

# AN EXAMINATION OF GENDER-BASED VIOLENCE (GBV) AS A VIOLATION OF WOMEN'S RIGHT AGAINST INHUMAN TREATMENT

By

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## Abstract

*Gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms based on equality with men. The paper examines gender-based violence against women, its implications against the girl child in Nigeria, and proffers ways of preventing such. The paper also discusses the prevalence of gender-based violence and its prevention, it discusses GBV as a violation of women and the girl child human rights, it discusses the prevention and response mechanisms in place for the prevention of GBV by relying on primary and secondary sources of information. The paper found that the occurrence of acts of Gender-based Violence is due largely to cultural beliefs and discriminatory laws that gives preference to the male gender over and above female children, it also found that the fact that most of the victims of GBV are reluctant to come out to report such crimes against them has further encouraged the criminal act against women. The paper concludes that there is high prevalence of gender-based violence and both men and women have been documented to be victims of this act this has greatly affected the general well-being as it affects all spheres of life. The research then explains ways of alleviating this menace and finally, one of the recommendations proffered amongst others was that effective grassroots campaign involving the use of various media such as radio, television, and posters should be used to enlighten the general public about the educational implication of gender-based violence on the girl child.*

**Keywords:** Gender, Violence, Female, Women, Rights

## 1.0 INTRODUCTION

Violence against women is regarded as "perhaps the most shameful human rights violation." Gender-based violence against women in Nigeria occurs in a variety of settings, the majority of which are domestic. It generally happens to the mother or the girl child in the household. They include rape, beating up of women by their husbands, verbal abuse, incest, female genital mutilation, forced marriage, child marriage, denial of right to choose spouse, denial of the right to own a property, refusal to permit women to work or to control their own income, refusing the girl child to go to school, all forms of cruelty for example degrading a woman by treating her as if she were a child, refusing her any affection or sexual satisfaction.

In a research conducted by the World Bank<sup>252</sup>, Gender-based violence (GBV) or violence against women and girls (VAWG), is a global pandemic that affects 1 in 3 women in their lifetime. The data supplied by the World Bank<sup>253</sup> provides that 35% of women worldwide have experienced either physical and or sexual intimate partner violence or non-partner sexual violence; 7% of women have been sexually assaulted by someone other than a partner, globally; globally, as many as 38% of murders of women are committed by an intimate partner; and 200 million women have experienced female genital mutilation/cutting. Accordingly, the issue is not only devastating for survivors of violence and their families, but also entails significant social and economic costs.

According to USAID gender-based violence cuts across ethnicity, race, class, religion, education level, and international borders.<sup>254</sup> An estimated one in three women worldwide has been beaten, coerced into sex, or otherwise abused in her lifetime. Although statistics on the prevalence of violence vary, the scale is tremendous, the scope is vast, and the consequences for individuals, families, communities, and countries are devastating. In the study<sup>255</sup>, it is provided that it is vital to promote the rights of all individuals and reduce gender-based violence while mitigating its harmful effects on individuals and communities. Unless women, girls, men, and boys fully enjoy their human rights and are free from violence, progress toward development will fall short.

The Constitution of the Federal Republic of Nigeria, 1999 (as amended) made provision for fundamental human rights in chapter four<sup>256</sup> of the Constitution, the rights as provided are meant to be enjoyed by all citizen irrespective of their gender, race, religion etc. and the rights includes; right to life;<sup>257</sup> right to dignity of human person which implies that no person should be subjected to any inhuman or degrading treatment, slavery, servitude or required to perform forced or compulsory labour;<sup>258</sup> right to personal liberty, this means that no person shall be deprived of his liberty except in certain circumstances;<sup>259</sup> right to fair hearing;<sup>260</sup> right to private and family life;<sup>261</sup> right to freedom of thought, conscience and religion;<sup>262</sup> right to freedom of press and expression;<sup>263</sup> right to freedom of assembly and association;<sup>264</sup> right to freedom from

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<sup>252</sup> *Gender Based Violence (Violence Against Women and Girls)* online at <https://www.worldbank.org>. Accessed on 21/3/ 2020.

<sup>253</sup> *Ibid.*

<sup>254</sup> *Ibid.*

<sup>255</sup> *Ibid.*

<sup>256</sup> See generally Sections 33- 46 of the Constitution.

<sup>257</sup> Section 33 CFRN, 1999 (as amended).

<sup>258</sup> *Ibid*, Section 34.

<sup>259</sup> *Ibid*, Section 35.

<sup>260</sup> *Ibid* Section 36.

<sup>261</sup> *Ibid*, Section 37.

<sup>262</sup> *Ibid*, Section 38.

<sup>263</sup> *Ibid*, Section 39.

<sup>264</sup> *Ibid*, Section 40.

discrimination;<sup>265</sup> this particular provision provides that a citizen of Nigeria of a particular community, ethnic group, place or origin, sex<sup>266</sup>, religion or political opinion shall not, by reason only that he is such a person be subjected to any disabilities or privileges or advantages<sup>267</sup>; and right to acquire and own immoveable property anywhere in Nigeria.<sup>268</sup> However, despite all these provisions, females are being discriminated and their rights are being violated.

## 2.0 HISTORICAL BACKGROUND ON GENDER BASED VIOLENCE IN NIGERIA

Violence against women is defined by the UN Declaration on the Elimination of Violence against Women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”.<sup>269</sup>

Nigeria has long been facing a gender-based violence crisis, with 30% of women and girls aged 15–49 having experienced sexual abuse. Lack of coordination amongst key stakeholders and poor implementation of legal frameworks, combined with entrenched gender discriminatory norms, have hampered government and civil society efforts to address gender-based violence.<sup>270</sup>

International human rights law provides a framework to evaluate existing problems and identify solutions aimed at preventing gender-based violence. Human rights principles focus on governmental responsibility to proactively take steps to prevent acts of gender-based violence committed by both private and governmental actors. This includes addressing the underlying conditions that perpetuate violations of rights (such as discrimination, social biases and a lack of adequate institutional responses).

The issue of gender-based violence is one which is rampant and has drawn the attention of international and national bodies, cases of GBV has been on the increase for such a long time despite interventions by national and international bodies, it has called for so many legislation and establishment both nationally and internationally and this call for more attention for the prevention, reduction and possible elimination of all forms of violence against persons in the form of gender-based violence.

Gender-based violence against women has been acknowledged worldwide as a violation

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<sup>265</sup> *Ibid*, Section 41.

<sup>266</sup> Emphasis mine

<sup>267</sup> *Ibid*, Section 42.

<sup>268</sup> *Ibid*, Section 43.

<sup>269</sup> Connell Robert, *Masculinities*. (Cambridge: Polity Press, 1995).

<sup>270</sup> International Growth Centre ‘The Shadow Pandemic: Gender-based Violence and Covid 19’ retrieved from <https://www.theigc.org/blog/the-shadow-pandemic-gender-based-violence-and-covid-19/#:~:text=Nigeria%20has%20long%20been%20facing,49%20having%20experienced%20sexual%20abuse>. Accessed 18 February 2021.

of basic human rights. Increasing research has highlighted the health burdens, intergenerational effects, and demographic consequences of such violence<sup>271</sup>. Gender-based violence is defined by the United Nations as any act of violence that results in physical, sexual, or psychological harm or suffering to women, girls, men, and boys, as well as threats of such acts, coercion, or the arbitrary deprivation of liberty.

In Nigeria, domestic violence is widely acknowledged to be of great concern not just from a human rights perspective but also from an economic and health perspective. In 2015, Nigeria passed the comprehensive Violence Against Persons (Prohibition) Act,<sup>272</sup> which aims to eliminate all forms of violence in both the private and public spheres and includes the right to assistance for victims of violence. In addition, Nigeria is a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).<sup>273</sup> Nonetheless, despite legislations and ongoing efforts to protect women and vulnerable populations against violence, much remains to be done in protecting victims and prosecuting perpetrators.

### 3.0 THEORETICAL FOUNDATION AND CONCEPTUAL CLARIFICATION OF GENDER BASED VIOLENCE

#### 3.1 Theoretical Foundation

##### 3.1.1 Individualist Theory

This theory, propounded by Karl Pooper<sup>274</sup>, emphasises a situation where the problem is located within the person, it can be understood in terms of individual choices, characteristics, interests, biology, genetics, pathologies etc. It explains that gender based violence may be due to a number of factors such as:

- a. evolution of male aggression/violence to maintain female fidelity and secure reproductive control;
- b. battered women's syndrome also known as Stockholm Syndrome
- c. women blaming which usually rely on assumption of gendered roles and expectations of appropriate or 'unacceptable' female behaviour in performance of domestic or sexual duties.
- d. anger management and 'loss of control' issues leading to 'explosions' of violence.
- e. disinhibition caused by alcohol or substance use. This relies of the premise that men are 'naturally' violent and this is unleashed by use of substances.

##### 3.1.2 Familial or Systems Theories

The focus is on patterns of interaction between couples and within families, that is, family violence.<sup>275</sup> Violence is seen as used to correct behaviour or dynamics to enable functioning of family according to appropriate roles/behaviours; or it is a sign of

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<sup>271</sup> United Nations Research in 2006 retrieved from <https://www.refworld.org/docid/3ae6b39ec.html>. Accessed 24, November, 2020

<sup>272</sup> Violence Against Persons (Prohibition) Act, 2015, preamble paragraph

<sup>273</sup> *Ibid.*

<sup>274</sup> Austrian-born Philosopher (1902-94).

<sup>275</sup> M.S. Kimmel, 'Gender Symmetry in Domestic Violence: A Substantive and Methodological Research Review'(2002) 8 (1) *Violence Against Women*, 1332-1363.

dysfunctionality. This theory suggests symmetry of violence and aggression, that women are equally likely to initiate, and with equivalent motivations. It may be useful for eliciting the extent of commonplace social acceptance of violence as a means of communication (in families but also in other aspects of interpersonal relationships). But it frames issues within assumptions of ‘conflict’ or disagreement, not power and control, and thus fails to identify the underlying gendered dynamics.

### 3.1.3 Human Right Theory

Gender-based violence in conflict, social or domestic settings violates the fundamental human rights of women and it is therefore regarded as human rights issue to be addressed by human rights instruments and treaties. The fight against women’s violence was acknowledged by the United Nations.<sup>276</sup> The International Criminal Court (ICC)<sup>277</sup> classified “rape, sexual slavery, forced pregnancy and enforced prostitution” as war crimes committed against humanity. The United Nations show that violation of women’s human rights includes not only acts committed by governments but that government has got to bear social and political responsibility to stop violence against women. This is an indication that the government is a *de-facto* “collaborator” if there are no protection measures put in place to prevent and respect women’s rights from violent actions.<sup>278</sup> In addition this shows that women are denied and not given equal protection under the state law to prevent them from gender-based violence.

## 3.2 Conceptual Clarification

### 3.2.1 Gender-Based Violence

The phenomenon of gender-based violence is pervasive around the world, experienced by some one in three women in their lifetimes.<sup>279</sup> The elimination of such violence has been increasingly recognized as a priority for the international community.

The Sustainable Development Goals (SDGs) include a specific target to “eliminate all forms of violence against all women and girls in the public and private spheres.”<sup>280</sup> A recent research<sup>281</sup> addressing violence against women provides an excellent overview of the current evidence, and highlights that while growing international recognition creates opportunities for renewed government commitment, solutions will not be quick or easy.

The United States Agency for International Development (USAID) sees gender-based

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<sup>276</sup> United Nations Declaration on the Elimination of Violence Against Women in 1993.

<sup>277</sup> Rome Statute (1998).

<sup>278</sup>Patience Gulu, ‘The Usefulness of Human Rights Framework in Addressing Gender Based Violence’ online at <[www.peacewomen.org/node/90004](http://www.peacewomen.org/node/90004)> accessed, 10 October 2020.

<sup>279</sup>Jeni Klugman ‘Gender Based Violence and the Law’ (2017) *Background paper for World Development Report, 1*.

<sup>280</sup> Online at <https://www.un.org/sustainabledevelopment/gender-equality/> accessed 7 May 2020.

<sup>281</sup> García-Moreno *et al.* *Addressing Violence Against Women: A Call to Action* (The Lancet ed., 2014), retrieved from [http://dx.doi.org/10.1016/S0140-6736\(14\)61830-4](http://dx.doi.org/10.1016/S0140-6736(14)61830-4) accessed on 7 May 2020 (emphasizing the importance of the elimination of violence against women and girls through prevention).

violence (GBV) as a human rights violation, a public health challenge, and a barrier to civic, social, political, and economic participation. It undermines not only the safety, dignity, overall health status, and human rights of the millions of individuals who experience it, but also the public health, economic stability, and security of nations.<sup>282</sup> According to the United Nations High Commission for Refugee (UNHCR), the term ‘gender based violence’ is used to distinguish violence, that targets individuals or groups of individuals on the basis of their gender, from other forms of violence. The first official definition of the term ‘violence against women’ was offered in 1993 in the UN Declaration on the Elimination of Violence against Women. It states that violence against woman is any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivations of liberty, whether occurring in public or in private life.<sup>283</sup>

GBV includes sexual violence against both girls and women. Moreover, as reported by the United Nations Development Fund for Women (UNIFEM), the term ‘gender-based’ provides a new context for understanding violence for the reason that it reflects the unequal power relationship between women and men that are based on different gender roles within each society, especially women’s subordinate status and that it is perpetrated against a person’s will. However, the term also applies to violence that is specifically targeted against men and boys.

### 3.2.2 Women’s Right

Women’s rights are the rights and entitlements claims for women and girls worldwide, and which formed the basis of the women’s rights movements in the 19<sup>th</sup> century and feminist movement during the 20<sup>th</sup> century. They differ from broader notions of human rights through claims of an inherent historical and traditional bias against the exercise of rights by women and girls, in favour of men and boys<sup>284</sup>.

Both male and female genders are entitled to human rights. These rights include the right to live free from violence and discrimination; to enjoy the highest attainable standard of physical and mental health; to be educated; to own property; to vote; and to earn an equal wage. The concept of women’s right is not a special or different from of rights but simply the right to enjoy what ordinarily is theirs, the right to enjoy their human right free from discrimination and oppression, the right not to be subjected torture, inhuman or degrading treatment and be treated equally in distribution of wealth, property and other social amenities.

In this study, women’s right will be used to mean rights that are enjoyed by everyone by virtue of being human.

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<sup>282</sup> USAID ‘Preventing and Responding to Gender Based Violence’, retrieved from at <https://www.usaid.gov/gbv> accessed 20 May 2020

<sup>283</sup> Declaration on the Elimination of Violence against Women, United Nations General Assembly, 20 United Nations (1993) <http://www.un.org/documents/ga/res/48/a48r104.html> accessed 20 July 2020.

<sup>284</sup> Holsken, Fran P., ‘Towards a Definition of Women’s Rights’ (1981) 3(4) *Human Rights Quarterly*, 1-10

## **4.0 FORMS AND CAUSES OF GENDER BASED VIOLENCE**

### **4.1 Forms of Gender-Based Violence**

Domestic violence takes various form, under these heads some of them will be discussed.

#### **4.1.1 Domestic and Intimate partner violence**

Domestic violence includes all acts of physical, sexual, psychological or economic violence within the family or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim. Domestic violence is not an isolated, individual event, but rather a pattern of perpetrator behaviors used against a survivor.<sup>285</sup>

Intimate partner violence is a pattern of assaultive and coercive behaviors, including physical, sexual, and psychological attacks, as well as economic coercion, that adults or adolescents use against their intimate partners.<sup>286</sup> It includes a range of sexually, psychologically and physically coercive acts used against adult or adolescent women by a current or former intimate partner, without her consent. Though women can be violent toward men in relationships,<sup>287</sup> and violence exists in same-sex partnerships, the largest burden of intimate partner violence is inflicted by men against their female partners.<sup>288</sup>

#### **4.1.2. Sexual Violence**

Sexual violence is defined by WHO as any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, acts to traffic, or acts otherwise directed against a person's sexuality, using coercion, by any person, regardless of their relationship to the victim. The perpetrator of sexual violence may be a date, an acquaintance, a friend, a family member, a current or former intimate partner, or a complete stranger. Sexually violent men come from all backgrounds, rich and poor, educated and uneducated, religious and non-religious.

#### **4.1.3. Emotional or Psychological Violence**

Psychological violence is an action or set of actions that directly impair the woman's psychological integrity. Acts of psychological violence include: threats of violence and harm against the woman or somebody close to her, through words or actions (e.g. stalking or displaying weapons); harassment at the work place; critical, humiliating and insulting comments meant to undermine the survivor's sense of self-worth and self-

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<sup>285</sup> World Health Organisation, Gender Based Violence Evidence Series 1, p. 9

<sup>286</sup> *State v Yewande Oyedirán* (unreported) where the wife stabbed the husband to death and was convicted for manslaughter and sentenced to seven years imprisonment; *State v Mariam Sanda* (unreported), the wife stabbed the husband to death and was convicted for murder and sentenced to death; *State v Lekan Shonde* (unreported) the accused person killed his wife and was sentenced to death.

<sup>287</sup> *Oyo State v Yewande Oyedirán* (unreported) *State v Mariam Sanda* (unreported).

<sup>288</sup> *Op.cit.*, p. 9, see also *State v Lekan Shonde* (unreported), the accused person killed his wife and was sentenced to death.

esteem (e.g. repeatedly claiming that survivors are crazy, incompetent, and unable to do anything right; isolation and restrictions on communication (e.g. through locking her up in the house, forcing her to quit her job or prohibiting her from seeing a doctor); and use of children by a violent intimate partner to control or hurt the woman (e.g. through attacking a child, forcing children to watch attacks against their mother, threatening to take children away, or kidnapping the child). These acts constitute violence against children as well as violence against women.<sup>289</sup>

#### **4.1.4. Economic Violence**

Perpetrators control survivors by controlling their access to all of the family resources: time, transportation, food, clothing, shelter, property, insurance, and money. He may actively resist the survivor becoming financially self-sufficient as a way to maintain power and control. Conversely, he may refuse to work and insist that she support the family. Survivors are put in the position of having to get “permission” to spend money on basic family needs (such as food, health care, education, housing). When the survivor leaves the violent relationship, the perpetrator may use economics as a way to maintain control or force her to return: refusing to pay bills, instituting legal procedures that are costly to the survivor, or destroying assets in which she has a share. All of these tactics may be used regardless of the economic class of the family.<sup>290</sup>

#### **4.1.5. Conflict-Related Gender-Based and Sexual Violence**

When violence in general is more present in a society and in situations of increased militarisation, subordinated groups in the society become more vulnerable in public arenas as well as in private. Displacement and heightened tensions within communities and households exacerbate the risk of gender-based violence, including men’s violence against their intimate partners and other forms of violence in the family. Poor welfare services and the breakdown of social networks and justice systems make it more difficult for victims of violence to escape, and leave the perpetrators unpunished.

In times of crisis traditional gender norms are often emphasised, but might also lead to changed gender roles. When men are absent during war, women are forced to uphold men’s duties. This might lead to more stable changes of gender relations in a post-conflict situation, but more likely it becomes a parenthesis. Conflict-related gender-based and sexual violence remains pervasive across the globe, and its widespread use has been reported in most conflict settings, such as in Europe during World War II, Bosnia, Rwanda, Liberia, Northern Uganda, Democratic Republic of Congo (DRC), Sudan, Iraq, Libya and Syria. State forces are more likely to be reported as perpetrators of sexual violence than rebels.<sup>291</sup> In some conflicts sexual violence is used as a ‘weapon

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<sup>289</sup> Ibid, p.10

<sup>290</sup> Ganley, Anne L. (1998); Improving the Health Care Response to Domestic Violence: A Resource Manual for Health Care Providers See <http://www.health-genderviolence.org/training-programme-for-health-care-providers/facts-on-gbv/defining-gender-based-violence/21>.

<sup>291</sup> Wood, Cohen and Hoover-Green (2012) ‘Wartime Sexual, Violence: Misconceptions, Implications, and Ways Forward’, *United States Institute of Peace*.

of war', i.e. when state and non- state armed actors use rape and forced pregnancy as instruments of ethnic cleansing and to degrade and humiliate women or girls, and men by rendering them "failed protectors". Yet, it is important to remember that wartime rape need not be ordered for it to occur on a massive scale. In fact, recent academic research shows that wartime rape is 'more frequently tolerated than ordered' and often not an intentional strategy of war.<sup>292</sup>

Women and girls are the main targets for perpetrators of conflict related sexual violence, and adolescent girls are particularly exposed to sexual violence such as rape, but also sexual exploitation, early and forced marriage, unintended or forced pregnancy, and forced abortion. However, men and boys are also exposed to sexual violence in war. There is an increased risk of sexual violence against women, girls and boys in refugee camps (including by humanitarian personnel), and 'survival sex', particularly female but also male, may increase in conflict as a way of dealing with loss of income, and due to an increase in demand for sex (including from international male presence).<sup>293</sup>

#### **4.1.6. Human Trafficking**

Trafficking in human beings is about girls and women, boys and men that in an organised way, with or without consent, are transported to another region or abroad to provide for exploitation, so that actors between the client and the victim profit from this. Trafficking in human beings is a global phenomenon with countries of origin, transit and destinations intermixed in a complex web.

It is difficult to measure the global magnitude, but the US Department of State talks about 44,000 survivors during the last years, and more than 20 million victims of trafficking. The UN defines trafficking and points out strategies for prevention, suppression and punishment of trafficking, with a particular focus on women and girls.

#### **4.1.7. Female Genital Mutilation**

Female genital mutilation (FGM) has been recognised as one of those cultural practices that infringes on the rights of an African woman, including Nigerian women.<sup>294</sup> Female genital mutilation or female circumcision constitutes one of the serious and rampant forms of GBV confronting the rights of women in Nigeria.

FGM is also known as female circumcision or female genital cutting, it relates to the "cutting of all or part of the external sex organs of a girl or a woman other than on medical grounds."<sup>295</sup> With respect to the prevalence of female circumcision in the various geographical zones of Nigeria, the 2018 demographic survey report<sup>296</sup> noted

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<sup>292</sup> *Ibid.*

<sup>293</sup> Preventing and Responding to Gender-Based Violence: Expressions and Strategies. Online at [www.sida.se](http://www.sida.se).

<sup>294</sup> Enobong Mbang Akpanbang 'Female Genital Mutilation: A Rite of Passage or a Breach of Women's Rights in Nigeria?' (2020) 8 (3) Global Journal of Arts, Humanities and Social Sciences, 1.

<sup>295</sup> Section 46 Violence Against Persons (Prohibition) Act 2015 (VAPP Act 2015).

<sup>296</sup> *Nigeria Demographic and Health Survey 2018, op. cit.*, 473-474

that the North-Central recorded 9.9%,<sup>297</sup> North East-6.1%,<sup>298</sup> North-West-20.2,<sup>299</sup> South-East-35%,<sup>300</sup> South South-17.7%<sup>13</sup> and South- West-30%.<sup>301</sup> The survey also highlighted the various States in each of the zones with the highest prevalence rate of FGM. These include Kwara State (North Central)-46%, Yobe State (North East)-14.2%, Kaduna State (North West)-48.8%, Imo State (South East)-61.7%, Edo State (South-South)-35.5% and Ekiti State (South West)-57.9%.<sup>302</sup>

#### 4.1.8. Childhood Sexual Abuse

World Health Organisation (WHO)<sup>303</sup> defines childhood sexual abuse as "an abuse of power that encompasses many forms of sexual activity between a child or adolescent (most often a girl) and an older person, most often a man or older boy known to the girl. This activity may be physically forced, or accomplished through coercive tactics such as offers of money for school fees or threats of exposure. At times, it may take the form of a breach of trust in which an individual, who has the confidence of the child, uses that trust to secure sexual favours.

Incest, sexual abuse occurring within the family, although most often perpetrated by a father, stepfather, grandfather, uncle or brother or other male in a position of family trust, may also come from a female relative. Incest takes on the added psychological dimension of betrayal by a family member who is supposed to care for and protect the child.<sup>304</sup>

## 4.2. Causes of Gender-Based Violence Against Women

There is a plethora of factors responsible for GBV against women, ranging from sexual preferences to customary belief of superiority of a particular gender and religion. Some of the causes are discussed below.

### a. Biological Distinguishing of Sex

Violence against women in Nigeria results from biological differentiation of sexes. This is because females are biologically and physiologically perceived as the weaker sex who requires considerable protection by men. The relegation of women to the second-class status dates back to several centuries ago. Early history showed that the human society has been a male dominated one. For instance, a society like the Arabians regards the birth of a daughter as a matter of shame and disgrace and treats them as such. While the birth of a son is welcomed with jubilations and celebrations and are cradled on the bed clothed in robes and given jades scepter as toys. Likewise

<sup>297</sup> Benue, Kogi, Kwara, Nasarawa, Niger and Plateau States and the Federal Capital Territory, Abuja.

<sup>298</sup> This includes Adamawa, Bauchi, Borno, Gombe, Taraba and Yobe States.

<sup>299</sup> Kaduna, Kano, Katsina, Kebbi, Sokoto and Zamfara States.

<sup>300</sup> States within the South-East zone are Abia, Anambra, Ebonyi, Enugu and Imo State.

<sup>301</sup> The South-South States are: Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers States.

<sup>302</sup> The South-West States consist of Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States.

<sup>303</sup> World Health Organization (WHO) retrieved from [www.who.int](http://www.who.int)/accessed 7 March 2020.

<sup>304</sup> United Nations Population Fund, *A Practical Approach to Gender-Based Violence: A programme Guide for Health Care Providers & Managers* (New York, 2001), 9.

in Nigeria, the birth of male child excites members of the family than a female child. As the girl passes through the stages of development, she is bewildered with the peculiar violence of that stage, and as the girl child grows older the discrimination against her increases.<sup>305</sup>

**b. Culture:**

Another cause of gender based violence is culture. In Nigeria, there is the belief that boys are stronger than girls and so are trained to accept more strenuous tasks like hunting, shooting with bows and arrows, farming and fighting back enemies that are about to out-run their communities. While girls are stereotyped to perform simpler tasks like sweeping the rooms, scrubbing the walls and collecting firewood to cook for the family so that they can become good wives and mothers in future. In addition, women are excluded from rigorous and traditional activities like tree climbing (e.g. palm tree) or from engaging in traditional sports like wrestling, canoeing and horse-back riding which were exclusively made for men. What was reserved for women were lighter recreational activities requiring graceful movement, or they were only allowed to watch the men and cheer them up. This cultural unequal power led to domination over and discrimination against women by men and to the prevention of women's full advancement.<sup>306</sup>

**c. Financial Insecurity**

This is another cause of gender based violence. According to Njenga,<sup>307</sup> "if a man cannot establish his authority economically over his family members, he would tend to do so physically." A situation where a man is unable to meet the financial needs of his family members means he has failed in his responsibility, as it is well known no man would like to be seen as a failure. In other words total dependency on a man, by the family members leads to frustration and sometimes, expresses it through the use of violence.<sup>308</sup>

**d. Poverty**

Another cause of gender based violence against women is poverty. Ndungu<sup>309</sup> opined that the reproductive and productive roles of women often place them at the bottom of the ladder. They are mostly found in low paid jobs, which rob them of power to participate in decision making, within the political, social-economic and cultural sphere of life. This situation results in the over burdening of women with family and domestic responsibilities

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<sup>305</sup> Uwameiye B. E & Iserameiya F.E. 'Gender Based Violence against Women and Its Implication on the Girl Child Education in Nigeria' (2013) 2 (1) International Journal of Academic Research in Progressive Education and Development January, 219-226

<sup>306</sup> *Ibid* at p. 221

<sup>307</sup> Kinuthia-Njenga, C. 'Knowledge, Attitude and Practice among Women in Different Life Stages' 42 (1999) in *Nairobi Development*, 70-72.

<sup>308</sup> *Ibid*, p. 70.

<sup>309</sup> Ndungu N. 'Gender Based Violence within Africa Region: An Overview of United Nation' *Wilaf News* (2004).

while giving them no resources or political room to improve their standard of living. In some parts of Nigeria, it is known that the input of the girl child into the family income is so high that it becomes economically unwise to allow such a child to go to school. Examples of such inputs include generating income by hawking food items, helping with the household chores and looking after the younger ones or even working as house helps to wealthier families to ease the financial burden on their own families.

## **5.0 IMPACTS OF GENDER BASED VIOLENCE**

Gender-based violence has several negative effects on the society and the victims of the violence, ranging from economic to health and societal. The victims of GBV mostly suffer social discrimination which results to most of them being socially withdrawn and unable to further their academic carrier. The effects of violence on female children and women can be devastating to their physical, emotional, and social well-being. Some cogent effects of GBV amongst a host of many others will be discussed hereunder. They include the following:

### **5.1 Impact of GBV on Health**

GBV is closely tied to negative health outcomes in women. In addition to injuries, some of which can be near-fatal or fatal, women who experience GBV are at higher risk of negative sexual and reproductive health outcomes. It has been researched that women who experience GBV are 50% more likely to acquire HIV or syphilis than other women, and they also face an increased risk of unintended pregnancy, having a low-birth weight baby, having complications during pregnancy and childbirth, or having an induced or unsafe abortion.<sup>310</sup> As a result of prolonged fear and stress, women who experience violence are also more likely to develop somatic disorders, depression, or substance use disorders; and consider or attempt suicide.<sup>311</sup>

Intimate partner (physical, sexual and emotional) and sexual violence cause serious short- and long-term physical, mental, sexual and reproductive health problems for women. They also affect their children, and lead to high social and economic costs for women, their families and societies.

### **5.2 Impact of GBV on the Society**

The effects of GBV on societies are both direct and indirect. A national survey conducted in Canada on violence against women reported that 30% of abused married women could not carry out their daily activities due to the injuries they sustained.<sup>312</sup> The children who witness such abuse were themselves victims of abuse and performed poorly at school. A study of abused women in Managua, Nicaragua, found that abused women earned 46% less than women who did not suffer abuse, even after controlling

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<sup>310</sup> 'Gender Based Violence Against Women and Girls: A Silent Pandemic', (Jones & Barlett Publisher) retrieved from [http://samples.jbpub.com/9780763756314/56314\\_CH02\\_MURTHY.pdf](http://samples.jbpub.com/9780763756314/56314_CH02_MURTHY.pdf) accessed 25 January, 2021.

<sup>311</sup> *Ibid.*

<sup>312</sup> World Health Organisation, *World Report on Violence and Health* (2002) retrieved from <http://whqlidoc.who.int/publications/2002.pdf>. accessed, May 18, 2020.

for other factors that affect earnings. One of the reasons for this was their frequent absenteeism from work as a result of the physical and mental trauma sustained by them<sup>313</sup>. A survey conducted in India found that 13% of working women missed work due to abuse, and this led to a decrease in their earnings.<sup>314</sup>

It can be said that an abused person cannot give optimal performance either at work or in conducting her daily businesses. The above studies are just few out of the many effects of violence against women on the economy and global society.

### 5.3. Impact of GBV on Women Human Right

The United Nations defines Human Rights as “rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.” These rights include the right to life and liberty, freedom of opinion and expression, the right to work and education, freedom from slavery and torture, and many others. Every person in the world is entitled to enjoy these rights without any form of discrimination. Although women, girls, men, and boys can be victims of GBV, it has been widely acknowledged that *most of the people affected by this crime are girls and women*. Furthermore, the impacts of violence on girls and women victims are specifically as a result of gender discrimination.

Females who experience gender violence may suffer from different human rights violations, for example the right to life, freedom from torture and degrading treatment, freedom from discrimination and the right to safety and security. All these rights can be found in international,<sup>315</sup> regional<sup>316</sup> and national human<sup>317</sup> rights documents.

This crime can happen in form of rape and incest, sexual harassment at the workplace or at school, acts of violence against women refugees, women and girls trafficking, sexual violence against women prisoners or detainees, traditional practices, and domestic violence. Gender-based violence violates several women rights such as the right to life, the right to equal protection under the law, freedom from torture, degrading and cruel treatment, the right to equality in the family and also the right to the highest standard attainable of physical and mental health.

## 6.0 CONCLUSION/RECOMMENDATIONS

### 6.1 Conclusion

The enormous prevalence of gender based violence has been reported by this paper. Both men and women have been documented to be victims of this act. This has great implications for the general wellbeing as it affects all spheres of lives. Intervention strategies such as public enlightenment on the effects of gender based violence on both women and men in all relationships should be carried out. In addition, pre-marital counseling and conflict resolution strategies especially among couples should be

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<sup>313</sup> World Health Organisation. Violence Against Women. Fact Sheet. <http://www.who.int/mediacentre/factsheets/fs239/en/> accessed May 18, 2020.

<sup>314</sup> *World Report on Violence and Health, op.cit*

<sup>315</sup> Universal Declaration of Human Right, 1948.

<sup>316</sup> African Charter on Human and Peoples Right, 1981.

<sup>317</sup> Constitution of the Federal Republic of Nigeria, 1999 (as amended), Chapter 4.

strongly intensified to ameliorate the situation.

Violence against women is an age long problem which has to be addressed. It is an obstacle to peace, progress and a threat to the objective of equality; they appear as traditions, customs and religious practices that lowers the status accorded to women. Their implications include economic, educational, financial, health and psychological implications.

## **6.2. Recommendations**

In order to reverse the negative trend of gender based violence against women and improve on the education of the girl child in Nigeria, the following recommendations have been proffered:

Improving existing legislation directly linked to GBV is highly recommended. The present historic number of laws and policies addressing different forms of gender-based violence is to a large extent due to sustained and strategic advocacy from women's rights organisations across the globe. Research has shown correlation between strong and independent feminist movements and comprehensive laws protecting women from violence.<sup>318</sup> Government should enact and and/or reinforce penal, civil, labor and administrative sanctions in legislations to punish and redress, any act of violence done to women and girls, whether in the home, workplace, community or society.

Improving existing legislation indirectly linked to GBV is also a necessity. Supporting women's legal rights to property, land, inheritance, employment and income can increase women's ability to leave abusive relationships and establish their own households. Improving legislation indirectly linked to GBV also includes laws on, for instance, corporal punishment and alcohol taxation which are related to other risk factors such as child maltreatment and alcohol abuse. Hence, strategies to improve legislation should not have a narrow focus on laws pertaining directly to GBV, but take into account and strive for improved legislation in other areas as well. Government must ensure proper policy formulation and implementation strategies and be consistent in executing programmes aimed at eradicating any act of violence against women.

The gap between law and practice must be bridged while solid legislation acknowledging the rights of GBV survivors is a prerequisite, a major obstacle often lies in the implementation of such frameworks. For this reason, emphasis should be on bridging the gap between law and practice through the strengthening of accountability mechanisms to follow up and evaluate the implementation of laws addressing prevention and response to GBV. Government should condemn violence against women and refrain from invoking any tradition or religious considerations as set out in the declaration act on the elimination of violence against women.

The rule of law must be formulated in such a way to end impunity for GBV. Systematic failures of police, justice personnel and armies put women and girls at risk of violence

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<sup>318</sup> See, for example, Htun M and Laurel Weldon S (2012), 'The civic origins of progressive policy change: combating violence against women in a global perspective, 1975–2005' in *American Political Science Review* 106(3).

and prevent access to justice. Perpetrators of GBV must be held accountable under national and international law. Yet, attempting to reduce GBV by a simple focus on prosecuting offenders may not lead quickly to the desired outcomes.<sup>319</sup> There is a need to recognise the limitations of convictions as prevention (through deterrence) and combine legal actions with so called secondary prevention efforts addressing social and psychological driving forces, particularly in post-conflict settings.

Strengthening and enhancing multi-sectorial services at all levels. Services must be based upon survivors' needs and safety. Although the state is responsible for the safety of survivors, it is important that not only the state but also women's organisations are provided with resources to give support. Women's organisations often have a deep knowledge and long experience of support and service to survivors of gender-based violence. Services must be effectively coordinated in development and humanitarian contexts and include: Health sector response to GBV including reproductive health, medical and psychosocial support; State run shelters and counselling centers in order to provide safe place to survivors of GBV; Shelters and counselling centers run by independent actors such as women's and LGBTI organisations; Adequate police and justice response including legal aid to survivors; Economic services. Government and nongovernmental organizations should support and organize seminars to educate all forms of violence against women and the girl child.

Multi-sectorial services (e.g. medical and psychosocial support) can help both survivors and perpetrators of GBV to avoid further violence. If a survivor does not have the personal strength because of traumas and stress caused by GBV, he or she may not have the strength to pursue justice. Services must also reach out to perpetrators of violence, the so called secondary prevention in order to decrease future perpetration.

There must be an effective grass roots campaign involving the Non-Government Organization (NGOS), Community Organizations, by using various media such as Radio, Television and posters to enlighten the public about violence against women and to report such cases to appropriate authorities.

The government should operate free and compulsory Basic Education for children, eradicate all forms of fees, and give free books and learning materials to children. When this is done then laws can be made to compel parents to send their children to school.

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<sup>319</sup> Problems with low quality trials have for instance been observed in the DRC. Between 2008 and 2012, mobile courts in South Kivu were able to carry out 900 rape trials, with 60 per cent of the accused convicted.

However, research on sexual violence cases found that only half the convictions in the sample analysed had sufficient evidentiary backing, leading to the conclusion that 'suspects are likely to be convicted, regardless of the evidence presented to sustain the case'. Nynke Douma and Dorothea Hilhorst, (2012) 'Fonds de commerce? Sexual Violence Assistance in the Democratic Republic of Congo', *Université de Wageningen, Occasional paper* no 2.