Domestic Violence Victims Support and Restorative Justice in the Nigerian Criminal Justice System

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Abstract— Following its colonial legal system, the criminal justice system in Nigeria has been focusing on punishing criminals since long with few considerations to the victims of the crimes. Consequently, the delay of examination and sometimes harassment or even extortion by the authorities may begin as victims often become exposed to so-called secondary victimization. The analysis in this work applies doctrinal legal research and literature review in analyzing the relevance of the concepts of victimology, restorative justice theory and international legal norms in informing victim support in Nigeria. The Paper examined Nigerian legislations (Criminal Code, Penal Code, Criminal Procedure Code, Administration of Criminal Justice Act 2015, etc.) in the light of international best experience. Findings revealed that though statutes facilitate the provision of discretionary compensation and restitution (e.g. ACJA 2015, EFCC Act s.14) enforcement is weak as the needs of victims are overruled. The scholarship observes that the retributive orientation left victims unrepaired through an inheritance in Nigeria. Victims are explicitly at the center of the restorative justice models (including the Nigerian Ehugbo). Globally, other instruments such as the UN declaration of the Victims (1985) and the ICC Rome Statute Article 75 support the right of the victims in relation to information, protection, participation, and reparation. My suggestion is that Nigeria should implement restorative practices and incorporate them into practice, as well as adopt the necessary mandatory schemes of victim compensation and update the laws with correspondent international standards in order to normalize the exploitation of the victim with the goal of providing him or her with justice and relief.

Keywords: Restorative Justice; Victim Support; Nigerian Criminal Justice System; Domestic Violence.

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INTRODUCTION

Prior to colonialism, Nigerian societies used the systems of customary and Islamic legislation to promote reconciliation and group orientation. Some examples are the southern customary courts (e.g., the Afikpo "Ehugbo" model), which prioritized the role of the victim, drawing the offender, family, and community into a process of "defining harm and repair." In comparison, the British colonial officials had enacted common-law codes (the Criminal Code in the south and the Penal Code in the north) whose sole agenda was the punishment of criminals(Mmakwe, 2022). These laws dictate fines, imprisonment, corporal punishments, and death; however, none of them is aimed at restitution for the victims and compensation for their losses. None of these punishments, as a scholar notes, has the interest of the victim as the primary object under Nigerian law. And the fact is that all that has been under our laws has been concerned with that kind of justice, retributive justice. This tradition of punishment has given rise to the fact that when crime takes place, the well-being of the victim is only put on the back burner of the formal system(Elendu & Okpalaobi, 2025).

Practically, the Nigerian police and courts do not give much attention to victims. It has been reported that victims of crime tend to lose trust in the system since they are denied their rights at each step of the process. Victims are also habitually harassed, hounded, and made to pay a ransom to have their cases formally considered by the agents of the criminal justice system. When suspects are tried, the victims are usually mere witnesses, who have no locus standi to recover compensation for their damages. This contributes to what has been branded by some as secondary victimization: the justice process increases the trauma in the lives of victims (Eze et al., 2020).

The issue is graphic in economic crimes and crimes of violence. According to scholars, when it comes to financial fraud or theft, the priority of the victims is merely regaining their properties or money. However, failure of the system to offer automatic restitution is something that makes several of the victims develop cold feet and pull back their complaints after incurring various losses. Research that goes back decades indicates that victims in Nigeria require restitution or compensation by the offenders as opposed to incarcerating or fining the offenders. However, according to the current legislation (Criminal Code and Penal Code), compensation and restitution are optional measures, which are frequently disregarded during sentencing (Kulmie et al., 2023).

It is important to note that the Administration of Criminal Justice Act 2015 (ACJA) provided some reforms in that the courts are permitted to order restitution or even enter into a plea bargain to recover losses to the victims. As an illustration, ACJA s.270 (2) (b) allows a plea agreement where the accused gives back the original proceeds of crime to the victim. In the same way, the Nigerian courts can award compensation by means of Section 365 of the Criminal Procedure Code, or they can simply command that assets that were seized must be returned. Nonetheless, such provisions are

inconsistently used. According to recent evaluations, the compensation system in Nigeria is more or less discretionary and not enforcement based (Ugbe et al., 2019). There does not exist a special Victims Compensation Fund or an assured solution; thus, many victims remain unpaid even in cases where offenders are rich and sentenced.

The cumulative effect of these factors is that crime victims in Nigeria are marginalized. The system focuses almost exclusively on offender punishment, while victims' physical, emotional, and economic needs are unmet. Victims often receive no support services (medical, legal, or psychological) and are left to bear the consequences of crime.(Thaddeus et al., 2023) This imbalance undermines justice: as one commentary notes, "a just and equitable criminal justice system must ensure a balance of…the interests of the offender and that of the victim." In Nigeria, that balance is lacking.

VICTIMOLOGY CONCEPTS AND CLASSIFICATIONS.

Victimology is an interdisciplinary study of crime victims and their interactions with offenders and the criminal justice system. The UN Declaration of Victims' Rights (1985) defines a victim broadly as anyone who suffers harm from acts or omissions that are criminal, explicitly including indirect victims, immediate family, dependents, rescuers, and bystanders (e.g., relatives of murder victims or someone injured trying to stop a theft). Victims are classified analytically: primary (directly harmed) and secondary (indirectly affected, e.g., spouse or parent)(Melup, 2018) Other typologies (e.g., "pure" victims, "victim-precipitators," "perpetrator-victims") exist but are beyond this scope. Victimization varies in type and intensity; importantly, "secondary victimization" denotes additional harm caused by the criminal justice system or society a problem evident in Nigeria, where victims are sometimes harassed or bribed by police. Victimology stresses victims' rights and needs: to be recognized, informed, protected, and supported just as defendants have rights(Dearing, 2016). Victims commonly require medical care, counseling, and legal guidance, services largely lacking in Nigeria. Research shows many Nigerian victims prefer restitution from offenders over imprisonment. This evidence supports shifting toward a victim-driven approach rather than treating victims as passive participants in the justice process(Agbonaye et al., 2024).

Restorative Justice Theory

Restorative justice (RJ) is a paradigm focused on repairing harm to victims and communities by seeing crime as damage to people and relationships rather than merely a breach of law. Its goal is to restore victims and reintegrate offenders as responsible members of society. Practically, RJ brings together victims, offenders, and interested parties (family, community leaders, and authorities) to discuss the offence's effects and agree on measures of redress apology, restitution, community service, or other

mutually acceptable remedies. RJ contrasts with retributive justice, which emphasizes punishment proportional to the crime. Instead, RJ prioritizes healing: making victims whole financially, socially, and emotionally, and requiring offenders to compensate and assume responsibility. Traditional Nigerian practices, such as the Ehugbo model, illustrate this approach, where perpetrators apologize and compensate victims and their families; Elechi describes the objective as repairing damage to victims and communities while society cares for the victim(Van Ness et al., 2022).

Four central RJ values are: (1) Repair focus on addressing actual harm; (2) Inclusion involving victims, offenders, and community rather than only state and defendant; (3) Encounters face-to-face or mediated meetings allowing victims to state needs and offenders to be accountable; (4) Reintegration helping both parties move on, restoring offenders while supporting victims' recovery. Research suggests RJ can transform relationships: shame plus restorative action can help regenerate both offender and community. RJ is increasingly accepted globally because it centers victims' emotional and practical needs (apology, explanation, compensation). It does not abolish punishment but can transform or supplement it for example, Nigeria's ACJA 2015 permits plea bargains that return proceeds to victims, aligning with restorative principles. Overall, RJ offers a framework that acknowledges and seeks to resolve victims' harms beyond punitive responses(Rossner & Taylor, 2024).

Principles of Victim Support in International Law

International bodies have set principles governing how criminal justice systems should treat victims, notably the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985) and later UN guidelines. These instruments require humane treatment, respect for victims' dignity, access to justice, and fair restitution and compensation. They also urge states to establish victim support services "emotional support, direct help, and information"and ensure victims receive support and information at every stage of the judicial process, including protection and counseling(Dussich, 2015).

Victims' rights also appear in international criminal and human rights law. The Rome Statute (to which Nigeria is a signatory) guarantees victims' reparations under Article 75 restitution (return of stolen goods), compensation (monetary payment), rehabilitation (medical/psychological care), or symbolic measures such as apologies or memorials for victims of international crimes. The International Covenant on Civil and Political Rights likewise places a duty on states to provide effective remedies and reparations for rights violations. Together, these instruments make clear that assisting victims is mandatory: states must uphold dignity, remove barriers to participation, and provide fair reparation. Practical measures include victims' compensation funds, witness protection, and counseling programs (for example, South Africa's Victims'

Charter grants rights to information, protection, and assistance)(Adeyemo, 2021).

Nigeria, however, lacks a comprehensive victims-oriented policy. Theoretical and comparative frameworks highlight this research gap: domestic law remains offender-focused, while international norms and restorative ideals call for a victim-centered approach. Closing the gap would require legislative reform, a compensation scheme, and the integration of restorative practices into Nigeria's criminal justice system(Idhihari, 2024).

DOMESTIC VIOLENCE IN NIGERIA: LEGAL FRAMEWORK, COMPARATIVE PERSPECTIVES, AND CHALLENGES

Legal Framework in Nigeria

Nigerian constitutional law and statutes provide a patchwork of protections against domestic and gender-based violence but are undermined by inconsistencies and gaps. The Constitution of the Federal Republic of Nigeria 1999, guarantees fundamental rights life, dignity, and equality and Section 34 affirms respect for personal dignity and prohibits torture or inhuman treatment, which implies survivors have a right to protection even though the Constitution does not explicitly mention "domestic violence." Chapter II directs state policy toward social justice, and Section 42 bars discrimination on grounds including sex.(Mike, 2024) Those provisions suggest that laws or customs that tolerate wife-beating (e.g., Penal Code s.55) or treat women less favorably for the same assault are unconstitutional under equality and dignity guarantees. In short, the Constitution supplies a strong human-rights foundation (security of the person, equal protection, freedom from torture) that can be interpreted to protect victims of domestic violence, despite the absence of an express domestic-violence clause.

Statutory Provisions

Nigeria lacks any one comprehensive domestic-violence law covering the country as a whole on a statutory basis. Rather, there are several criminal and civil statutes that mention some domestic abuse aspects. The Administration of Criminal Justice Act (ACJA) 2015 matters: it directly gives any married citizen the right to sue anyone, including the spouse, in the criminal arena in the case of abuse or breach of their person or property. This practically implies that an abusive husband can be prosecuted by a wife (e.g., assault or battery) in criminal court. The ACJA reforms also ease criminal procedures and require the police and the criminal courts to expedite cases, which will be beneficial to survivors of domestic violence. Nonetheless, ACJA does not apply in relation to most of the states and state courts.(Aina-Pelemo et al., 2023)

Criminal Code (Southern Nigeria)

In the southern states, the Criminal Code Act (Criminal Code Act, 2004) defines offenses that can protect victims of domestic violence (battery, assault, rape, etc.). For example, Sections 353 and 360 of the Criminal Code criminalize "unlawful and indecent assault" on any person a felony if the victim is male (s.353) and a misdemeanor if female (s.360). This disparity (assault on a man is classified as a more serious felony than assault on a woman) reveals a gender bias: assault on a woman carries only a light penalty compared to a man.(Odion & Eboigbe, 2018) The Criminal Code defines rape as "carnal knowledge without consent" (s.357), but Section 6 excludes husband-wife intercourse from this definition. In effect, marital rape is legally impossible in most of Southern Nigeria: consensual or forced sex between spouses is simply not recognized as rape under the Criminal Code.

Penal Code (Northern Nigeria)

In the northern states, the Penal Code(Penal Code Act, 2004) governs non-Sharia citizens. It also criminalizes rape, assault, kidnapping, etc.; however, it contains problematic clauses. Remarkably, Section 55(1)(d) of the Penal Code expressly sanctions the ability of a husband to correct his wife by beating her so long as no grievous bodily harm ensues. Grievous hurt is defined narrowly (s.241), thereby virtually legalizing most beatings of wives under the euphemism of discipline. According to scholars, this paragraph grants the husband an exclusive right to discipline his spouse and is against constitutional gender equality(Agbo & Okeke, 2024). The Penal Code reproduces the rape clauses contained in the Criminal Code: the marital exemption therein provides that a man can rape his wife only when the wife is below puberty, i.e., an adult wife cannot accuse him of rape (Section 282). Therefore, neither of the Codes criminalizes marital rape, and this has remained unaddressed at the federal level.

Evidence Act 2011

Traditionally, spouses enjoyed privileged witness status with respect to one another (i.e., a wife could not be forced to bear witness against her husband). This was liberalized by the Evidence Act 2011, Section 182, which introduced an exception to the rule such that a spouse can testify when the spouse against whom he or she is giving evidence has injured him or her. In literal terms, the wife may now be forced to testify in a court of law against an abusive husband and vice versa in relation to domestic violence. The provision under Section 182(1)(c) criminalizes the act of a husband injuring his wife by allowing her to testify. Nevertheless, notwithstanding this reform, a significant number of victims are still unwilling to resort to it, and the authorities may be unaware(Evidence Act 2011, s. 182). The spousal-witness rule, in practice, has not seen much success, but it remains an essential legal solution on the books.

Violence against Persons (Prohibition) Act 2015 (VAPP)

This is the first comprehensive anti-gender-violence law of the Federal Government in Nigeria. It criminalizes different forms of abuse (such as physical abuse, emotional, psychological, economic, and sexual violence) and provides for protective orders. Notably, VAPP is clear on its application not only to all individuals but also to spousal battery. It even terms violence against women as a human rights violation. It is also assigned to be implemented by the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) (VAPP s.44). Nevertheless, the application of VAPP is narrow in nature: according to Section 47 (commonly misnumbered 45–47), its application is restricted to the Federal Capital Territory (Abuja) until and unless every state adopts it. As of 2024, there is actual enforcement in only around 34 of the 36 states that have domesticated VAPP into local law. States that do not adopt VAPP contribute to the ineffectiveness of its full implementation.

State Laws and Other Acts

Several Nigerian states have enacted domestic-violence laws for example; the Lagos State Domestic Violence Law(Lagos State Domestic Violence Law, 2007, s. 7) allows victims to obtain protection orders through household courts. Only a handful of states (Lagos, Delta, Osun, Ondo, Ekiti, Bayelsa, Edo, Cross River, Rivers, Anambra) provide such statutory protections, producing a fragmented legal landscape. Other relevant statutes include the Child Rights Act 2003 (protecting children from family violence) and the Matrimonial Causes Act (addressing cruelty in divorce proceedings)(Lagos State Domestic Violence Law, 2007, s. 15(2)(a–h)). However, there is no single national Domestic Violence Act. Consequently, Nigeria relies on a patchwork of general criminal offences, civil orders, the Criminal/Penal Codes, and the FCT VAPP Act to address domestic violence an approach marked by significant gaps and heavy dependence on local adoption(Lagos State Domestic Violence Law, 2007).

Institutional Mechanisms and Case Law

Responsibility for responding to domestic abuse in Nigeria is shared across multiple institutions, but coordination is uneven. The Nigeria Police Force is the primary entry point for reports and can arrest, prosecute (for assault, rape, etc.), and implement protection orders where available; the FCT's Domestic Violence and Child Abuse Section (DOVIC) is one example of a specialized police unit. NAPTIP administers the VAPP Act and operates an inter-departmental structure (investigation, prosecution, counseling, etc.) to implement those provisions(Diriwari, 2023).

In practice, police attitudes often obstruct intervention: research finds officers sometimes treat domestic violence as a "family" matter, discouraging formal reporting. Courts (Magistrate, High, and Federal) can issue protection or removal orders, but few

judges specialize in domestic-violence matters. Victims frequently pursue parallel tracks criminal prosecution for assault or rape and civil remedies such as divorce because the system splits criminal and family jurisdictions. There is no nationwide domestic-violence court, though some states and agencies run specialized units or expedited processes(Gatlin & Natale, 2024).

Support Services

Nigeria lacks a robust, state-managed victim support system. Some shelters and counseling centers exist, but they are mostly run by women's groups or international NGOs and have limited reach and capacity. The Federal Ministry of Women Affairs and Social Development and state ministries nominally oversee gender issues, but follow-through is weak. Legal aid and advocacy are provided largely by civil-society organizations (e.g., International Federation of Women Lawyers (FIDA), Women Advocates), not the state. Public awareness campaigns are irregular. Overall, prevention, protection, and rehabilitation infrastructure is fragmented, leaving NAPTIP and the police to shoulder most enforcement duties often without adequate support(Wada et al., 2021).

Case Law

Direct jurisprudence on domestic violence in Nigeria is limited because the laws are relatively new. Regionally, the 2018 ECOWAS Community Court decision in *IHRDA & WARDC v. Nigeria* (IHDRDA, n.d.)(the Mary Sunday case) found that Nigeria failed to investigate and prosecute rape, violated the victim's right to fair hearing/access to justice, and awarded damages setting a precedent that the state must examine domestic-violence claims.

Overall, Nigeria lacks binding Supreme Court precedents specifically on spousal abuse comparable to those in jurisdictions like South Africa or the United Kingdom. As a result, lawyers must "connect the dots," using constitutional protections, existing criminal laws, and newer statutes such as the VAPP Act to secure protection and remedies for victims(Ilie, 2017).

GAPS IN THE EXISTING FRAMEWORK

Nigeria has substantial gaps and inconsistencies in its statutory foundation of law securing against domestic violence.

(a) **Marital Rape:** Both the Criminal Code as well as the Penal Code do not completely prohibit marital rape. The Criminal Code clearly ostracizes spousal intercourse from its definition of rape, and the Penal Code exempts marriage except for child wives. Practically, it will not be a crime when an adult woman experiences non-consensual sex with her husband. Whereas the ACJA will allow

the wife to press assault charges against the husband, there is no offence of marital rape in law. Such a gap implies that most cases of sexual violence in marriages are not punished.

(b) **Legal Contradictions**

There are some provisions that contradict the requirements of the Constitution. Take the example of Penal Code s.55 (1)(d) (wife-beating clause), which runs contrariwise to the constitutional ban on sex-based discrimination. Equally, the Criminal Code, where there is disproportionately low punishment for beating women, is not in line with the equality measure. These contradictions have never been addressed; no court has ever overruled Section 55 of the Penal Code, though its evident bias is clear. Such provisions are anomalies that have put a dent in women's protection under the law as long as legislation is not reformed.

(c) **Incomplete Coverage**

Although it is progressive, one can only say the VAPP Act is technically restricted to Abuja unless endorsed by all the states. Over 34 states now have some kind of VAPP domestication, albeit unevenly enforced and some without any DV-specific law. Implementation is poor, even where the VAPP or state DV statutes exist: in many instances, there is no implementing regulation, no specific funding provided for shelters or hotlines, and no standard police/judges training. According to one report, the challenge in the states where the VAPP has been adopted is that the regulations do not fully offer remedies to the victims, such that they are left without any assured shelter and financial aid(Joseph-Asoh & Ojete, 2025).

(d) **Enforcement Gaps**

Practically, a high number of crimes related to domestic abuse do not reach the court. Reports and studies (such as those from the National Human Rights Commission) show that domestic violence is not reported and is usually neglected. Under pressure, victims often end up withdrawing charges brought against the family. The police usually send away women or tell them how to iron out the conflicts. Cases can be downgraded (e.g., changed from aggravated battery to simple assault) or result in light sentences even when cases are filed. Specialized DV courts and police units are not mandatory nationally and thus there is irregular accountability.

(e) **Lack of Victim Supports**

The law in Nigeria establishes no procedural entitlement to shelters, medical treatment, counseling, or legal representation for victims of DV. As a matter of fact, the number of safe houses (predominantly operated by NGOs) are small, and no definite compensation plan exists. Under ACJA/VAPP, courts may issue protection orders, but unless there are follow-up resources, protection orders are of little use. Observers note that victims lack safe housing and seek refuge either through family or risky loans. The problem is complicated by social stigma and unsympathetic awareness. On the whole,

the current legal system is full of gaps in statutory law (e.g., marital rape, allowance to beat wives) and a number of practical factors (fragmentation, poor execution) that deprive many survivors of the chance of redress(Desai & Mandal, 2022).

8. Comparative Perspectives

Comparing Nigeria's approach with other jurisdictions highlights alternative strategies and potential lessons. This research considers South Africa, the United Kingdom, and Canada, each of which has more developed domestic-violence regimes.

South Africa

South Africa has one of Africa's strongest legal frameworks against domestic violence. The Constitution of the Republic of South Africa 1996 (Constitution of South Africa, 1996, s. 12)guarantees dignity, equality, and security of the person, including freedom from all forms of violence whether from individuals, family, or society forming the basis for strict laws. The Domestic Violence Act (DVA) 116 of 1998 defines domestic violence broadly to include physical, sexual, emotional/psychological, and economic abuse. Victims (or police/prosecutors) may obtain interim or final protection orders from magistrates' courts, enforceable by police through arrest.

Complementary laws include the Criminal Law (Sexual Offences and Related Matters) Act 2007 (modernizing rape law and criminalizing marital rape), the Protection from Harassment Act 2011 (criminalizing stalking), and the Criminal Law Amendment Act (minimum sentences for sexual offences).(Constitution of South Africa, 1996, s. 14) Implementation features specialized family courts and integrated domestic-violence courts in major cities, gender-sensitivity police training, and specialized "Family Violence, Child Protection and Sexual Offences" units(Criminal Law Amendment Act, 2007).

Case law reinforces State obligations: *Rautenbach v. Minister of Safety and Security*(S v Qadzusa, 2017) confirmed police must protect DV victims, holding the State liable; *S v. Baloyi*(S v Bomela, 2000) upheld an abused wife's right to use force in self-defense. Supportive infrastructure includes government-endorsed NGO-run shelters, hotlines, and victim-assistance programmers, making the system both legally comprehensive and practically accessible.

The model of South Africa demonstrates the worth of express Constitutional protection against interpersonal violence; broad-based legislation including civil and criminal forms; and a binding protection order. The general description of abuse by the DVA covers a wider ground compared to the criminal definitions in Nigeria. Providing special family courts and trained staff is also used in South Africa to accelerate DV cases.

United Kingdom

In the UK, the criminal and the family courts can be used by victims: the family courts can grant civil orders, and the criminal courts can pursue prosecutions. Domestic abuse cases have to be flagged and prosecuted by the Crown Prosecution Service (CPS), and police are increasingly utilizing Domestic Violence Protection Notices (24-hour removal orders).

UK specialist domestic violence courts: The UK was the first country to introduce specialist domestic violence courts (introduced 2005–06), where the judges are specially trained and provide specialized support services, independent of general magistrates' courts. There are significant numbers of them in operation (more than 140 in England/Wales), and they are intended to accelerate cases and protect victims. Domestic abuse units and risk-assessment conferences (MARACs) are often comprised of multiple agencies and police forces(Burton, 2013).

Case Law

Besides *R v R*(R v R, 1991), which eliminated rape exemption by a marital partner, the UK courts have come up with readings responsive to domestic abuse. As an example, in *R v Uddin*(R v Fungwe, 2017), the Court of Appeal made it clear that the statutory definition of a vulnerable adult in the Domestic Violence, Crime and Victims Act 2004 is to be read with a broad interpretation. The Court of Appeal in *R v Cooksey*(R v P B, 2019) highlighted that cases of domestic violence should be taken with greater seriousness, in particular, when it comes to elements of coercive and controlling behavior. In *R v Challen*(R v D B, 2019), the Court of Appeal held that evidence of many years of coercive and controlling behavior could be relevant to a defense of diminished responsibility.

The UK example demonstrates a multi-faceted protection of the sort, with several laws rather than one act overlapping (civil orders and criminal proscription). It is also a demonstration of the relevance of criminalizing coercive control and special institutions (DV courts, trained prosecutors). Among lessons for Nigeria, explicit criminalization of marital rape (as in the UK) should be taken into consideration, as well as the identification of patterns such as coercive control and protective civil orders. The UK also shows how interdisciplinary (e.g., MARAC) and national strategies (Domestic Abuse Commissioner) can be utilized to co-ordinate effort(Barlow & Walklate, 2025).

Canada

Canada addresses domestic violence through a mix of Federal Criminal Law and Provincial Family Law. Under the Federal Criminal Code, offences such as assault, sexual assault (including marital rape), and uttering threats are punishable, with intimate-partner violence treated as an aggravating factor in bail and sentencing (ss. 515(3) & 515(6)). Courts can order offenders to compensate victims, and breaching any

court order (including protection orders) is a separate crime under s.127. Since 1983, Canada has followed a pro-charging/pro-prosecution policy to promote offender accountability(Cooper, 2025).

Provinces and Territories supplement federal law with civil remedies, including family-law statutes and protection orders. For example, British Columbia's Family Law Act defines family violence broadly to include physical, sexual, psychological, financial abuse, and neglect; Ontario operates Family Orders and Agreements Courts; and provinces like Alberta and Manitoba use police-enforced emergency protection orders. Indigenous communities often administer justice through their own systems(Speed & Richardson, 2022). The 2021 Divorce Act reforms incorporated coercive and controlling behavior into custody and divorce considerations, influenced by provincial models.

On the ground, many cities have specialized police units (e.g., Domestic Violence Teams) and some domestic-violence courts (notably in BC and Ontario). Victims can call 911 or use Violence Threat Risk Assessment tools. Shelters and victim services are funded by provinces and NGOs, though access remains uneven, especially in rural or remote regions.

The system in Canada focuses on the coordination of criminal sanctions and social services. The inclusion of domestic violence as an aggravating circumstance in law enforcement and sentencing brings extra enforcement. The Canadian experience also highlights the advantage of a provincial initiative with a personalized policy: the example of BC is instructive because the advanced definition and compulsory training (of judges and the police) makes this an excellent model that the rest of the provinces emulate. Some of the lessons that can be applied to Nigeria are implementing a no-drop policy in prosecutions (the equivalent of the pro-charging policy in Canada) and establishing consistency in definitions and training (the quilt of approaches in Canada demonstrates the problem of inconsistency)(Zhang et al., 2009).

LESSONS FOR NIGERIA

The comparative models indicate that there are a number of lessons that Nigeria would be advised to learn:

(i) **Criminalization:** The Government of Nigeria should explicitly criminalize all manner of spousal abuse, as is the case in South Africa and the UK. Erasing marital rape exceptions in the Criminal and Penal Codes (as was done in the Sexual Offences Act of South Africa) would ensure that no sex crime goes unpunished. Emotional and financial abuse could be addressed by criminalizing coercive control (as is done in the Serious Crime Act of the UK). Broader conceptions of domestic abuse (such as the Act in South Africa) can ensure that all forms of violence are covered by law(Aina-Pelemo et al., 2023).

(ii) **Protection Orders and Civil Remedies:** Nigeria can enforce through law the enhancement of civil protections. Immediate safety could be afforded by instituting a federal model of interim and final protection orders (as in South Africa) or family-court orders (as under the UK's Family Law Act). This also requires enforcement of such orders by the police and courts(Suberu, 2020).

(iii) **Specialized Courts and Training:** The positive experience of specialist domestic violence courts in the UK and of dedicated police teams (as with the Domestic Violence Teams in Canada) argues that Nigeria needs to build capacity on the issue. The fact that the major complaint is that cases are overlooked as domestic situations and hence dismissed would be addressed by training the police, prosecutors, and judges to approach cases in a sensitive manner. The police, social workers, and legal aid could be handled under multi-agency approaches (MARAC-like schemes)(Lwamba et al., 2022).

(iv) **Uniform Legislation and Policy:** The problem of variably different provincial laws in Canada reinforces the need for uniformity in legislation and policy. It is the disadvantage of fragmentation that manifests in the uneven domestication of the VAPP in Nigeria. One lesson can be to lobby for its adoption nationally (e.g., passed as a Constitutional amendment or as federal law with full effect in all states) and to establish uniform guidelines. At the very least, access can be improved by synchronizing the existing state DV laws and the VAPP to form a coherent framework.

(v) **Resource Support:** Lastly, comparative cases highlight the importance of support services. One solution that could be implemented as a national strategy in Nigeria is the construction of safe shelters (funded or supported by the state) and the establishment of hotlines. Victim services are subsidized in some countries, such as Canada and South Africa, through government funding. Even temporary shelters where victims and their children can move for safety can facilitate order enforcement by the police. An earlier step would be to train judges on issues involving marital property (based on the ACJA) and to provide legal aid (as is done in Canada). Through these comparative cases, Nigeria can build a better response to domestic violence through constitutional guarantees, modernized criminal laws, protection orders, specialized courts, active policing systems, and victim services. Both jurisdictions demonstrate that law alone is not enough; enforcement and social assistance are equally essential. This is particularly relevant to the emerging challenges Nigeria faces.

POLICY AND PRACTICAL CHALLENGES IN NIGERIA

Despite the legal frameworks, Nigeria faces immense challenges in translating laws into practice. Legislative, institutional, socio-cultural, and resource-based barriers combine to compromise the protection given to victims of domestic violence.

1. **Legislative Barriers**

(i) **Inconsistent Laws:** There is no single, standard domestic violence law, so protection depends on the part of the country one is in. The VAPP Act progressive as it is was initially mandatory only in the FCT until states enacted it individually. In some states, this has not been done or has been resisted, often for cultural or religious reasons. As a result, a woman's rights can vary significantly by location. Moreover, outdated provisions in the Criminal Code (such as the tolerance of wife battering) directly contradict constitutional values. As long as these archaic provisions remain, they give abusers legal loopholes until they are either repealed or ruled unconstitutional.

(ii) **Narrow Definitions:** Nigerian criminal law does not clearly categories many forms of abuse. For example, there is no specific criminal offence of domestic violence or coercive control. Victims are often left with only general charges of assault or battery, which may not attract the court's serious attention. Similarly, civil remedies such as the ACJA property-protection orders are weak and poorly known. In contrast, jurisdictions like South Africa or the UK have broad statutory definitions and remedies that leave little room for doubt. Nigerian lawmakers have yet to fully integrate modern concepts such as psychological abuse, stalking, or economic deprivation into the law.

(iii) **Lack of Implementation Rules:** In some cases, laws exist but lack procedural rules for implementation, leading to stagnation. For example, the federal high court jurisdiction under the VAPP Act (found in Abuja) requires procedural rules and adequate resourcing. States that have adopted the VAPP Act often lack related judicial guidelines on how such cases should be handled. This legislative gap leads to uncertainty, and without clear procedures, police and judges may not implement the laws effectively.

Institutional Barriers

(i) **Police Attitudes and Capacity:** The police are a major obstacle. Surveys and reports consistently reveal that many Nigerian police officers regard domestic violence as a private family matter not warranting intervention. Victims allege harassment, theft, and even physical assault by police when they refuse to take statements or are coerced into withdrawing charges. Some of this stems from inadequate training and ingrained prejudice: officers often identify with the position of husbands or consider wife-beating a form of discipline. There is no

national framework for domestic violence training, and most police commands lack DV units, unlike in Canada or South Africa.

(ii) **Judicial Challenges:** Law courts receive huge caseloads, and judges may be unfamiliar with domestic violence laws. At lower levels in various regions of Nigeria (such as magistrate or sharia courts), first-instance cases are tried, but these courts may lack adequate victim protection. Domestic violence also lacks a dedicated court system (as in the UK) to facilitate case handling and victim support. Victims may face intimidating evidentiary hurdles such as proving injuries or forced intercourse without third-party witnesses. Corruption and long delays can further discourage survivors from pursuing justice.

(iii) **Coordination and Accountability:** There is a lack of coordination among various agencies (Police, NAPTIP, Ministry of Women Affairs, NHR Commission), many of which are formally designated to take charge but achieve little in practice. A national plan dedicated to domestic violence does not exist. Data collection on DV crimes is inconsistent, making policy planning difficult. There is also minimal effort to punish officials for negligence in DV cases. The Mary Sunday ruling illustrates this absence of domestic accountability, as Nigerian courts never accepted or heard the case, forcing recourse to a regional court to obtain justice.

Socio-Cultural Barriers

(i) **Patriarchal Norms:** Deeply rooted cultural attitudes hinder legal protection. Nigeria is a highly patriarchal society, and wife-beating or coercion in marriage is regarded by many as a personal right. Report notes that women are expected to submit to men and face stigma if they challenge their husbands. These norms discourage victims from reporting abuse due to fear of family dishonor or retaliation. In some communities, violence is condoned as religious or traditional punishment. Public and official reactions are influenced by these attitudes: a battered wife may be persuaded by family members or law enforcers to accept such abuse as natural behavior.

(ii) **Victim Blaming and Stigma:** Victims are frequently blamed (e.g., for refusing sex or neglecting chores) rather than treated as wronged parties. This social stigma leads many women to settle disputes privately. The perception that domestic violence is common in every household fosters the belief that victims will not receive understanding. In extreme cases, a woman may be vilified or even killed for speaking out. Reporting is further discouraged by a lack of confidentiality in smaller communities. Although dignity is valued under the law, societal attitudes and certain legal responses often leave women feeling dehumanized and re-victimized.

(iii) **Economic Dependence:** Financial dependence on a husband or family often prevents women from leaving abusive relationships. Many victims remain in such relationships due to the lack of independent income or property rights. Until recently, married women had few property rights in marriage, though the ACJA now provides slightly better redress. Even where divorce or maintenance provisions exist, women may remain silent for fear of poverty or homelessness. Cultural disapproval of leaving a marriage further limits the law's effectiveness.

Resource Constraints

(i) **Shelters and Services:** One of the most critical gaps is the absence of government-sponsored shelters or support services. No quick or safe housing exists in the states with DV laws. Most victims must rely on relatives or underfunded NGO shelters. There is only one National Domestic Violence Hotline (managed by a civil society organization) located in Lagos, which is underfunded. There is no financial support for medical or psychological care for survivors. The health and social sector in Nigeria is overstretched, and DV care is often treated as a low priority.

(ii) **Funding and Training:** Law enforcement agencies have little funding to enforce DV laws. There are no specialized departments or counsellors in most police stations. Training on DV for judges and prosecutors is minimal or nonexistent, especially when compared to more highly funded nations. NGOs struggle with chronic underfunding, relying on unstable grants for basic activities such as printing ACJA booklets or running awareness campaigns. Without dedicated lined items in state budgets, the implementation of DV laws depends largely on the goodwill of state officials or external donors.

(iii) **Rural and Regional Disparities:** Access to justice is extremely low in rural areas and in smaller towns. A lot of domestic violence in rural Nigeria never makes it into the official record. Most survivors cannot afford the expenses incurred in travelling to the courts or in the hiring of lawyers. Sharia courts in certain states in the north do preside over specific family cases and may not be versed in the full extent of the secular law of DV. This leaves only a few large urban settlements (e.g., Lagos, Abuja) with services and enforcement, resulting in a legal vacuum for the vast majority of the country, where the victims will find themselves(Mahmoud, 2024).

Overall, we can say that the legislative framework of domestic violence in Nigeria is partial and supported with a set of implementation challenges, which are based on low institutions, cultural predisposition, and resource deficiency. Such issues complicate the ability of any current legislation to be made effective. Scholars stress that legal changes

will not be particularly effective until police and communities alter their attitudes and until government invests in enforcement activities as well as support services.

RECOMMENDATIONS

The current domestic and sexual violence criminal justice response focuses on the punishment of criminals with limited care to victims in Nigeria. Sweeping changes in the legislative system are required in order to right this imbalance.

(i) The explicit criminalization of marital rape needs to occur through the amendment of the Criminal Code and Penal Code, such that the act of rape is not framed as a submission, but a submission that exists following consent or lack of consent. GBV laws have to be uniform across the country too. The federal Violence Against Persons (Prohibition) Act (VAPP Act) of 2015, in force in only the Federal Capital Territory and a couple of adopting states, must be either extended to all states or be harmonized and replaced by laws that afford comprehensive protection against physical, sexual, emotional, and economic abuse.

(ii) Victim compensation should be enhanced through the reintroduction of the lapsed Victims Remedies Bill of 2011 to establish a statutory Victims Compensation Fund, financed with fines and government contributions, as well as encouraging and enabling the victims to claim civil damages as part of criminal cases. There should also be a clear definition of who a victim is, since they also include family members and dependents.

(iii) Reform in institutions is necessary. States should be urged to have special courts that deal with domestic and sexual violence and comprise judges with expertise in gender-based violence and the power to hand out not only criminal sentencing but also the associated orders, including protection and maintenance. Victim Liaison Officers (VLOs) must be delegated to handle each domestic violence or rape case and assist the victims with the legal actions and potential updates, as well as refer them to support services and follow UK and Australia examples. Institutionalization of victim support should also be established by increased funding and the setting of mandatory roles of the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) to regulate the shelters, medical and psychological services, and legal support to all GBV victims. Victims Support Funds aimed at the state level must be initiated by setting aside an annual budget to fund treatment, rehabilitation, and emergency needs.

(iv) Introduction of restorative justice (RJ) on a pilot basis to ensure accountability and community healing. This needs to be voluntary to victims, with safety being the sole course, and must never be forced towards reconciliation between the victims and the abusers. The facilitators of RJ need to undergo gender-sensitivity

training, and the process must be made in a way that does not diminish the dignity of survivors but provides alternatives like a conference of victims and the offenders, compensation, symbolic reparations, or restoration in the community.

(v) Procedural standardization and capacity building in maintaining reform are very important. The government should train police, judges, prosecutors, health care providers, social workers, and prison officials regularly on trauma-informed interviewing, evidence collection in such cases, enforcement of compensation, and the principles of victim-centered justice. The federal government must also publish Standard Operating Procedures (SOPs) about dealing with domestic and sexual violence cases, which must be binding and must include automating complaints, conducting risk assessments of lethality, providing written information to the victims on their rights, and clarifying guidelines to prosecutors to address issues of protection and compensation orders promptly(Hooper et al., 2025).

(vi) Lastly, change will take a prolonged time and will be necessitated by a change in the attitudes of the populace through national campaigns on education. That domestic and sexual violence are crimes, including marital rape, is to be reiterated through radio, television, and social media, as well as the support services, which are to be publicized. Community leaders, survivors, men, and the traditional authorities should be involved in these campaigns through gender equality and resolving conflicts without violence. Such community participation would supplement legal and institutional reforms by repealing the tradition of silence and stigmatization and focusing on compassion and protection. All of these legislative, institutional, restorative, and educationally based provisions would make the justice system in Nigeria one in which victims are made its core consideration in terms of their safety, dignity, participation, and compensation(Ogunwale & Afolabi, 2022).

CONCLUSION

Experience from this analysis shows that the criminal justice system in Nigeria is heavily punitive, with little regard for the people most harmed by crime the victims. Under the current legal framework and practice, victims are relevant only to the extent that their testimony assists prosecution. Their interests or opinions rarely influence authorities' decisions, and they have virtually no independent voice in court. Even socially oriented legislation, such as the Administration of Criminal Justice Act, offers limited scope for victim compensation. The conviction of an offender is treated as the ultimate measure of justice, while the needs and rights of victims remain secondary(Eze et al., 2020). As a result, survivors of domestic or sexual violence mostly women and children are often re-traumatized by the very system that is supposed to protect them. Without the procedural privileges afforded to accused persons, they can be forced into

degrading experiences such as disclosing intimate details in open court, facing intimidation or threats, and suffering social or economic reprisals.

Such a manner goes against fundamental legal and ethical notions. The Constitution of the Federal Republic of Nigeria 1999 ensures the respect of human dignity and prohibits any form of torture or inhuman treatment. The process of being victimized itself violates dignity, and the secondary victimization through poor justice processes further aggravates that loss. On the international front, Nigeria is a signatory to conventions like CEDAW, ICCPR, and the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power all of which obligate states to guarantee victims prompt justice, protection, as well as financial compensation. All these tools confirm the rights of victims to mercy, dignity, and speedy redress. In Nigeria, however, domestic and sexual violence survivors continue to be underrepresented, despite such legislation being most clearly intended to protect them. In many cases, NGOs and the resilience of the victims are all that sustain the quest for justice.

Filling these holes is not only important legally, it is also ethically mandated. The rights of victims concerning dignity, participation, protection, and compensation should not only be theoretical. They must involve structural reform: abolishing centuries-old exceptions like the marital rape defense, involving the victim in support and compensation systems rather than treating them merely as witnesses, and changing the culture of courts and police to make the victim the main actor in the process. Practically, this involves giving victims a real voice, guaranteeing their safety from the moment they make a report until the end of the trial and after conviction, and ensuring access to counseling as well as financial compensation(Melup, 2018).

Treating Nigeria's justice system in tandem with the Constitution and international standards would not only show that it is formally aligned but would also add integrity and legitimacy to the legal process. The rule of law builds confidence in the minds of the population when victims experience their rights being enforced and remedies granted. On the contrary, the failure to respect victims increases injustice and diminishes confidence in the system. Empowering the interests of victims is consequently no mere matter of securing the rights of individuals it is a matter of securing the very fabric of society. Without a radical transformation, the criminal justice system of Nigeria will keep the criminalized marginalized in society. What is urgently needed is the passage of effectively victim-centered legislation, the creation of sustainable support systems, and the institutionalization of restorative approaches. It is not a case of legal duty only it is the requirement of basic decency and the real promise of justice(Igwe, 2021).

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