, 2001.

¹⁹ Odujinrin, O., 'Wife Battering in Nigeria' [1993] 41 International Journal of Gynecology and Obstetrics 159; Christian Okemgbo et al, 'Prevalence, Patterns and Correlates of Domestic Violence in Selected Igbo Communities of Imo State, Nigeria' [2002] 6 African Journal of Reproductive Health 101.

²⁰ United Nations General Assembly, *Convention on the Elimination of All Forms of Discrimination Against Women*, 18 December 1979, United Nations, Treaty Series, Vol. 1249, page 13.

²¹ Organisation of African Unity (OAU), *African Charter on Human and Peoples' Rights (Banjul Charter)*, 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58.

²² United Nations General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series, Vol. 1577, page 3.

²³ African Union, *Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa*, 11 July 2003.

have been domesticated through an Act of the National Assembly as prescribed under Section 12 of the CFRN. Therefore, in the absence of such domestication, it would be impossible for a victim of domestic violence to invoke the provisions of these treaties where they have not been specifically domesticated in Nigeria.

In 2015, the Violence Against Persons (Prohibition) Act,²⁴ 2015 was enacted by the National Assembly. The Act does not have a national coverage which means that unless domesticated by other states in Nigeria, the Act is only operative in the Federal Capital Territory.²⁵ Section 46 of the VAPP Act defines domestic violence as ‘any act perpetrated on any person in a domestic relationship where such act causes harm or may cause imminent harm to the safety, health or wellbeing of any person’. Section 1 of the Act defines violence to mean any act or attempted within a private or public space that causes its victims psychological, emotional, physical or sexual harm. Thus the Act prohibits all forms of violence, i.e. sexual violence,²⁶ physical violence,²⁷ psychological violence,²⁸ economic violence²⁹ and political violence.³⁰

From the foregoing, it is apparent that the Nigerian legal framework on domestic violence is dichotomised, and any possibility of reconciling the contradictory provisions of these laws through a liberal interpretation would not salvage the fundamental contradictions among these legal orders on domestic violence. Since it is outside the scope of this paper to examine the superiority of these legal orders to one another, the factors which have encouraged the practice of domestic violence will be considered in the next section because the identification of the cause(s) of a problem is the first stage in the remedying process.

²⁴ Hereinafter referred to as ‘VAPP Act’.

²⁵ VAPP Act, Section 47.

²⁶ VAPP Act, Section 1.

²⁷ VAPP Act, Section 4.

²⁸ VAPP Act, Section 14.

²⁹ VAPP Act, Section 12.

³⁰ VAPP Act, Sections 23 and 24.

3.0. Roles of Poverty and Illiteracy in the Prevalence of Domestic Violence in Indigenous Nigerian Communities

Nigeria is warped in a vicious cycle of interrelated and interconnected problems in which one problem is the cause of another problem, and tragic events are put on a constant repeat with only slight modifications to time and place of occurrence. Poverty and illiteracy are components of the web of challenges that Nigeria has been entangled in since it became a sovereign State. Interestingly, poverty causes illiteracy, and illiteracy causes poverty, so there is a direct relationship between both problems.³¹ Although there is no universal definition of what literacy is,³² but in the context of this paper, illiteracy means the lack of formal education in a formal institution of learning. It means the lack of formal education which hampers the ability of an individual to read write, comprehend and communicate effectively to others.³³ Literacy ensures that individuals are able to achieve their goals, develop their knowledge, harness their potential, and develop amiable relationships with members of their households and communities.³⁴ Through literacy, an individual is liberated from the clutches of ignorance and is illuminated with the light of knowledge which endows him/her with the skills to navigate their way in life.³⁵ Poverty on the other hand is an economic cum financial challenge that often leads to the deprivation of basic human needs. It is the deficiency in financial resources that a household requires to satisfy its basic needs.³⁶ Considered from the perspective of a household unit or family unit, poverty can be measured along the lines of

³¹ Pablo Huerta, 'Lack of Literacy as a Casue of Poverty' (VAVEL, 10 April, 2013) <<https://www.google.com/amp/s/vavel/media/en/2013/04/10/journalism/229600.amp.html>> accessed 12 May, 2021.

³² Faite Mack, 'The Illiteracy Concept: Defining the Critical Level' [1978] 19 Reading Horizons 53, 54.

³³ Silvia Montoya, *Defining Literacy* (UNESCO, Germany, 2018).

³⁴ *ibid.*

³⁵ Elaigwu Apeh, 'Literacy Promotion for Human Rights Awareness and Protection-The Case of Nigeria' [2018] 4 Journal of Good Governance and Sustainable Development in Africa 14.

³⁶ Mona Mowafi & Marwan Khawaja, 'Poverty' [2005] 59 Journal of Epidemiology Community Health 260.

income or expenditure such that a household will be considered to be poor where its income earnings are low and it lacks the financial capability to expend its limited financial resources on its basic needs. The present writer hypothesises that the poverty and illiteracy rate among members of indigenous communities has contributed to the prevalence of domestic violence in the various households of these communities.

Both poverty and illiteracy have a direct bearing on domestic violence in Nigeria. In its November 2019 report on domestic violence, NOIPolls found that poverty constitutes about 25% of the factors triggering domestic violence, illiteracy accounts for 5% and unemployment accounts for about 4%.³⁷ Although misunderstanding contributes a larger percentage of 60%, it is not within the scope of this paper to examine the role of misunderstanding in domestic violence. Nonetheless, the occurrence of a misunderstanding could be due to the existence of illiteracy, poverty or unemployment.

Starting with illiteracy, it is submitted that domestic violence abounds more in illiterate households than in literate households as often times, the victim in a literate household speaks against the practice while victims in a non-literate household are very much inclined to accept such practices. In a 2010 study, Negussie Deyessa considered the impact of literacy on the prevalence of domestic in indigenous/rural communities.³⁸ At the end of the study, she found that illiterate women were very much likely to accept the practice of domestic violence, and domestic violence was more prevalent in the rural or indigenous communities. Where both parties are illiterates, there is an increase in the likelihood of domestic violence being perpetrated due to the fact that an illiterate partner who is being abused in a household lacks the exposure necessary for her to know her rights and freely assert same, and the abuser

³⁷ NOIPolls, (note 3) 7.

³⁸ NegussieDeyessa et al, 'Violence against Women in Relation to Literacy and Area of Residence in Ethiopia' [2010] 3 Global Health Action <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2830802/#_ffn_sectitle> accessed 10 May, 2021.

is ignorant of the fact that the violent act is an illegality and infraction of the fundamental human rights of the victim. If at all the victim is exposed to anything within the community, it may be similar experiences of other people like them within the same community. This experience kick-starts the process of accepting domestic violence as a socio-culturally acceptable norm because the victim now sees that they are not the only one having those gruesome experiences in their homes, and that if others can have such experiences in their households without breaking away from their family, they also can. Illiteracy therefore, breeds a false sense of solidarity amongst the victims in their households where they prefer to suffer in silence because they have the company of fellow victims rather than asserting their rights and enforcing same.

The 'Failure-Aggression' theory aptly explains the relationship between poverty and domestic violence. The patriarchal structure of the society has placed men at the top of the household, making them the source of provision, protection and discipline in the household.³⁹ Thus, according to the failure-aggression theory, a man who has failed in discharging the duty of providing for the needs of his household loses the power of control in his household, and to regain this control, he asserts his dominance by physically punishing the transgressors of his will and commandments. We can say that what the man has lost economically, he regains it physically. In Nigeria, the economic crisis which rocked the country in the 1990s affected all sectors and led to an increase in the unemployment rate which rendered husbands who were breadwinners of their families economically helpless.⁴⁰ Men who had hitherto been labelled 'productive' workers as they brought income for the family while the women were labelled 'reproductive' workers, are now unemployed and on a similar financial level as their

³⁹ Elizabeth Abama & Chris Kwaja, 'Violence Against Women in Nigeria: How the Millennium Development Goals Addresses the Challenge' [2009] 3 *The Journal of Pan African Studies* 23.

⁴⁰ Adebayo Olukoshi, 'General Introduction: from Crises to Adjustment in Nigeria', Adebayo Olukoshi (ed.), *The politics of structural adjustment in Nigeria* (1993, Ibadan, Heinemann Books); Colette Harris, 'Masculinities and Religion in Kaduna, Nigeria: A Struggle for Continuity at a Time of Change'. [2012] 2 *Religion and Change* 207.

partners. Unable to fulfil their roles as the income earners of the family, these men are perceived as failures by the other members of the community and eventually personally consider themselves as failures.⁴¹ Therefore, these men who are incapable of validating culturally identified superiority with material sufficiency in terms of financial resources, resort to domestic violence in the home to assert their cultural superiority.⁴² Poverty and unemployment therefore, aggravate the rate at which domestic violence is perpetrated because studies have shown that as the financial status of a family decreases, the tendency for domestic violence increases.⁴³ From the established premises, we may safely conclude that there is an inverse relationship between the financial status of family and domestic violence such that, as one decreases there is an increase in the other.

In the same vein, it should be noted that there is a reciprocal relationship between the factor of economic stress (poverty) or hardship and domestic violence. This is due to the fact that while economic hardship may occasion the perpetration of domestic violence based on the Frustration-Aggression theory, domestic violence may also cause economic hardship where victims are entrapped in a dangerous and abusive relationship that renders them incapable of working to sustain themselves. However, where a partner is financially independent or autonomous, and is capable of properly sustaining himself/herself, it becomes quite easy for such person to exit an abusive relationship with little or no fear of encountering economic hardship after calling it quits.⁴⁴

⁴¹ Ediom-Ubong Nelson, 'Intimate Partner Violence against Women and the Social Construction of Masculinity in Oron, South-Coastal Nigeria' [2017] 26 *Nordic Journal of African Studies* 14.

⁴² Margrethe Silberschmidt, 'Disempowerment of Men in Rural and Urban East Africa: Implications for Male Identity and Sexual Behaviour' [2001] 29 *World Development* 657.

⁴³ Claire Renzetti, 'Economic Stress and Domestic Violence' [2009] VAWNet Applied Research Forum <https://uknowledge.uky.edu/cgi/viewcontent.cgi?article=1000&context=crvaw_reports> accessed 10 May, 2021.

⁴⁴ Allstate Foundation, 'Crisis: Economic and Domestic Violence.' [2009] <<http://www.ClickToEmpower.org/resources/financial-empowerment-curriculum.aspx>> accessed 10 May, 2021; Michael Benson, 'Neighborhood Disadvantage, Individual

4.0. Recommendations and Conclusion

To quench the wildfire of domestic violence against men, women and children, it is imperative that expedient measures are taken. Firstly, an effective legal framework should be created to combat the menace of domestic violence by enacting a specific legislation that will have a national coverage. Although this is almost difficult due to the nature of the Nigerian legal system which makes it impossible for the National Assembly to legislate on matters that are not within the Exclusive and Concurrent legislative lists which are intended to have national coverage, enacting an Act under the provision of Section 12 to domesticate any of the international treaties on domestic violence. Also, there a mass sensitisation should be embarked on to encourage victims of these violent acts to speak up so that they may be helped. Sensitisation, for the purpose of effectiveness, should be in the native dialect of the people being addressed. Institutions such as the Police, Courts, Counselling units, etc., should adopt a Victim-Based approach in dealing with matters of domestic violence that have been brought before them.

Although the presence financial buoyancy and education does not absolutely overrule the possibility of domestic violence occurring, to a large extent the probability of occurrence is however reduced where these factors are present. Thus, to ensure stability in the homes and the society at large, efforts must be made to empower individuals financially through empowerment schemes which would prevent them from being wholly dependent on others, i.e., their spouses for financial security.

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