



EXAMINING THE CONTESTATION BETWEEN DOMESTIC VIOLENCE LEGISLATION AND THE SOCIO-CULTURAL NORMS OF THE OYO COMMUNITY IN NIGERIA

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By

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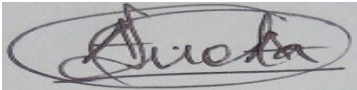
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DECLARATION

I, Adebimpe Anike Oduola, hereby declare that this dissertation is my own original work and that all sources have been accurately reported and acknowledged, and that this document has not previously in its entirety or in part been submitted at any university in order to obtain academic qualification.



Adebimpe A. Oduola

16/07/2019

Date

DEDICATION

This dissertation is dedicated to all women in Oyo State who have experienced any form of gender-based violence, especially domestic violence. Also, to all scholars who have worked and are still working indefatigably towards prevention of violation against women in Oyo State, Nigeria, and for the liberation of all women.

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ABSTRACT

Domestic violence is a pervasive issue that occurs globally in various cultures and traditions regardless of victims' social, economic, religious, ethnic or racial background. Women are being beaten, sexually coerced and abused. And the existence of strong patriarchal values, encourages males to become sexually, physically and psychologically abusive toward their female partners. In Nigeria, domestic violence affects women in all communities, of every ethnic, classes, religious and socioeconomic groups, living in both rural and urban areas. However, this study found that the prevalence of domestic violence is mostly pervasive in the Oyo community because it is a male-centered community, with diverse traditional and cultural beliefs and practices, as well as a rigid customary legal framework that supports male domination and discrimination against women in the form of male-child preference syndrome, levirate marriage, primogeniture, and widowhood rites, which have become the norm in their daily activities.

Despite Nigeria is party to several international as well as domestic human treaties which aimed at addressing and protecting the rights of women and girls, to be free from domestic violence. In addition, the Oyo State House of Assembly enacted the provision of laws that prohibit and protect against gender-based violence and other related matters in public and private life in 2013 and 2016, of which protection of women from domestic violence and harmful traditional practices received a mention. The study revealed how Oyo community's socio-cultural norms affect the implementation of legislation on domestic violence in the community, by examining how the numerous traditional and socio-cultural beliefs and practices of the Oyo community towards domestic violence is a hindrance to the implementation of the legislation on domestic violence in the community to curb domestic acts of violence.

Nego-feminism and Legal feminism theories were employed as the theoretical lenses that guided the study. Nego-feminism was used to know how to utilize the culture of negotiation for the deconstruction of patriarchy in the Oyo community for the benefit of women. While the legal feminism theory was used to explain the issue of gender inequality, by critiquing and changing laws on behalf of, and from the perspective of women towards challenging gender subordination and condemning other patterns of injustice, specifically patriarchy, for the liberation of women. The study adopted qualitative content data analysis method. This was

achieved through the review of YouTube videos of interview sessions with an Ifa priest and priestess on the mythology contained in Odu Ifa (literary corpus). The study also assessed legislature documents.

Key Words

Domestic Violence, Sociocultural Norms, Oyo Community, Legislation

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ACRONMYS

ICCPR - International treaties such as international covenant on civil and political rights

ICESCR - International covenant on economic social and cultural rights,

CEDAW - Convention on the elimination of all forms of discrimination against women

CFRN - Constitution of the federal republic of Nigeria

VAPPA - Violence against persons prohibition Act

PADV L - Protection against Domestic Violence Law

VAWL - Violence against Women Law

WHO - World Health organization

UNFPA - The United Nations Fund for Population Activities

FCT - Federal Capital Territory

FGM - Female Genital Mutilation

DV - Domestic Violence

% - Percentage

CHAPTER ONE

BACKGROUND OF THE STUDY

1.1 INTRODUCTION

Globally, domestic violence (DV) is a pervasive issue in various cultures and traditions regardless of the victim's ethnic or racial, economic, social or religious contextual background (Alo et al, 2012 and Nwabunike and Tenkorang, 2015). In Africa, domestic violence exists in every culture, social group, community, in every form of institutions, households, and wherever there is interaction among people. Women are beaten, sexually coerced and abused (Bennette, 2009, Oladepo, 2011 and Maan et al, 2012), and the reality of sturdy patriarchal beliefs, encourages men to become physically, psychologically and sexually aggressive toward their spouses (Jewkes et al., 2005).

Domestic violence in Nigeria affects women in all communities, of all ethnic, classes, religious and socio-economic groups, residing within both rural and urban regions (Eze-Anaba, 2006, Amnesty International, 2005). Nigeria is a multi-ethnic society which is politically divided into 36 states and is comprised of South-south, Southeast, North and South-west, with diverse cultural, traditional and religious beliefs, attitudes and practices towards domestic violence. It has been confirmed by various sources that have been consulted that DV is prevalent in Nigeria (Eze-Anaba, 2006, Amnesty International, 2007, RIRs, 2007 and Chika, 2012).

The pervasiveness of DV has been seen to be most prevalent in the Oyo community because it is a male- centered community with patriarchal traditional and cultural beliefs and practices, as well as rigid customary legal framework. Furthermore, decision-making is part of the male privilege in the community (Fawole et al, 2005). The Oyo community is part of the southwestern region of Nigeria, where the predominant language is Yoruba. It is comprised of the Oyo-Yoruba group of people who are well-known for their diverse cultural/ traditional beliefs and practices. The vast majority of Oyo-Yoruba people in the Oyo community are a mixture of Christians, Muslims and traditional religion worshippers. Oyo consists of Igbeti, Ogbomosho, Itesiwaju, Egbeda, Igbo- Ora, kishi, Saki, Sepeteri, Awe, Okeho, Ilero, Igboho, Iseyin, Ilora, Oyo Township, Eruwa, Ibadan and other northern towns, which are under Oyo

state governance, with a population of over 7 million people. The Oyo community among the southwestern ethnic groups is one

the strongest patriarchal societies where most of their customs and traditions support male domination and discrimination against women's right (Asiyanbola, 2005). There is still much evidence that this community practices male domination such as male-child preference syndrome, levirate marriage, primogeniture, and widowhood rites, all of which have become the norm in their daily life activities.

In the Oyo community, women are forced to conform to the rigid roles ascribed to them within the customs of the community and they are ascribed to the attributes of domesticity such as overseeing domestic chores, bearing and nurturing of the children. They are also expected to revere, respect and obey their husbands always, therefore shielded from outside scrutiny (Aihie, 2009 and Abara 2012). There is a preference for males over females in this community; females are treated as inferior right from birth. In most homes, the arrival of a girl-child is not celebrated with as much pomp as that of a boy-child (Adetunji, 2001:106 cited in Familusi, 2012). Affirming this is the study by Olabode (2009) cited in Familusi (2012), that the moment a child is born, the first concern of the people is the gender (biologically) of the child, while neglecting the wellbeing of the mother. If the child is a girl, they rain insults on the mother who is regarded as weak and incompetent. In the case where the child is a boy, the mother is treated as a queen, oblivious to the fact that biologically, the sex of a child is determined by the man (McLeod, 2014).

It is also believed that the principle of inheritance is based on primogeniture, which gives the male child an exclusive right to inheritance, who is often referred to as 'Arole' or 'Opomulero' that is, the head of a home or the pillar of a home. In this case, the female does not have the right to inheritance (Chika, 2012). Also, Oyo Yoruba custom considers a widow as property to be owned by another man within the family of her deceased husband. The Yoruba customary law considers widows as part of the properties of the deceased hence women have no right to inheritance. Instead, the brother or his male offspring (not the woman's son) are traditionally permitted to inherit the widow as a wife, and such practices continue in the Yoruba family lineage (Bamgbose 2002).

Politically, Nigeria observes a federal system of government which has three levels of governance; they are government at the center, state level and grassroots level. These levels of government have their respective powers to make laws. Government at the center refers to the federal government laws and it is applied to the whole country, while state level is referred to

the state government laws that are applied to the state, while grassroots level is referred to the local government laws that are applied to territorial boundaries (Olawale, 2018). This makes Nigeria a multi-ethnic society with a legal system which comprises of three different systems of law: the statutory law, theocratic law, and customary law. Statutory laws are written laws enacted by government, and government policies. The religious laws are laws made by religious groups for their religious followers. The major religions in Nigeria are Christianity, Islam, and traditional religions. Customary laws are laws that preside over personal matters such as marriage, inheritance and children in a community. However, over and above all, it is the statutory laws of the country that take priority over all other laws (Lokulo-Sodipe et al, 2014).

The Nigerian tripartite legal system has tended to causes confusion, as it allows for multiplicity of laws, consequent on such dynamics as someone's origin, ethnic affiliation, religion and type of marriage (Bamgbose, 2002). Thus, the tripartite legal system makes it impossible to have equal and uniform laws that coordinate the affairs of indigenes of different states and local territories. Nigeria is a signatory to several international treaties that touch on the rights of women and girls, (Eze-Anaba, 2006, RIRs, 2007, and Johnson 2015) to be free from domestic violence. There have been a number of international and domestic human treaties that protect women's rights which have been ratified and enacted into law in Nigeria. Although DV is not expressly mentioned, the rights of women to be liberated from domestic violence was tacitly interpreted from those treaties and often used to liberate women from domestic violence. Such international treaties include the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic Social and Cultural Rights (ICESCR), Universal Declaration, the African Protocol on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), and the African Charter on Human and people's Rights in Africa.

Also, domestic treaties such as the Constitution of the Federal Republic of Nigeria (CFRN), and Violence against Persons Prohibition Act 2015 (VAPPA), which are based on domestic violence in Nigeria, were enacted when Nigeria joined the group of nations that have promulgated federal laws against domestic violence. Though the Act states that it is only applicable in the Federal Capital Territory (FCT) that is, Abuja, the Treaties and Prohibition

Act 2015 provides for self-respect and parity of persons, such as non-discrimination on the basis of sex, equal rights for both men and women, right to life, right to be free from torture,

outlaw of rape, inhuman or degrading treatment and Female Genital Mutilation (VAPPA, 2015).

Nevertheless, the Oyo State House of Assembly also enacted laws that prohibit and protect against gender-based violence and other related matters in 2013 and legislation that prohibits violence against women in public and private life in 2016. The protection of women from damaging traditional practices and DV was specifically mentioned in both laws. This is evident in Section 1 (a-c) of the 2013 law which states that;

‘no person shall commit any act of Gender-Based Violence against any person; which includes but not limited to the following; physical, sexual and psychological violence occurring in the family: wife-battering, sexual abuse of female children in the household, dowry-related violence, rape, FGM and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community: rape, sexual abuse, sexual harassment and intimidation at work and institutions, trafficking in women and forced prostitution and lastly, physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.’

The laws as well prescribe punishment for the offenders of gender-based violence and other matters connected to the violation of women. They also provide the application for a protection order for the victims of gender-based violence in the court and from police officers, to assist the complainant of their rights. Section 19 and part 1 (1) of the legislation, under citation and commencement states that, the law may be cited as the Protection Against Domestic Violence Law (PADVL) and as Violence Against Women Law (VAWL) respectively. In consideration of the fact that these are state enacted laws, this makes Oyo state a member of the states to which these laws apply.

Hence, the study aims to uncover how Oyo community socio-cultural norms affect the implementation of Oyo State legislation on domestic violence in the community. In addition, the study aims to examine how the numerous traditional and socio-cultural beliefs and practices of the Oyo community towards domestic violence are a hindrance to the implementation of the state legislation on DV in the community to curb acts of domestic violence.

1.2 PURPOSE OF THE STUDY

DV is a prevailing issue that had defied all efforts of legislation in place against domestic violence in Nigeria until recent times. Despite international and domestic treaties such as the ICCPR, the ICESCR, Universal Declaration, the African Protocol on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), CEDAW, and African Charter on Human and people's Rights on the Rights of Women in Africa, approved by member nations, as well as the ratification of bills against domestic violence in Nigeria, such as CFRN, and VAPPA 2015, this dehumanising act is on the increase daily. It is of a major concern that domestic violence occurs frequently in the nooks and crannies of the country and sadly, the victims are mostly women and girls; some live to tell their stories while others are not so fortunate. With this alarming concern, the study focused on DV in the Oyo community among other states, where DV is on the increase and socio-cultural norms seem to dominate and weaken the implementation of laws that are against such act.

1.3 STATEMENT OF PROBLEM

Despite the fact that DV is a defilement of fundamental human rights which the Nigerian Constitution is against, it remains prevalent in Nigeria. Although no specific national legislation on domestic violence exists in Nigeria, there is the Oyo state legislation on domestic violence, and the perpetrators of such have not been legally prosecuted, as opposed to other states. In spite of exertions put together by the state government to curb domestic violence in the Oyo community via the enactment of laws prohibiting domestic violence against women, its prevalence is still very much obvious in the Oyo community just like many other parts of the country.

Various factors like religion which produce contrary statutory and customary laws that support violence against women, traditions/culture and customs are said to have made the State's efforts against domestic violence ineffective. It is as if the laws of the land are on one side and the societal beliefs/norms on the other side of the continuum. This has brought about the need to examine the grounds for this wide gap between the implementation of laws prohibiting domestic violence and socio-cultural beliefs in the Oyo community and the implications on the prevailing domestic violence.

1.4 RESEARCH OBJECTIVES

The objectives of this study are to:

1. Identify the gender norms of the Oyo community.
2. Know how these norms contribute to the prevalence of domestic violence in the community.
3. Analyze the legislation in place against domestic violence in Nigeria.
4. Examine the contestations between domestic violence legislation and gender norms in the Oyo community.
5. Suggest interventions for bridging the gap between domestic violence legislation and gender norms in the Oyo community.

1.5 RESEARCH QUESTIONS

The study examined the contestation between domestic violence legislation and the socio-cultural norms of the Oyo community in Nigeria through the following questions:

1. What are the gender norms of the Oyo community?
2. How do these norms contribute to the prevalence of domestic violence in the community?
3. What are the legislation in place against domestic violence in Nigeria?
4. What are the contestations between domestic violence legislation and gender norms in the Oyo community?
5. What interventions can proffered to bridge the gap between domestic violence legislation and gender norms in the Oyo community?

1.6 SIGNIFICANCE OF THE STUDY

The significance of this research would be to bridge the gap between the implementation of Oyo State legislation on domestic violence and the socio-cultural beliefs and practices of the people in the community. Thus, the study would help to call the attention of governmental and non-governmental organizations that are fighting for human rights and also those campaigning against domestic violence to render more energy in their activities in the area of gender-based violence (Eze-Anaba, 2007). The findings in this study will benefit the social justice activists and social workers to create awareness, so as to curb the rate of violence in the Oyo community and Nigeria as a whole. Also, the outcomes should display the necessity for the Nigerian government to

domesticate and implement the adopted international instruments that they are signatory to and the rights of women that are mentioned in the Nigerian Constitution to all communities in the country. Likewise, it should make the VAPPA 2015, which prohibits domestic violence in Nigeria, applicable to all states in the country and not only for the benefit of Abuja, and with necessary amendments on gender equality.

The government should lay emphasis on the formulated laws and policies that address the problem of domestic violence by putting in more effort on gender equality that will elevate the status of women in Nigeria. It is also anticipated that the detections of this research would be made clear to the conscience of the entire community of Oyo and Nigeria as whole to be sensitive on the traditional, and socio-cultural norms which leads to domestic violence. Lastly, the study would help to enlighten health care providers in the area of gender-based violence to be sensitive to acknowledge domestic violence and give the necessary first aid treatments needed to the any victims found.

1.7 RESEARCH STRUCTURE

- Chapter one of the study is the introduction. It comprises the background of the study, purpose of the study, problem statement, objectives and research questions, significance of the study and structure of the research.
- Chapter two covers the literature review and theoretical framework. It discusses the conceptualization of gender-based violence and domestic violence, its prevalence, causal factors and forms of gender-based violence and domestic violence from the global, Nigeria's and the Oyo state view. It also provides discussion on legislation around gender-based violence and domestic violence in various contexts. Lastly, it puts forward the theoretical framework to that appraises the study.
- Chapter three embraces the methodology and methods utilized to gather data for the study. It consists of overall definitions, descriptions and procedures of the research methodology, qualitative research method, data collection and analysis processing, ethical consideration and limitations of the study.
- Chapter four presents an analysis of socio-cultural norms in the Oyo community.

- Chapter five presents the analysis of the legislation in place against domestic violence in Nigeria and the Oyo state and critically examines the contestations between socio-cultural norms and legislation on domestic violence. It provides the interventions that could be used to bridge the gap between socio-cultural norms and legislation on domestic violence in the Oyo community.
- Chapter six gives the summary, general conclusions and recommendations towards the implementation of legislation on domestic violence in the Oyo state.

1.8 CONCLUSION

The chapter presented the summary of the research and gave the research point of direction by highlighting the purpose of the research, problem of statement, the research objectives and questions, and significance of the research, to understand of socio-cultural norms relating to domestic violence and legislation on domestic violence.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1 INTRODUCTION

This chapter explores the evaluation of written works on the conceptualization of gender-based violence and domestic violence, prevalence, causal factors and different kinds of gender-based violence and domestic violence from the global, Nigeria's and Oyo state view, legislation around gender-based violence and domestic violence in different context and lastly the theoretical framework to be used for the study. Exploring into scholars' views on the subject areas will thereby lay the foundations for a vigorous research to know the contestation between the domestic violence legislation and socio-cultural norms of the Oyo community, to bridge the gap between the implementation of the Oyo State legislation on domestic violence and the socio-cultural beliefs and practice of the inhabitants of Oyo community.

2.1.1 CONCEPTUALIZATION OF GENDER-BASED VIOLENCE

Gender-based violence is a prevailing matter affecting both males and females from all ranges of life from all socioeconomic, race, religious and cultural groups. A survey conducted in Canada in 2004 revealed that both men and women suffer gender-based violence, with 6% and 7% of males and females physically and sexually abused by their intimate partners respectively (Adebayo, 2014). Gender-based violence is used regularly as the ill-treatment of female adults and the girl-child, which reveals the main focus on women and girls as victims, and the men and boys as the perpetrators, while men are frequently and entirely overlooked as victims of gender-based violence.

Nonetheless, Odimegwu and Onwumere (2012) argued that men also fall victims of gender-based violence with the rising instances of gender-based violence against men in Kenya, on a steady increase, with about 500,000 men being beaten by their wives. Also, Mundando et al (2016) maintained domestic violence against males in a closely acquainted relationship in Zambia, as a real problem with the inducer of violence to be a poor financial support, infidelity, beer drinking, non-involvement in household chores, suspicions and jealousy, late coming and dependence or having no source of income to support oneself. The usual forms of violence, mostly used by women were revealed to include denial of sex, cooking, and laundry services, neglect, verbal abuse, quarrelling, use of metaphysical power, striking, burnt meals and destruction of home appliances. Chinwe and Kunnuji's (2016) survey on domestic violence by

female adults against their closely acquainted male partners in Nigeria also revealed that numerous men have suffered intimate partner violence from their wives with about 21.1% (468) of women who had physically hurt their partners.

Countering the above assertions however, is a research done by the World Health Organisation (2012) which argued that the devastating worldwide concern of gender-based violence is endured by the female folk. Correspondingly is the study by Adebayo (2014) which affirmed that, despite the prevalence of violence against men globally, women are still the largest number/ group of victims who suffer from gender-based violence in the hands of their intimate partners, with 21% of female adults and 11% of male adults who would probably mention being victims of above 10 forceful occurrences. Likewise, the United States Department of Justice survey showed 22.1% of women's and 7.4% of men's reports of physical attack by a present or previous intimate partner, live-in partners, male or female friend, or companions for social gatherings during their life time. (Tjaden & Thoennes, 2000 cited in Adebayo, 2014). Whereas another review of more than 21,000 inhabitants of England and Wales in 2010, conducted by the UK Home Office revealed that 7% of female adults and 4% of male adults were victims of domestic abuse (Kevin, et al 2011 cited in Adebayo, 2014).

Nevertheless, it is notably reported that females experience higher levels of violence than males with 23% of women and 15% of men who went through the most severe kinds of violence, which included being hit, suffocated, or warned with a gun or knife to scare them off (Adebayo, 2014 pg. 15). This was evident in the statistics conducted by the United States Bureau of Justice Statistics Crime Data Brief (2003) and Dubin (2004), cited in the study of Mundando *et al* (2016) where men accounted for 15% of the victims of recounted spousal partner violence committed by women, while 85% of women were reported to be the victims of spousal violence perpetrated by men. Nonetheless, it was noted that men also experience violent treatments meted out to them by their wives in silence, but were not reported because of social stigma, preservation of male ego, shame, ridicule that is, the embarrassment of confessing to being abused by their wives (Adebayo, 2014, Dubin, 2004 cited in Mundando *et al*, 2016 and Chinwe and Kunnuji 2016). Hence, this study will specifically focus on domestic violence within the family unit, which is perpetrated mostly against female adults by a closely acquainted partner, including a live-in partner and other close relatives.

The fact women are the utmost victims of gender-based violence makes gender-based violence to be often use as violence against women or girls only. Thus, violence against female adults

and girls is one of the most dominant human rights violations in the world which knows no social, economic or national boundaries (UNFPA, 2017). The Beijing Declaration and Platform for Action describes gender-based violence as violence against women that results in or likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts like, coercion or arbitrary, deprivation of liberty whether occurring in public or private life (WHO, 2005 cited in Adebayo, 2014). According to WHO (1996), cited in UNICEF Innocenti digest (2000), it was estimated that 20% to 50% of women have experienced physical violence at the hands of an intimate partner or family member from one country to another. UNFPA (2017) also estimated that one in three women experience physical or sexual abuse in her lifetime worldwide. Consequent to this, the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) adopted in 1979 see gender-based violence as an act that inflicts physical, mental or sexual harm or suffering to women, including threats of coercion and other deprivations of liberty, whether occurring in private or public life.

The United Nations Convention on the Elimination of Violence against Women (CEDAW), general assembly resolution in 1993 and World Health Organization (WHO) (2002), argued that, gender-based violence is any act of violence against women as a result of appearance of olden times unequal control relations stuck between men and women, which have driven to supremacy and separation against women by men, to the avoidance of the total progression of women. The United Nations Fund for Women (1999) also regards gender-based violence as a major public health concern and a violation of human rights that pointed out many types of harmful behavior that is usually directed at women and girls because of their sex. Hence, gender-based violence shows and establishes imbalances between male adult and female adult and involves the well-being, self-respect, security and sovereignty of its victims which also includes a comprehensive mixture of human rights violations, such as taking sexual advantage of children, rape, home brutality, sexual battering and harassment, women and girls trafficking and several dangerous cultural activities (UN, 2008).

This correlates with what was stated by the body responsible for monitoring the implementation of CEDAW, adopted General Recommendation No. 19 on VAW (GR 19), when it specified that gender-based violence may constitute a violation of women's human rights, such as the right to life, the right to equal protection under the law; the right to equality in the family; or the right to the highest standard attainable of physical and mental health

(CEDAW General Recommendation No. 19 on VAW). The Committee clarifies that violation against women is

a form of discrimination and as violence that is directed against a woman because 'she is a woman or that affects women disproportionately', thereby underlining that violence against women is not something occurring to women randomly, but rather an issue affecting them because of their gender which is persistent and a universal problem that occur in every culture and social group (Bennett, 2009).

The study by Clark (2003) on the other hand broadly defines gender-based violence as any harm that is rooted in social roles and inequitable power structures. It was added that women and female children are over represented among those with less power and they are thus likely to experience gender-based violence, which is a major public health and human rights problem involving all ages and gender (Oladebo, 2011). Corresponding is the study of Lang (2003) which described gender-based violence as any form of violence used to define or keep in place strict gender roles and unequal relationships. As well, the report of the Reproductive Health for Refugees Consortium (RHRC) (2004), explained gender-based violence as an umbrella term for any harm that is perpetrated against a person's will, that has a negative impact on the physical or psychological health, development and identity of the person, which is as a result of gendered power inequalities that are based on gender norms and distinctions between males and females in a society or culture/tradition.

Bennett (2009), coincided with the above points of view of the scholars on gender-based violence, when gender-based violence was termed as a violence that arises primarily through the dynamic of being gendered in the situation or environment where the distinction relation between men and women rely on perception or roles hierarchically and this makes it become sites of domestic violence. Also, in Otufale (2012), gender-based violence was put forward as any harm perpetrated against a person, as a result of power of inequalities that are based on gender roles.

Maan et al, (2012) affirmed that in the whole world, adult females have been hit, forced into having sex, or, assaulted at a point in her lifetime, usually by people she is familiar with, including one of her relatives, a boss or a colleague. Similar, to the above views of gender-based violence is the study by Kaeflein (2013) in which gender-based violence was viewed as violence directed at an individual based on his or her biological sex, gender identity or his or her perceived adherence to socially defined norms of masculinity and femininity, which include physical, sexual or psychological abuse; threats; coercion; and arbitrary deprivation of liberty and economic deprivation, whether occurring in public or private life. Therefore, Mejia et al,

(2014) supported the studies on the explanation of gender-based violence as an umbrella concept that describes any form of violence used to establish, enforce, or perpetrate gender inequalities and keep in place unequal gender-power relations. According to Titilayo *et al* (2014) gender-based violence is any act that inflicts pain and causes damage or discomfort to any female, thereby denying them of their fundamental human rights, which could eventually militate against their socio-economic and demographic performance in the community. Concurring with this fact is the report of SAFAIDS (2015) which stated gender-based violence to mean any kind of violence that is being carried out against person's will because of that person's gender.

2.1.2 CONCEPTUALIZATION OF DOMESTIC VIOLENCE

This study will limit its focus on domestic violence to the perimeters of a family, which is part of the site for the most prevalent forms of gender-based violence that is against women and girls, with the high rate of 20% to 50% of females that have gone through physical assault from closely acquainted partners or relatives (WHO, 1996 cited in UNICEF innocent digest, 2000). This includes wife battery, sexual abuse of female children in the household, dowry related violence, marital rape, female genital mutilation and other traditional practices that are inimical to women. UNICEF innocent digest (2002) terms domestic violence to include violence against women and girls by an intimate partner, including a co-habiting partner, and by other family members, whether it occurs within or beyond the borders of the home. Narayans et al. (2002:123) argued that domestic violence is supported by social norms such as cultural ideology which promotes the primacy of men over women.

RHRC (2004) then put it that domestic violence is a violence that takes place between intimate partners (spouses) and co-habiting partners (boyfriends/girlfriends) as well as between family members (mothers-in-law and daughters-in-law). Violence such as slapping, hitting, beating, kicking, use of weapons; verbal and emotional abuse, including public humiliation, forced isolation; murder or threats to life; spouse's control and deprivation of his/her partner's access to food, water, shelter, clothing, health care, fertility (forced pregnancies and/or abortions); having a wife beaten or abused for not performing her duties according to husband's expectations e.g. if she refuses sex or if food is late to be prepared.

The United State Office on Violence against Women (2007) and Edlin and Golanty (2007) argued that domestic violence is a pattern of abusive behaviour in any intimate relationship that

is used by one partner to gain or maintain power and control over another intimate partner, that causes physical, psychological or sexual harm to those in the relationship, and such behaviour includes physical aggression, psychological abuse, forced intercourse and other forms of sexual coercion, and various controlling behaviours. It was also revealed that anyone can experience domestic violence notwithstanding of the age, sexual orientation, religion, or gender and that it can take many forms, including physical, sexual, and psychological abuse. Fawole (2008) stated that, such harmful acts stated above arise from the unequal power relations between men and women, and is reinforced by the ingrained patriarchal value system and traditional practices that make women inferior to men, or places women below men. Sources noted that some other aspects of the statutory, customary, and religious laws makes women weak to violence in the society (UNIFEM, 1999; WHO, 2002; United Nations Development Programme, 2005).

It was argued by Watts and Zimmermann (2002), cited in Adebayo (2014) that there is prevalence of domestic violence against men globally, which has largely remained under-reported, due to the subtle nature of the topic and the patriarchal society the male victims live in. Because of this, men who find themselves in a domestic abuse relationship do not disclose their experiences because talking about their experiences hurts their ego and expose them to become the subject of ridicule as it is unthinkable for such to occur in a male egoistic society. Thus, men choose to pretend that all is well till it becomes severe to the point of killing. Men also experience violence, such as husband slapping, kicking, punching, nail scratching, killing and sex deprivation amongst others (Adebayo, 2014 pg. 16).

While the study of Aihie (2009) and Esere *et al* (2009) illustrated domestic violence as an intentional and persistent abusive treatment of anyone in the home or family member by another in a way that causes pain, distress or injury, that undermines the life and liberty of another member of the same family, which harms the development of the victim personality as a result of violating the law of basic human rights. Thus, domestic violence is a violation of human rights and public health problem of women in homes that results to emotional, psychological, social, physical health violence, which can lead to serious injury or death and health problem such as lack of fertility control, physiological changes, miscarriages and still birth when the violence happened during pregnancy. Domestic violence does not only affect the women concerned, but also destroy the happiness of the children in the family as they

experience a set of behavioural and emotional disturbances that may be traceable to committing of violence later in future.

Alo *et al* (2012) expressed domestic violence as any behaviour that occurs in any intimate relationships that causes physical, sexual, psychological harm that includes any act of physical aggression, sexual coercion and psychological abuse. The study stated that domestic violence could be from a man to a woman and vice versa, but it was stated that women are mostly the ones who suffer violence from their husbands or co-habiting partners. Thus, the study sees domestic violence as a system of checking behaviours used by one person to control or use power forcefully over another individual in the context of an intimate relationship. Coinciding with above expression of domestic violence, Adebayo (2014) views domestic violence as a pattern of behaviour which involves the abuse by one partner against another in an intimate relationship such as marriage, cohabitation, dating or within the family. Nwabunike and Tenkorang (2015) argued domestic violence to be gendered and include the role of patriarchy in enacting and perpetuating female domestic abuse. The abuse may be emotional or physical and may include forced or unwanted sexual contact.

2:1.3 PREVALENCE AND CAUSAL FACTORS OF GENDER -BASED VIOLENCE AND DOMESTIC VIOLENCE

Globally, females face gender-based violence at some point in their lives and face discrimination in the society (Semahegn and Mengistie 2015 and Hassan *et al* 2016). This is evident when it was found that 35% of women in Egypt, 26.2% of married women in Syria, 26.9% of women in Saudi Arabia and 35% of American women had undergone sexual and physical abuse in the hands of their husbands (Ammar 2000 cited in Ba-obaid *et al* 2002, Maziak and Asfar 2003, Edleson *et al* 2015 and Tashkandi and Rasheed 2010 cited in Shiraz 2016). In the United States study by Edleson *et al* (2015), it was asserted that gender-based violence is an outcome of societal beliefs and practices that enhance male dominance over women.

Assault from partners are found to be unlikely reported to the police in Egypt, because when reported, the police viewed it as out of place for one to report the ‘father of one’s children’, hence viewing the issue as a personal affair and it does not result in prosecution (Hammoud 2001 cited in Ba-obaid and Bijleveld, 2002). According to Gracia *et al* (2006), Kimuna *et al*

(2012) and Shiraz (2016), the issue of domestic violence in Europe, India and Saudi society, is found in the context of social and cultural norms of patriarchy, hierarchy and multigenerational domestic violence families, where absolute obedience is advocated by both religion and culture which results in woman's submission to male authority.

An Asian report on May 2013, revealed that India's feudal, patriarchal roots perpetuate a deeply misogynistic culture where those at the bottom of the social hierarchy are viewed as 'others' and afforded little by way of dignity, rights, and respect. According to the Asian report, it was noted that a number of societal norms, attitudes, and behaviours contribute to the widespread culture of violence against women in India, where most women in South Asia feel vulnerable to sexual violence mostly by the people they know, as this limits them to report such act perpetrated on them. The study by Bishwajit et al (2016) in South Asia concurred that, gender-based violence is linked to stringent socio-cultural, traditional practices and patriarchal attitudes, which devalued the role of women in the society and contributed to the corrosion of women's human rights.

Socio-cultural norms are found to be the top determinants of the nature of gender-based violence in South Asia, such as dowry, child marriage and limitation of female socialization are considered as helpful in preserving the household norms. Khan (2014), Pakeeza (2015) and Latif (2015) asserted the induced physical torture women had been put through in Bangladesh, Pakistan and Jordanian. It was noted in Matlab, Bangladesh, that 17.5% of women had experienced physical violence from their husbands in the four months preceding the interview conducted by Ahmed (2005), while 70% to 90% of Pakistani women are being subjected to physical violence with serious physical and mental health consequences (Ali and Gavino, 2008).

In Jordanian, around 20% of females amongst the age ranges of 15 to 49 years testified to physical violence that they are being subjected to by their husbands (Latif, 2015). Contrary, IRB (2011), Kalra and Bhugra (2013) and Khan (2014) reported rape cases in India and Bangladesh, which include 308 children and 91 women being sexually abused and were killed after being raped. The studies shows the extremely vulnerable positions of female children to be 39% below 15 years of age while 66% were 25 years of age. Sexual violence on both female adult and children was found in India by the National Crime Records Bureau to have increased by 873.3% from 2,487 in 1971 to 24,206 in 2011 and on children by almost 336% from 2,113 cases reported in 2001 to 7,112 cases in 2011 (Kalra and Bhugra, 2013. pg. 4).

Scott et al (2010) and Neaz and Kashem (2015) acknowledged the social, psychological and physical torture women face due to dowry related matter in Bangladesh and India, where thousands of women between ages of 15 and 34 are victims of dowry deaths, with the rate of 7,000 dowry deaths. UNFPA (2005) in Scott et al (2010), estimates that 5,000 women worldwide are burnt to death in murders disguised as 'kitchen accidents' each year because their dowry was considered insufficient. Scott et al (2010) and Abeyratne and Jain (2012) found strong fondness and preference for male children in parts of Asian countries, which commands women little prestige in the society right from birth, as female children are perceived as a financial burden for the family while sons are perceived to have economic, social, or religious utility (Ali and Gavino, 2008). Thus, sex selective abortion of female fetuses and female infanticide are revealed to be widely practiced in India, Pakistan, Republic of Korea and China to ensure only male children are born to the societies, with 30% of pregnancies identified as female fetuses terminated in Korea while over 90% of pregnancies identified as male fetuses resulted in birth.

Correspondingly, China's 2000 census revealed ratio of new born girls to boys to be 100:119 while the biological standard is 100:103 ratio. Despite all the pervasiveness of domestic violence in Asia, IRB (2011) found that Asian women preferred to suffer spousal violence than to seek legal justice, due to the belief/ view of domestic violence being a private issue, the cultural acceptance of wife beating, social stigma that they may incur, fear of retaliation from the perpetrator and ignorance of the legal framework on ground on domestic violence. Thus, women often found themselves obliged to social and cultural rules shaped by male dominance over women (Haddad et al, 2011, pg. 81).

In a study by Fawole (2008) on a local survey of Native American women in Oklahoma revealed that 58.7% of the participants reported more of lifetime physical abuse than sexual abuse experienced from their intimate partners with the 5.8% rate reports of physical violence and 3.3% forced sexual activity incidents. Arscott-Mill (2001) reported about 10% to 50% of women to be victims of physical violence in Jamaica. Scott et al (2010) revealed the Reproductive Health Survey of women in Jamaica and it was shown that approximately 20.3% of young women between the ages of 15 to 19 years have been forced to have sexual intercourse at some point during their life. In the same study, a report was released in 2009 by the Colombian Inspector General's Office which showed that in Colombia, at least 27,000 women and girls experienced intimate partner violence with 74% of these victims being

underage girls. Correspondingly, the United States Centres for Disease Control and Prevention estimates that

20% of young women experience intimate partner violence. Whereas, a national survey of women in Brazil found higher prevalence of psychological aggression on women to be 78.3% (Reichenheim et al., 2006). A study conducted in Jamaica by Arscott-Mills (2001) on intimate partner violence also revealed the Inter-American Development Bank report, which showed that 30% to 50% of women with partners in Latin America and the Caribbean suffer psychological abuse.

European Institute for Gender Equality (2016), found violence against women in Europe as the most pervasive human rights violation that is rooted in women's unequal status in society which reflects the status' unbalanced distribution of social, political, and economic power among women and men in society. EIGE (2016) estimated that 58% of women in Germany had experienced some form of sexual harassment, where 19, 000 women are victims of female genital mutilation and only 8.4 % of all reported acts of sexual violence were sentenced. EIGE (2016) as well identified 1, 515 victims of human trafficking for the purpose of sexual exploitation in Germany, of which 96 % were women. In Spain, 40% of women seen in selected general practice clinics also reported psychological violence perpetrated on them (Pontecorvo et al., 2004).

However, 80% of the population of people in Germany tend to have trust in the police (EIGE 2016, pg. 1). Reason being that, victims (women) of domestic violence in Germany and the United Kingdom possess licit contact to protection procedures under the protection against violence Act, as this makes them report cases of violence perpetrated on them. According to EIGE (2016), in Germany and the United Kingdom, police are legally entitled to issue an occupation order, that is, an order to remove the abusers from their homes, allowing victims to remain in their homes, free from further violence, for a couple of days.

EIGE (2016:3) and Graca (2017) stated that the aim of the order is to act quickly on protecting victims, and to allow victims time to resort to other forms of safeguarding their interests such as, to seek counseling and start civil legal proceedings to gain a barring order issued by the court. But EIGE index 2015 found that despite people's trust in the police for justice, the perpetrators still do not hesitate to commit a crime on their partners and there is no fear of legal authorities, as the rate of violence disclosed is still very much higher. The index calculated that women in Germany have experienced violence which is 2% higher than the rate of women who have experienced violence in the EU overall. Correspondingly, White Case Germany (2013) article on a current legal framework on domestic violence in Germany revealed that about 90%

of all incidents of domestic violence reported were set aside due to lack of sufficient evidence. This makes cases of violence against women to be underreported and actually get the fraction of the violence reality (EIGE, 2016).

Furthermore, in Africa, the vast majority of women do not have the culture of support that condemns domestic violence (Heidi, 2009). This is evident in various African countries, for instance, in South Africa, where women are confronted with cultural obligations that limit their capability to legitimately defend themselves despite the progressive of the international conventions and local legislation (Constitution) enacted to prevent gender-based violence and secure gender equality (Ndlazi, 2004 and CSVR, 2016). Victims are still faced with social, cultural, economic and administrative setbacks and pressures all through the procedure of requesting for legal assistance (Gruzd, 2015). Seabi (2009) found the pervasiveness of violence against women in South Africa to be as a result of culture of violence in the era of apartheid, where patriarchy and cultural norms come together to form anticyclone levels of domestic violence in which women are usually the victims.

The study of Seabi (2009) asserted that women are physically, sexually, verbally or emotionally abused by their partners, with the frequency of physical violence found to be 25% in national surveys in South Africa (Jewkes, Levin, & Penn Kekana, 2002). Dunkle et al (2004) also shown that 7.3% of women had suffered coerced sexual intercourse in the Eastern Cape in South Africa. Mabena (2002) viewed pervasiveness of domestic violence as a result of the custom of Lobola exchange during marriages in South Africa, as an opportunity for men to regard women as property, as the process involves transferring guardianship over the women off her family unto her husband, which is negotiated by men around the women's value as assets to the family, which may have proprietary implications of how the husband eventually treats his wife. Despite the wide range of issues of domestic violence, unemployment gender discrimination amongst others, Jansen (2017) in voices 360, revealed women great progress in cementing their rights and in achieving gender equality such as in education, leadership positions, economic participation, in accessing land etc. This was evident by South African History Online (2019), of how South African women of all races began to break out of the confines of stereotyped gender conventions through community based structures and gradually became more assertive and demanding in taking an increasing significant role in the South Africa.

Chuma and Chazovachii (2012), US et al and Chireshe (2015), cited in IRB (2015), asserted that domestic violence in Zimbabwe is deeply rooted in cultural values where violence

committed mainly by males against females particularly in familial setting is regarded as a normal part of gender affairs. This in turn leads to a condemnation of female victims of domestic by their relatives if they report the case to the authorities (womankind, 2011), The studies revealed that women's access to justice in domestic violence occurrences is habitually impeded by gender imbalances in cultural, social and religious convictions. This was revealed in a survey conducted by Chireshe (2015), on domestic violence as it confronted Christian women in Zimbabwe, where it was indicated that religious doctrines discourage victims of

domestic violence from filing cases of violence with the authorities. The study reports that victims do not voice out incidences of domestic violence because of the stigmatization of the victims and perpetrators when they reveal such cases to the public, especially within the setting of religious families, where it is assumed that religious homes are harmless and safe from domestic violence and that only God has the power to change the hearts of abusers, hence, the silence on such case.

Related to this, is the women's economic dependence on their husbands. In Zimbabwe, a study by Chuma and Chazovachii (2012) indicated that women in rustic settings frequently have no possession over such vital properties as land, cattle and shelter, this in turn renders women too economically dependent on their husbands, and dare not tell the authorities about domestic violence they are experiencing (pg. 9). Concurring with this is a policy brief on gender-based violence and spousal abuse in Zimbabwe cited in IRB of Canada (2015), where it was attested that women's economic dependence on their husbands increases their defencelessness to offensive intimate-partner relationships. It also added that married women are accorded higher esteem than divorced women, this is because divorce is generally regarded as a failure on the part of the wife, ensuing in her stigmatization and low self-esteem. It was noted in the US Department of State's Country Reports on Human Rights Practices for 2013, that 48% of Zimbabwean women believe that a husband is justified to beat his wife (US 27 Feb. 2014, pg. 40). Though UN consolidated its efforts to promote women's and girl's empowerment through the establishment of laws, policies and framework, nevertheless of the push for women progress and empowerment in Zimbabwe, the the Borgen Project by Loza (2017) found that the traditional practice of the society oftentimes overshadow the practices of the laws. This is evident in Ndoma (2017) study when it was found that one in three citizens of Zimbabwe still prioritize men when it comes to getting jobs and getting elected to public office, even though women have the opportunities in regard to education and the right to own and inherit land. However, Loza (2017) claims efforts through programs and dialogue are paving the way to a more gender equal future in Zimbabwe.

Congruently, in Southern Sudan, Lowenstein (2010) submitted that women encounter numerous licit obstructions to fairness both in customary and formal lawful system. The study found that 90% of civil and criminal cases in Southern Sudan are determined on the basis of customary law which is not codified, and it is generally localized customs and norms, that is mostly controlled by male community leaders. Under the customary law of Sudan, the punishment for the crime of rape requires the rapist to pay the father of the victim in cash or

with livestock, along with a fine or imprisonment. The women victims are side-lined while perpetrators and the victim's family settle the matter. Formal laws on rape and sexual violence in Sudan, are categorized as an offense that amounts to "Zina" that is "adultery". If a woman is raped by a man who is not her partner, she may be sued for "Zina" if she cannot produce witnesses to testify that sexual act was against her will, as the law requires the victims to provide four eyewitnesses who will attest to the fact that the sexual act was not acceded. The legal law accepts the testament of the rapist (man) swearing with or on the Quran that the act was acceded but does not permit a woman to apply similar medium to testify that she was

sexually assaulted. Therefore, this makes women reluctant to bring cases of rape to the authorities as they know their assertion could be revolved against them, especially if they could not provide four witnesses as the law requires.

Lowenstein (2010) argued that, the bride affluence scheme in Sudan, acts to avert divorce even when the nuptial is violent and becomes intolerable for the woman. The study explains, that upon marriage the bride's affluence is distributed among members of the bride's family and divorce entails the return, collection and redistribution of the bride affluence, which might be difficult for the members of the bride's family to return, as many of the assets collected may no longer exist at the time of divorce. This puts pressure on the woman in the marriage, as the family cannot meet up with the financial request of her dowry, hence, her subjugation to anguish, harassment and even death, at the hands of the husband or his family, placing the woman in a vulnerable position having no choice than to stay in the offensive relationship to save her family from mess.

In Nigeria, women and girls are faced with discriminatory cultural, traditional and patriarchal practices and therefore suffer from the challenge of implementation of protective laws of the country. And thus, this makes them to lack involvement in politics and decision-making procedures, denial of access to education and inheritance, high cost of licit services, and prejudices against women in the country, as women are seen as inferior in relation to men (Eze- Anaba, 2006). In Nigeria, domestic violence is a problem which is deeply rooted in the traditional African history, where culture and traditional beliefs and practices are socially acceptable. For instance, hitting a woman is seen as a way of instilling discipline, as this is used to determine the gender power structure (Aihie, 2009 and Chika, 2012). Oluremi (2015) affirmed that the beating of wives in Nigerian culture is widely sanctioned as a form of discipline. Just as parents beating their children is seen as instilling discipline in them, much the same way as in husbands beating their wives, who they regarded like children to be prone to indiscipline, which must be curbed.

This makes women to be classified as the weaker sex and men as the stronger ones with strength, self-confidence, vigor, etc. thus giving women a subordinate role to play in the society. Women's subordinate roles are governed by attitudes based on such factors as, traditional and cultural beliefs and practices and also perpetuated by the socialization process. The biological distinction of the sexes into male and female and also division of labour are all based on gender constructions which have been this way throughout traditional history. It is

even assumed that women's role is naturally inferior, and weak based on biological factors (Katembo, 2015).

Katembo (2015) asserted that men believe they are superior due to the extra Y chromosome (XYY) in their body, which women do not have. As this makes them behave violently and women non-violently. However, Nelkin and Tancredi (1994) cited in Katembo (2015) and Bird et al (2007) dismissed the notion and maintained that the additional Y chromosome in men has nothing to do with their violent acts or behavior, but argued that it is the socialization they grow up with that makes them to be aggressive. The study by Jenkins (2007), stated that male aggression is socially and culturally or traditionally cultivated in men. Therefore, culture, tradition and socialization play a very vital role in the development of anyone, as this gives male dominance over women.

Male dominance in Nigeria subordinates women and makes them susceptible (Pogeson, 2011). Women are customarily compelled to submit their whole self to their husbands and they are domestically accessible to satisfy their spouse's physical, sexual and psychological needs. As a result of this, women's transgressions of these expected norms lead to their beating coercion in an attempt to bring back traditional order and male dominance (Nwabunik, et al. 2015). Pogeson (2011) noted how male dominance affects women, almost all spheres of activity, notably with regard to decision making, access to education, health status and access to and control of resources and it rationalizes the relegation of women in politics, economy, education, religion houses, labor market, business, family, domestic matters and inheritance (Salaam, 2003 cited in Allanana, 2013).

2.1.4 Male Domination in the Nigerian Schooling System

The schooling system in Nigeria and the perspectives of parents towards girls' schooling marginalize girls in education and results in high rate of illiteracy or low paid jobs for women. Fapohunda (2012) argued that school curricula in Nigeria are not guided to help girls to acquire basic life skills. As the school curriculum is full of gender biases that leads girls into stereotypical 'feminine' jobs in teaching, nursing and clerical work. Allanana (2013) evidently pointed it out that, there is a gender-bias in the school teaching style and school curriculum which is very apparent, to focus more on boys, directing more encouragement toward them, while girls are often overlooked in class. In Nigeria traditional setting, teachers often see different potentials between boys and girls, especially in technical subject areas, by attracting boys attention to science subjects while advocating traditional roles for girls (John and

Ademola, 2014). John and Ademola (2014) asserted that timetabling scheduling of domestic economy for girls such as learning mostly cookery and needlework, while energy-demanding handcrafts for boys such as, woodwork, metalwork and technical drawing contribute to gender inequality in Nigeria. As the educational worth of both areas of study is not equal: cookery has diminutive educational transfer worth and is primarily skills-based with very little conceptual element. Aside from the infrequent few who learnt cookery which has very little importance to the world of work and is not proper technical education. Needlework is taught mainly as a domestic skill, such as couture and home furnishing in a homebased setting.

This makes it clear that there are particular subjects and courses such as the sciences, mathematics and other technical disciplines that are marked virile, while secretarial studies and home economics are marked womanly, thus disallowing both sexes the chance to gain experience in all subject areas or on a broader choice of subjects (Allanana, 2013). The emphasis on the subject 'Home Economics' for girls only to study, often persuades male students that household responsibility and double adult roles are for women, not men. Female students are often offered the subject 'home economics' so as to groom girls for the customary role of a wife and mother. And because 'male' has been associated with energy-demanding handcrafts, upon maturity, males have the notion that female role is that of homemaker. This makes few women to be found in scientific or technical education where they could develop better skills to secure better paying jobs.

Also, in Nigeria, females are at a dual disadvantage in scholastic access. NDHS (2003) stated that girl's pedagogic chances tend to be restricted by male-controlled attitudes about gender roles, consequent to some parents attributing greater significance to the learning of boys than girls. Fapohunda (2012) mentioned that some parents still prefer to send boys to school, seeing little need for educating the girls. This is always the probability when the parents do not have the resources to sponsor all their children through school. In some Nigerian households especially in the Northern part, investing in girls' schooling is viewed as investing to the advantage of the family the girl will eventually marry into, and so, educating girls in this part of the country deemed not necessary as their roles will eventually be only in bearing and rearing children and keeping of the home, and helping their husbands in the farm (Akubuilu and Omeje, 2012 and Allanana, 2013). According to Umeana (2017), the national literacy rate for women is only 56 % as compared to 72% for men. Umeana (2017) said in some states like Sokoto, girls' school enrollment is 15%, as against that of the boys.

The low educational status of women is found to expose them to domestic violence, unlike other women with formal education who are least expected to encounter domestic violence (Ackerson et al, 2008). This is very true because schooling does not only free women from custom and tradition, but also has a protective effect and value on women as it enhances the level of power a woman has over her body and as well increase her socio-economic prestige. Generally, Education is seen as an eye-opener that guarantees women autonomy, self-respect and empowers them to be economically independent.

This is supported by Kashu (2014), who described Education as the wealth of knowledge acquired by an individual after studying particular subject matter or experiencing life lessons that provide an understanding of something. World Bank (2018) also acknowledge Education as a powerful driver of development and a human right that reduces poverty and gender inequality.

2.1.5 Male Domination in Nigeria's Religious Institutions

Religious houses in Nigeria justify the marginalization of women, as they have no active role to play in their faith. Religion does not treat women any better, nor does it accord them equal rights and privileges (Uchem, 2001).

Beryl (2002) asserted that, in many religion houses, women have historically not held leadership positions, and in some where women have held leadership positions in the past, they are denied the same leadership positions today. Ndlazi (2004) and Igwe (2015) affirmed that, the role of women in many Christian religions is not on equal value with that of men. Christainity has been used to remind the women of their subordinate role through the use of Bible verses to justify patriarchal and gender discrimination among church communities (Ndlazi, 2004. Pg. 64). Holy Bible text, such as , 1 Timothy 2:12-13. Which says:

“I do not permit a woman to teach or to assume authority over a man; she must be quiet. For Adam was formed first, then Eve.”

The reason why many Christian religion houses uses this verses of the scripture to limit the role of women in church, was because of Paul's letter to Timothy about the supervision affairs of the growing of Ephesian church in appointing of qualified church leaders. Paul warned Timothy about unknown women in Ephesus teaching false doctrines, stating that men should do the teaching, after all, the man (Adam) was created first and then the woman (Eve). Hence,

Christians believe that implicit in the creation order is a leadership order which result to women not being leaders and teachers of men because the man was created first before the woman.

Not only Christians do this, but also the Muslims; in mosques, women are also not allowed to sermonize or conduct prayers while men are seated, they are not even permitted to be at the front to pray, rather, they always sit at the back. In some cases, some mosques even put a demarcation between men and women when praying, this is made just for women to be seen but not to be heard. This as well is justified in the Quran 2:228 where men were given authority and superiority over women.

Quran 2:228, says: *And the men are a degree above women.*

Based on Quran 2, God strive to preserve marriage by discouraging divorce and encourages the continuation of marriage through the duty of both man and woman. But in the case where divorce occurs, Verse 228 subjected both man and woman to observe an interim period but gave man a degree above woman through an exception for observing interim period. Although men's status in this verse did not imply superiority or advantage of women before the law, however, Muslims brothers use it to assert their manhood power over women.

The justification given to the verses in the two Holy books gives women no opportunities to be involved in the church or mosques doctrines, and it undermine women's confidence, self-esteem and spiritual development (Ndlazi, 2004. Pg. 64). Religion is exploited to support women's subsidiary place in society, and religious texts have been interpreted to reinforce the power of men in society (Beryl, 2002). There are other numerous verses in the two Holy books that are misconstrued to compel women to be subservient, obedient and listen quietly to their spouses as they would to their God such as, Ephesians 5:22-24, which was not Paul's main message. In this passages, Paul was speaking with reference to Christ and with reference to the church. But the main context of the message is lost when men focus on the obligation of women and interpret the passages only through the lens of pre-supposed gender roles.

Ephesians 5:22-24, says: *"Wives, submit yourselves to your husbands as you do to the Lord. For the husband is the head of the wife as Christ is the head of the church, his body, of which he is the Savior. Now, as the church submits to Christ, so also wives should submit to their husbands in everything."*

So, most men capitalized on their own idea of these verses to demand total obedience from the women and use these verse towards women to mean that women have to be submissive to them.

Their interpretation of submission means that they have the right to do whatever they wish or like to their wives. While ignoring the exposition of verses 21, 25-29 of the same chapter of Ephesians 5 that “enjoins both husband and wife to submit to one another out of reverence for Christ” and other bible readings in Genesis (1: 27-31) which state gender equality, “as both males and females are blessed and given dominion over the earth and its creatures, as well as access to earth’s property.” In these verses there is no mention of creation order and human to rule each other but rather urging both man and woman to put the need of each other and other members of the family ahead with mutual submission.

But women on the other hand, collude with the oppressive acts so as not to go against the teachings of the both Holy books and cultural expectations, so, they accepted to be totally submissive to their husbands and has become a norm for them. Because men have been associated with leadership roles and women with submissive roles both spiritually and culturally, makes men feel entitled to demand respect and obedience from their wives and the women in turn follow their husband’s leading and instructions, thus increasing the acceptance of domestic violence in the case of any disobedience from the husband (Abara, 2012). Unfortunately, many women do not know they had been abused due to the fact that some abusive behavior men use from the Holy books verses are in line with Nigerian culture.

However, Ndlazi (2004) argues that religious men have an important role to play in transforming equality in religious institutions which will result to men being gender sensitive because as long as women are oppressed men can not be liberated. Therefore, the study evoked ways men can be liberated, which is by taking responsibility of reviewing their socialization as humankind in order to know and believe that both women and men are created equal in the image of God. Also, men could promote the re-interpretation of biblical scriptures in relation to gender by reading familiar texts in an unfamiliar way, that is, gender discrimination biblical interpretation should not be more eisegesis than exegesis (pg. 64).

2.1.6 Male domination in Nigerian Political System

Likewise, in the political sphere in Nigeria, women are marginalized. According to Abayomi *et al* (2013), the political will to enforce International instruments that protect women’s rights has been lacking in Nigeria. The reason is that women are not well symbolized in Nigerian politics, as gender-sensitive laws and policies are not a priority either at the local, state or national level (pg. 5). This relates to the study of Sogbesan (2015:2) cited in Eme *et al* (2015), which stated that, Nigerian women have not had it smooth in terms of representation in top

public offices. At present, in the Senate, none of the principal officers are women, and only 8 of the 109 Senators are women. These figures are in contrast with the situation in countries as Rwanda, where women make up 61 of the 106 parliamentarians (58%), Sweden, with 56% of parliamentarians who are women and Senegal where women occupy 65 of the 150 parliamentary seats (43%). Out of 36 states in Nigeria, there is no female governor that has ever been a president of the country, even though a woman contested for the office of governor as at 2015 election (Sogbesan, 2015:2 cited in Eme *et al* 2015) but was not elected. It does not appear that the country is willing to have a woman as governor or president. And just as men have always dominated the National Assembly, the 2015 election results did not present a different picture in the number of women who will represent their constituencies in the 2019 election (Eme *et al*, 2015).

Male dominance has led to the relegation of most women from the domain of politics and the conception of unseemliness of female authority in the public domain is promulgated. Regrettably, most women are socialized to accept this worldview and ascribe to procreation and the training of children into gender specific roles, which has become the norm. Abayomi *et al* (2013) said, this has contributed to the non-realization of women's political rights and has contributed greatly to the perpetuation of violence against women. Women are not politically empowered, but rather assigned the role of homemaker, they have no right to make contributions or decisions when it comes to political talk.

This is the case of the Nigerian president (Muhammed Buhari) telling his wife that she belongs to the kitchen, living room and other room, when his wife critiqued his government performance (The Guardian and Premium times, 2016). In a nutshell, British Broadcasting Corporation (BBC) news in 2016, reported that president Buhari was suggesting that his wife had stepped outside her allotted space by talking about politics. As political talk does not belong in the kitchen, governance talk does not belong in the living room and electoral matters do not belong in the other room (which is referred to the bedroom).

According to the report of 'The Guardian and Premium times' (2016), the Nigerian president said he had more political experience than his wife, in his own words, "so I claim superior knowledge over her". Though Buhari's avowal was quickly justified to be a jest, but it is unfortunate that women's place in the Nigerian society is taken as a comedy from the leader of the country. In an interview later conducted, Buhari daringly reaffirmed his view point, saying 'his wife's most important duty was to look after him and the home even if she's

working' (The Guardian and Premium times, 2016). This accurately reflects the widely held traditional and socio-cultural beliefs of Nigeria's stubbornly patriarchal society, which as well reflects on all communities in the country, one of which is the Oyo community.

Hence, the Nigerian government encourages male dominance in the country, as women subordinate role is perpetuated by traditions, socio-cultural and patriarchal beliefs in the country. This makes women subscribe to their roles, to be seen, not to be heard, they are at the receiving end and they are expected to perform their duties very well according to their gender norms. Thus, there is much of male dominance in the Nigerian political posts/positions. This male dominance in the country makes women passive, which leads to domestic violence where men exert their power to rule in line with the statement 'it is a man's world' and makes women submissive to them.

2.1.7 Male Preference Syndrome

The patriarchal nature of Nigeria is obvious in the son preference syndrome that is very well predominant in the country, where females are treated as inferior right from birth, with the cultural and gender problem when they give birth. The arrival of a girl-child is not as celebrated as that of a boy-child in most homes (Familusi, 2012). Akintan (2013) propped the preference of male child in Yoruba society as carriers of the family name, thus, makes the birth of male children to be mark as social fulfillment on men's part and women sees it as a sign of satisfaction and security in husband's house. While the birth of female children leads to rejection, anxiety and shame on the part of the mother whose place in the house is vulnerable, because the husband could bring in another women to bear him male child(ren) (pg. 58).

This was demonstrated in the Mobile Telecommunications Network (MTN) advert of 2005 where son preference was used to portray the general feeling of Nigerian citizens when a male- child is born into any family and community. The advert featured a man placing a call to his mother to share the joyful news that his wife had just given birth to a baby, which he expresses by saying 'mama, na boy' in Nigerian pidgin English which means 'Mother it is a boy- child!'"(This Day Report, 2005 by Adeniyis). And this is followed by a huge celebration, with the expression of joy, satisfaction, contentment over the birth of a male child. The belief of heritage is as well primogeniture with inheritance by male child. In this case, the female does not have the right to inheritance but can be transferred to any male relative of a deceased

where there is no male child in a family (Chika, 2012). Any man in Nigeria who dies without a son,

is considered to have lived a worthless life, since he could not preserve his lineage. Female is not recognized to inherit man's property such as land. The Nigeria customary law gives in to levirate marriage practices which is considered as a custom in all ethnic communities (RIRs, 2006). In 2005, the Amnesty International stated that, some customary law systems prescribe that a widow be 'inherited' by a male relative of the former husband. The widow is regarded as the chattel of the deceased husband's family. Under customary law of Nigeria, a family member inherits a married woman whose husband is no more (Bamgbose, 2002) and this is being practiced under countless customary law systems in Nigeria and Bamgbose described such an act as "degrading and harmful".

Consequent to this, women are expected to act 'feminine' as the weaker sex, one who lacks initiative, needs to be directed, motivated and monitored in whatsoever they perform (Abayomi, et al, 2013). This cultural problem makes women lack the motivation for any achievement, which in turn leads to domination, and discrimination, due to the patriarchal society that has role assumptions for both males and females.

2.1.8 Prevalence of Domestic Violence in Nigeria

Accordingly, domestic violence in Nigeria is a violation of women's right in the public and private spheres with so many factors ranging from culture/tradition, customs, religion and laws supporting violence against women. Women are the most victims of domestic violence acts, with different forms of violence perpetrated against them by their intimate partners. Amnesty International (2005), cited in Johnson's (2015) study, argued that there are limited statistics on domestic violence in Nigeria due to unreported cases, due not only to the culture that holds the victims not to disclose the issue but also the inconspicuousness and confidentiality that covers domestic violence, thus making it very difficult to report cases of domestic violence when they occur. Johnson (2015) also put forward that statistics on domestic violence in Nigeria are very scarce, scanty and unreliable, due to the erroneous belief that violence committed within the borders of the home must have the woman's consent. The study further explained that the dread of stigmatization and the culture of silence that the majority of victims demonstrate makes it confusing to have available statistics that portray the factual depiction of the violence that happens in the household. Even when the issue is reported, domestic violence crimes are treated as a private matter, thus, the woman also refuses to report domestic violence, but rather accept the systemic justification of domestic violence.

Also, according to the report of Centre for Law Enforcement Education Foundation 2004, the scarcity of official statistics of domestic violence in Nigeria was traced to the fact that domestic violence is usually not considered as a real offence, compared to the reports of robbery outside the home, which is regarded as real crime. However, there are still available statistics, albeit still limited and speculative, with different sources quoting different contradicting numbers. Nevertheless, the statistics show that domestic violence is an issue that is quite rampant and popular amongst Nigerian citizens. The Nigeria government in its 5th periodic report to the African commission cited in Johnson (2015), claimed that, 46% of Nigerian women generally suffer domestic violence and also do not see anything wrong with domestic abuse and 48% of married women justified the issue. While the National Demographic Health Survey (NDHS) in 2013 cited in Johnson (2015) report that 35% of Nigerian women suffer from domestic violence and as well see nothing wrong with domestic abuse. Probably because of culture of silence, source of no income, the fear of losing custody of the children, exposure to information, low self-esteem, and stigmatization.

The WHO (2011) multi country study on women's health and domestic violence against women result reported more physical violence of 82.4% than sexual violence with 17.6%. The report showed that, women are being physically assaulted with acts of violence that include pushing or kicking (31%), slapping and punching (15%) and arm twisting and throwing of things at each other (14.1%). Nigeria Demographic and Health Survey (NDHS 2008) also testified predominant rate of 28% of physical violence and 7% of sexual violence in Nigeria.

The corresponding study of Aderinto (2001) reported that a 70% majority of women have been beaten-up by their partners and 50.7% has been sexually assaulted against their will. According to Obi and Ozumba's (2007) study on the factors associated with domestic violence in southeast Nigeria, the most common forms of violence frequently used on women were physical violence with the rate of 82.9% cases of domestic violence, and 70% of respondents reported abuse in their family with 92% of the victims being female partners and the remaining 8% being male. Also, a study by Aihie reported the common forms of abuse to be physical abuse such as yelling at a spouse (93%), hitting or pushing (77%) and punching and kicking (40%).

Alo et al (2012) study, as well, investigated the prevalence of physical and sexual spousal violence and its correlation among the people of southwest Nigeria, the study reported that the common form of violence perpetrated was physical violence such as slapping, kicking or

pushing, arm-twisting, and throwing things at each other. The study revealed a prevalence rate of 43.3% and 32% of violence, that is, lifetime experience and current experience of domestic violence respectively. The predominance of 4.9% of sexual violence was also revealed when the respondents reported that they were being forced to perform sexual acts against their wish, while 12.7% reported that their husbands or partners forced them to have sexual intercourse when they did not want to.

The study also revealed that 69% of women cohabiting also experience domestic violence from their partners. The study further explained that, it is not as if sexual violence is not prevalent, but sexual violence is rarely heard because it is less reported frequently, perhaps because the matter of sex in the southwest communities is still regarded as a 'taboo topic' that is, it is a topic that should not be shared with anyone or should not be openly discussed. While the study of Fatusi and Alatise, (2006) conducted in southwest Nigeria, reported that 61% of married women reported psychological abuse such as intimidation, belittling, and verbal aggression.

Similarly, in a study by Oyediran and Isugo (2005), and Alo et al (2012), which studied women's perception of wife-beating in Nigeria, women were asked if they agreed that wife flogging is vindicated in certain situations such as if the wife goes out without informing her man or partner and leave the children in the house unsupervised, secondly, if the wife argues with her husband especially on the issue of sex, and thirdly, if the wife burns food. The studies found that woman recognised and vindicated wife beating as a male duty to affirm virility within the traditional household. This was evident from the review when 62% of women justified wife beating in the study by Alo et al, while 64.4% and 50.4% of married and unmarried women respectively justified the wife beating in the study by Oyediran and Isugo.

Uzuegbunam (2012), examined women in domestic violence in Nigeria using gender perspectives, and it was found that in many parts of Nigeria, women and girls are subjected to physical, sexual and psychological abuse in all lines of income, class, age, religion and culture. Fawole, Aderonmu and Fawole (2005) and Balogun and Fawole (2012) conducted researches in Ibadan, Oyo state, south-western Nigeria, and the studies reported the prevalence of physical violence to women. It was found that 24% of young women had been violated by their partners and a prevalence of 30.4% for sexual violence among young female hawkers in the state. It was stated in these studies that domestic violence is a violence that occurs within the bounds of an intimate relationship, which causes physical, psychological or

sexual harm to those in the relationship, whether men or women, and that women are most frequently the victims being

physically assaulted by an intimate male partner. Furthermore, domestic violence is an issue that is increasingly spreading all over the world where a mix of an unsound tradition, culture, beliefs and inequality, has been accepted as part of life (Aihie, 2009).

In a descriptive cross-sectional study conducted by Adejimi et al (2014) on the prevalence and correlates of intimate partner violence among the male civil servants working in the selected ministries in the Oyo State Secretariat in Ibadan, Oyo State, in the South-Western region of Nigeria; revealed that intimate partner violence perpetration is common among civil servants despite their high level of education with 52% of controlling behaviour, 31.2% of psychological or emotional abuse, 23% of sexual abuse and 11.7% of physical violence towards their wives. It is therefore obvious that the level of physical violence in Nigeria, is on higher side than any other form of violence, especially sexual violence, this because in Nigeria the issue of sex is often regarded as something secretive that should be between a husband and a wife only. Besides, domestic violence in the country is often viewed as a matter that belongs in the private sphere and at such, is therefore protected from outside examination (Aihie, 2009). Thus, women are more often violated physically than through other forms of domestic violence and this is so because of the role of men in the society which has placed them in a position to inflict harmful cultural practices on women to dehumanize women's personality and right.

Abara's (2012) study on gender inequality and discrimination in Nigeria; traditions and religion as a negative factor, found strong cultural backgrounds as a major factor of female gender inequalities in Nigeria. While Chika's (2012) study on gender-based violence in Nigeria using the socio-legal perspective, asserted that domestic violence is linked to the traditional African patriarchal society which determines the gender power structure under the customary law and customs to violate women's human right. Chika held that domestic violence is a global problem that is often targeted against women or girls which ultimately aims to degrade and humiliate females and it is mostly perpetrated by a male or husband towards their wives and female children.

Another study by Eze-Anaba (2006), on domestic violence and legal reforms in Nigeria discusses international laws prohibiting domestic violence in Nigeria and how the present laws do not sufficiently protect the victims of domestic violence in the country due to the pre-existing laws that have long encouraged domestic violence. According to Johnson (2015), domestic violence is a form of gender inequality and it is prevalent in Nigeria because of

existing customary laws and culture. Concurring with this is the study by William (2004) cited

in Johnson's (2015) study, which stated that laws are influenced by discriminatory cultural beliefs. Just as Nigerian customary laws and customs gives husbands special sexual rights and submissions from his wife, as this habitually offers the husband the right or freedom to violate and assault his wife if the husband feels the wife has failed to perform her obligation to him (Chika, 2012). This correlates with Section 55 (1) (d) of the Penal Code of Northern Nigeria which stated that *"nothing is an offense which does not amount to the infliction of grievous hurt upon any persons which is done by a husband for the purpose of correcting his wife, such husband and wife being subject to any native law or custom in which such correction is recognized as lawful"*.

This means that a battery by a husband on a wife is not a felony if they are wedded, as long as the native laws or customs identifies such "correction" as legal, and if there is no grave dangerous hurt. This licit support to wife battery, is a severely dehumanizing act of domestic violence against women.

Otufale (2012) analysed the social-cultural factors influencing gender-based violence on agricultural livelihood activities of rural households in Ogun State, Nigeria, it was found that relationships are socially and culturally constructed. Socio-cultural factors were reported to influence an individual's attitudes towards behaviours in, and expectations about relationships. To support this, is a study by Balogun (2015) on quality of intimate partner violence among women in Nigeria, which determined women's attitudes and societal norms that support IPV, found that cultural and traditional beliefs reinforce intimate partner violence in Nigeria.

So, domestic violence in south-western communities in Nigeria is socio-culturally constructed, based on patriarchy, cultures, traditions and religious beliefs and practices of the people in the community, as well as people's personal socialization (Asiyanbola, 2005). In view of this, Azeez (2016) looked in the direction of legislation and argued that culture and socialization reinforce gender-based violence in Ibadan, which does not help the equality of women with men to be achievable in social, political, educational and economic spheres. The study investigated victim's responses against gender-based violence among 327 respondents in Ibadan, Nigeria and it was revealed that 68.5% respondents who reportedly reacted to non-physical gender-based violence left redress to God, while 7.3% of the respondents took legal action and 9.7% reportedly fought the perpetrators of such acts. The study, therefore,

encouraged victims to seek for legal redress through media and local initiatives in achieving gender equality.

However, despite the fact that most women in Nigeria lack formal education to gain employment and advancement in life, Fapohunda (2012) noted that women still participate in productive labour with 40% of agricultural production activities and 85% agricultural produce, processing and marketing performed by them, while 55% were estimated for women's involvement in the non-agricultural informal sector to invest in business and farms, home improvement and school costs for their children (pg. 17). Pogoson (2011), Adeleke (2012) and Oluyemi (2016) affirmed that women contribute to societal development in vital ways. But Adeleke (2012) argued that in spite of the major roles they play with their population in the productive and reproductive spheres, women's roles in the society are yet to be given recognition, and their participation in the formal political structure and process, where decisions regarding the use of societal resources (generated by both men and women) are made, remain insignificant.

Eme et al (2015) did an analysis of Nigerian women's scored card in 2015 polls, where 2015 general elections in Nigeria were critically reviewed to assess how women who contested in elective positions succeeded. It was reviewed that the 2015 election in Nigeria has not yet shown an improved women's representation in elective positions in the country, in spite of the 35% affirmative action and the huge campaign of the Women for Change Initiatives aimed at providing a soft landing for women in the elections.

Nevertheless, Eme et al, (2015) and Oluyemi, (2016) gave account of women's effectiveness in politics in pre-colonial days, as women occupied positions complementary to men rather being subordinated, and as well as their progress made as they were more participating and making impact in all spheres of life, but to lesser extent in politics. The studies explained this to be as a result of the traditional bisexual political system which allowed women to have their own leaders to run state affairs such as marketplace but they were still subjected to communal government. But in the era of colonialism, the studies recorded change in women's traditional position and title in politics by instituting a structure that marked off women's power and titles and reinforced an existing patriarchal traditions. The example was the colonialism in Northern Nigeria which encouraged the expansion of Islamic that reinforced the exclusion of women from politics and other public spheres.

However, in the democratic governance, the national average of women's political participation in Nigeria remained 6.7% in elective and appointive positions, which is far

below the Global Average of 22.5 % and 30% affirmative action that was advocated for at the Fourth World

Conference on women in Beijing, as well as, the existence of National Gender Policy (NGP) recommendation of 35% affirmative action. Pogeson (2011), Eme et al (2015) and Oluyemi (2016) studies gave the independent electoral commission (INEC) report on 1999, 2003, 2007, 2011 and 2015 elections. Since the return of democracy in Nigeria, there have been five administration's position of president between 1999 and 2015.

President Obasanjo occupied the office of president in (1999-2007), President Umaru Musa Yaradua 2007-2010, President Goodluck Jonathan 2010-2011; 2011-2015 and President Muhammadu Buhari (2015 till present). The position of vice president followed the same trend as that of the president. This says, four males have dominated the seat since the return of democracy in 1999.

In the 1999 elections, 3 women out of 109 members were represented as the members of the senate. While the number of women in the House of representative was 12 (3.3%) out of 360 members. In the 2003 elections, there were 4 (3.67%) female senators. Out of the 360 available seats in the Federal House of Representatives, women won only 19 (5.27%). 2007 elections show that 9 (8.25%) female candidates won the senatorial seats. The women represented states like Kwara, Imo, Niger, Adamawa, Anambra, Akwa Ibom, Nasarawa, Ogun and Abia.

For 2011 election, only 32 (8%) women were elected to be represented at the National Assembly out of 469 members. Out of the 109 Senators who emerged winners at the 2011 polls, only 7 (6.4%) were women. The studies noted the decrease in the % age of female candidates that won at the 2011polls, given the increase in the number of women who contested and the figure dropped significantly when compared to the performance of women in previous elections. In 2015 general elections, only 14 women emerged members of the House of Representatives-elect according to data provided in INEC website. While the exact numbers of female senators are 7. Hence, from the records, it is notable that there is a little progress of women in politics, even though there was slight decrease in the 2011 election but still does not meet up with the 30% affirmative as prescribed by the Beijing Platform of Action.

2.1.9 LEGISLATION AROUND GENDER-BASED VIOLENCE AND DOMESTIC VIOLENCE IN VARIOUS CONTEXTS

According to a study by Immigration and Refugee Board Canada (2011), Bangladesh conceded the Domestic Violence Protection and Prevention Act in October 2010, the dDwry Prohibition Act of 1980, and the Prevention of Oppression against Women and Children Act of 2000

(amended in 2003), which criminalizes domestic violence (US 2011, pg. 32 and New Age 2011 cited in IRB 2011). The legislation on Domestic Violence Protection and Prevention Act in October 2010 defines domestic violence as *physical, emotional, or sexual abuse, as well as financial damage, inflicted on a woman or child by any member of the family* (Article 3 of Bangladesh Law on domestic violence 2010). The law does not specifically prohibit spousal rape but states that:

women who have experienced domestic violence can submit complaints to the courts and to the local protection officers and if the court finds that an incident of domestic violence has occurred or is likely to occur, court can issue orders for the surcease of violence or harassment to protect the safety of the victim and her right to remain in her place of residence and may also make arrangements for the victim to be relocated to another house at the expense of the perpetrator, if deemed appropriate or temporarily evict the perpetrator if there no convenient safe house available (Article 14 and 15).

Also, the United Nations (UN) Convention on Elimination of All Forms of Discrimination against Women (CEDAW) article 2 and 16(1)(c) adopted in Bangladesh, maintains an elimination of discrimination against women legislation, public institutions and existing laws or practices, including marriage and family relations.

Furthermore, the study of Immigration and Refugee Board Canada (2011) revealed that there is an Act on prevention of cruelty against women and children in Bangladesh which prohibits acid attacks, dowry related violence crimes, rape and other forms of gender-based violence. It also revealed that there is a separate legislation on crimes of acid attacks, which exist to regulate the unlicensed sale and use of acid in Bangladesh. However, despite the legislation availability, it was observed that ignorance and fragile/weak enforcement of the legal framework restricted the usefulness of the laws. The study also stated that both the enforcement of laws and implementation of policies and programs are inadequate. The US Department of State report, cited in Immigration and Refugee Board Canada (2011) also expressed doubts over the effectiveness of the legislation, arguing that the Act is more focused on prevention rather than prosecution, the law has not yet been enforced since its enactment in December 2010. No appeals have been recorded with the courts as the government has yet to create the rules needed for its application and to employ officials for its execution. Kilikina (2011) affirmed that, in the Republic of Bangladesh people are yet to implement any national legislation that speaks

directly to incidents of domestic violence. Though a domestic violence Act exists, its implementation enforcement remains a challenge.

Pakistan is signatory to various international conventions on violence against women that gives protection to the citizens against all forms of violence in the country. These include the rights of individuals to enjoy the protection of the law, Fundamental Rights, equality before the law, and zero discrimination on the basis of sex alone. There is also Pakistan Penal Code, which is not explicitly covering domestic violence, but several of its sections can be interpreted to cover instances of such violence. However, in Pakistan, Domestic Violence Prevention and Protection Act, 2012 was passed to create provisions for safeguarding against domestic violence to support the domestic violence policy. The law recognizes the fundamental rights of all individuals, dignity of all persons and it is useful to institutionalize measures which prevent and protect women, children and any vulnerable person from domestic violence and for matters connected therewith, or incidental thereto (Domestic Violence Prevention and Protection Act, 2012). Specifically, the Act defines aggrieved person to mean any woman, child (any person under the age of eighteen years living in a domestic relationship with the respondent, including any adopted, step or foster child) or any vulnerable person who is or has been in a domestic relationship with the respondent and who alleges to have been subjected to any act of domestic violence by the respondent. According to section 4 of the Domestic Violence (Prevention and Protection) Act 2012, domestic violence comprises, but not limited to, all acts of gender-based, and other physical or psychological abuse committed by a respondent against women, children or other vulnerable persons, with whom the respondent is or has been in a domestic relationship.

EIGE (2016) study attested that violence against women in the home in Europe is covered by the criminal law provisions contained in the criminal code and it includes domestic violence and sexual offenses such as sexual assault and rape. It was specifically noted that in September 2016, a reform of the penal code regarding the provisions for rape and sexual violence was also passed, bringing the German legislation into conformity with the standards of the Council of Europe Convention on preventing and combating violence against women and domestic violence. The penal code was reformed regarding provisions for criminalizing trafficking in persons, broadening the scope of conduct qualifying as trafficking in persons. Hence qualifying stalking to be criminalized under the criminal code and female genital mutilation as illegal, even if it is committed outside the country. The Offenses Concerning

Trafficking in Human Beings for the Purpose of Sexual and other Exploitation integrated trafficking for sexual abuse

or prostitution as felonies under German criminal law. According to EIGE (2016), in July 2016, the Federal Council of Ministers agreed on a bill to improve the protection in cases of stalking and the bill was forwarded to the Bundestag and Bundesrat for deliberation. The bill is aimed at improving the efficiency of victim protection measures. The study noted that Germany was amongst the first countries to sign the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 11 May 2011 but has not yet ratified it. And of which the Istanbul Convention is the most wide-ranging international treaty to challenge this grave violation of human rights.

According to Immigration and Refugee Board (2015), due to the high ratio in incidents of domestic violence in Zimbabwe, the domestic violence Act was crafted in 2006 by Zimbabwean government, but enacted in 2007, to prevent all forms of gender-based violence in public and private spheres of the country (Southern Africa Development Community SADC, 2015). The Act is one of the utmost open-minded laws for the improvement of women in fighting against domestic violence in Zimbabwe (Key Correspondents 5 Nov. 2012). The Act provides an extensive description for practices reflected to be acts of domestic violence (Zimbabwe and Gender Links 2013, 93). The Article 2 of the Act affirms that a victim of domestic violence can include a current or former spouse of the abuser, a child of the abuser, anyone sharing residence with the abuser (whether related to the abuser or not), and anyone who is, or formally has been, in a relationship with the abuser (Zimbabwe 2006, Art. 2). While Article 3 of the Act defined domestic violence “as any unlawful act, omission, or behaviour which results in death or the direct infliction of physical, sexual or mental injury, emotional, verbal and psychological abuse, economic abuse, intimidation, harassment, stalking, malicious damage to property that is, forceful entry into the complainant's residence where the parties do not share the same residence, depriving the complainant of or hindering the complainant from access to, or a reasonable share of the use of facilities associated with the complainant's place of residence, and the unreasonable disposal of household effect or other property in which the complainant has an interest” (Zimbabwe 2006, Art. 3).

The Domestic Violence Act also include the protection of victims from cultural or customary practices such as forced virginity testing, female genital mutilation, and forced marriages (Zimbabwe 2006, Art. 3). The Act made it known that domestic violence is a crime that can be punishable by imprisonment for up to 10 years. But Chuma and Chazovachii (2012) assert the fact that most people in Zimbabwe lack knowledge of the law and its provisions available

to them to fight against domestic violence. Similarly, Country Reports 2013 specifies that most

people in rural areas were unaware/ignorant of laws against domestic violence and sexual crimes (US 27 Feb. 2014, 39). Media sources further state that Zimbabwean women do not have access to information channels which can inform them about the legal system (The Herald 13 Dec. 2012; The Standard 8 Dec. 2013).

2.1.10 GENDER-BASED VIOLENCE LEGISLATION IN NIGERIA

Nigeria is signatory to numerous international treaties that adopt the rights of women and girls, to be free from domestic violence (Eze-Anaba, 2006, RIRs, 2007, and Johnson 2015). There have been a number of international and domestic human treaties that safeguard women's rights, which have been ratified in Nigeria. Even though domestic violence is not specifically mentioned, however, the rights of women to be liberated from domestic violence was tacitly construed from those treaties and are often used to liberate women from domestic violence. Examples of such international treaties are ICCPR, ICESCR, Universal Declaration, the African Protocol on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), CEDAW, and African Charter on Human and people's Rights in Africa. In addition, domestic treaties such as CFRN, and VAPPA 2015, which are based on domestic violence in Nigeria, were recently enacted as Nigeria joined the groups of nations that operate law against domestic violence. Even though it is stipulated in part V1 (47- application) of the Act that, the Act is only applicable in the FCT, Abuja. However, the treaties and prohibition Act 2015 provide for self-respect and parity of persons such as non-discrimination on the basis of sex, equal rights for both men and women, right to life, right to be free from torture, outlaw of rape, inhuman or degrading treatment and Female Genital Mutilation (FGM).

2.1.11 THE CASE FOR OYO STATE COMMUNITY

Nevertheless, the Oyo State House of Assembly enacted the provision of a law that prohibits and protects against gender-based violence and other related matters in 2013 and a law that prohibits violence against women in public and private life in 2016, of which protection of women from domestic violence and harmful traditional practices was mentioned. It prescribed punishment for the offenders and other matters connected. As stated earlier before the Oyo State laws were passed, there had been several incidences of domestic violence in the Oyo community, which had not been excused. One of the incidents was reported by Nigeria Tribune news, in August 7, 2013, of a man who beat his pregnant wife to death and ran away at Omi- Adio in Ibadan, Oyo State.

Unlike other southwestern states that are with justice in their legislation in the direction of tackling the issue of domestic violence with the earnestness it ought to have. Instances include the sentencing to death of the husband of Titilayo Arowolo who was murdered by her husband in their home in Lagos State, by stabbing her 76 times, making headline news all over the country (Ojeluand Nwaro, 2014 cited in Igwe, 2015 study). Similarly, the paramount ruler of Akure Kingdom, the Deji of Akure, Oluwadare Adesina Adepoju was deposed by the Ondo State Government on 10th June 2010, for beating up his estranged wife, Bolanle (Johnson, 2013 cited in Igwe's 2015 study).

Although, the state government bill was passed, licit nuptials continue to be a major obstacle in taking legal action against cases like domestic violence against women. According to 'the citizen' report on February 27, 2016, the Nigeria police complained, that legal marriages remained a major barrier in prosecuting cases like domestic violence against women at the training workshop organized for senior police officers in the southwest, Nigeria. A husband who batters his wife cannot be charged in court because the law recognizes them as one entity, unless the couple are not legally married. Hence, the issue of wife battery is largely viewed as a private or family issue that does not warrant outside intervention at the customary legislative level, (Ozoemena, 2006 cited in Igwe 2015 study).

Most studies particularly focused on prevalence of domestic violence, attitudes, beliefs and practices of gender-based violence and the legislation available to fight against all forms of gender-based violence but the researchers did not look into how to implement the legal framework on gender-based violence regardless of the social cultural beliefs and practices of any society. It is against this background that this study becomes relevant to bridge the gap between the implementation of the Oyo State legal grounds and socio-cultural beliefs of the people in the Oyo community. The prevalence of domestic violence is mostly pervasive in the Oyo community because it is a male-centered community with traditional and cultural beliefs and practices, as well as a rigid customary legal framework and decision-making is part of male privilege in the community (Fawole et al, 2005).

There is still evidence that such communities practice acts of male domination such as son preference syndrome, primogeniture, levirate marriage and widowhood rites, as it has become a norm and a part their daily lives. In the light of the forgoing, the study aims to show how the Oyo State legislation framework system could be implemented in the Oyo community to nip

the rising domestic violence in the bud, regardless of their traditional, cultural and religious beliefs and practices or rigid customary law.

2:1.12 CONCLUSION

Evaluation of written works on gender-based violence, domestic violence, prevalence and casual factors of domestic violence in various countries, including Nigeria, and legislation around gender-based violence in various contexts was discussed. Gender-based violence is an issue that is prevalent between men and women. It is an act that inflicts any harm or violence at an individual, based on biological sex, gender identity or perceived adherence to socially defined norms of masculinity and femininity that are rooted in social roles and inequitable power structures that are based on gender norms and distinctions between males and females in a society.

The overwhelming problem of gender-based violence was mostly seen to be endured by women in particular, with different forms of violence perpetrated against them from their intimate partners. Consequently, gender-based violence is often referred to as violence against women, which is any act of violence that inflicts physical, mental or sexual harm directed at women because of their sex or gender, as a result of a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men, and to the prevention of the full advancement of women. Such examples are the right to life, right to equal protection under the law, right to equality in the family and right to the highest standard of physical and mental health attainable, including threats of coercion and other deprivations of liberty whether occurring in private or public life.

Thus, domestic violence is reinforced by rigorous socio-cultural, traditional beliefs and practices where absolute obedience is advocated by religion, culture and the socialization process, resulting in women's submission to male authority by regarding women as inferior to men. So, in Nigeria, socio-cultural norms are the ultimate determinants of the nature of gender-based violence that devalue the role of women in the society such as in social, political and economic contributions. The outcome of societal traditional and cultural beliefs and practices that enhance male domination over women, causes women to suffer from domestic violence, rape, dowry death/violence, sexual harassment, forced marriage, trafficking, acid attack and son preference syndrome. However, despite the socio-cultural

factors and the exclusion of women in all spheres of life, their effort in labour intensive practices was still seen in

agriculture, business and politics and it gives more positive portrayal of women in their activities and capabilities, as well in the development in Nigerian economic growth. Hence, there is need for this study to tackle socio-cultural norms women face in Oyo community, for them to be useful for themselves and to the economic growth of the state and country as whole.

Thereafter, the introduction of legislation around domestic violence and gender-based violence was as well discussed on women's protection and prevention, in countries like, Bangladesh, Jordanian, Pakistan, Europe, Zimbabwe and Nigeria, that adopted international treaties such as CEDAW, African Charter etc. The countries also enacted the domestic violence Protection and Prevention Acts, Dowry Prohibition Act, Prevention of Repression against Women and Children Act and Penal Code which directly and indirectly covers incidents of domestic violence, to criminalize domestic violence and maintain an elimination of discrimination and violence against women from cultural or customary practices in those countries. By providing protection orders, prevention of cruelty against women which prohibits acid attacks, dowry related violence crimes, rape and other forms of gender-based violence.

Despite the availability of legislation, there is a weak enforcement of the legal framework to make the law effective to fight against domestic violence, as the laws are more focused on prevention than prosecution. Nevertheless, the Oyo State legislation was highlighted, as this gives this study the need to vigorously assess the Oyo community's socio-cultural norms to bridge the gap between the implementation of the Oyo State legislation on domestic violence and the socio-cultural beliefs and practice of the inhabitants of Oyo community.

2.2 THEORETICAL FRAMEWORK

This section majorly focuses on the theoretical framework guiding this research work to respond to the problematic areas identified in the study. The study adopts two feminism theories which are: nego feminism and legal feminism. The section will begin by conceptualizing feminism, the feminist theory and various strands of feminism. This will then be followed by a discussion on the two theoretical frameworks adopted for the study.

Feminism, according to Rhode (1991), implies commitment to equality between males and females or men and women, to challenge gender subordination and condemn other patterns of injustice, specifically condemning patriarchy for the liberation of women.

Gaie's (2013), study explained feminism as a movement to end sexism, sexist exploitation, and oppression. So, the study defined feminism as an attempt to recognise the place of women in society as stakeholders who should not be viewed in any other terms besides their humanity. Similar to Rhode's definition of feminism is the study conducted by African Union (2003), which contended that feminism is the dismissal of and a fight against patriarchy, which is the scheme and set of structures and ideologies that privilege men and a celebration of women's liberty or freedom. Therefore, feminism is a variety of interrelated frameworks used to observe, analyse, and interpret the complex ways in which the social reality of gender inequality is constructed, enforced, and manifested from the largest institutional settings to the details of people's daily lives which includes feminist scholarship (Ali et al 2000, Barsky 1992, Bryson 2002, Johnson 1995, Ritzer 2000, Segal 1999, Zalewski 2000 cited in Ngwainmbi, 2004). On the other hand, Offen (2013) defined feminism as a movement concerned with advancing the position of women through such means as achievement of political, legal, or economic rights equal to those granted to men.

The feminist theory was defined by Ngwainmbi (2004) as a set of facts and ideas acquired by those whose academic and intellectual orientation and interests are directed toward women's issues and problems in general, and in particular those originating from oppressive, exclusionary, and discriminatory practices built into societal institutions, especially institutions such as the family, economy, religion, and the political, judicial and educational systems. In other words, the feminist theory means the body of knowledge and learning acquired through studying, investigating, and observing these women's issues and problems specified above by those who are interested and specialize in them.

Mohapatra (2009) also asserted the feminist theory as the extension of feminism into the theoretical or philosophical framework that aims to understand the nature of inequality, and focuses on gender politics, social roles, experiences, interests, chores, power relations and sexuality to analyse gender inequality, and the promotion of women's rights, interests and issues. Mushambi (2017) as well reasons the feminist theory to be a board of knowledge that seeks to analyse the conditions which shape women's lives and to explore cultural understanding of what it means to be a woman. Crossman (2017) defined the feminist theory as a theory that shines light on social problems, trends, and issues that are otherwise overlooked or misidentified by the historically dominant male perspective within social concept. Therefore, the feminist theory has always been about viewing the social world in a way that illuminates

the forces that create and support inequality, oppression, and injustice, and in doing so, promotes the pursuit of equality and justice (pg.1).

There are various strands of the feminist theory, which are particularly concerned with the exploration of the nature of men and women's relationships and the idea of patriarchy. They are Socialist Feminism, Liberal Feminism, Eco-Feminism, Radical Feminism and African Feminism. Socialist feminism is based on challenging capitalism as well as male supremacy or patriarchy by making analytical connections between class relations and gender relations in society, by relating changes in the role of women to changes in the economic system and patterns of ownership of the means of production (Napikosiki, 2018). According to Lorber (1997), Liberal feminism is often concerned with the emphasis on the inequality between men and women in the public sphere of life such employment, education and politics. Liberal feminists explain women's exclusion or inequality with reference to ideas of female inferiority or incapacity that informs the upbringing and education of both men and women, and they seek to challenge ideas and practices that treat women as second-class citizens while leaving relatively unchallenged other areas such as sexuality, reproduction and domestic labour.

According to Kapoor's (2015) study, radical feminism is a process which calls for the reordering of society in which male dominance is eliminated in all social and economic settings. Radical feminists target patriarchy through its roots of inequality between both the genders. Thus, radical feminists are concerned with the basic division in all societies between men and women and clearly state that men are the oppressors of women. Sydee and Beder (2001), & Cuomo (2002), define eco-feminism to be concerned with the connections between men's oppression of women and their exploitation of nature and argue that women have a central role to play in the environmental movement." They point out that in Western thought, women have been associated with nature, emotion and the body, while men have been associated with culture, reason and the mind which have always been valued more. So, eco-feminists see women's reproductive and nurturing capacities as giving women superior insight into how humans can live in harmony with nature.

According to Ahikire (2008), African feminism was argued to mean a justice that aims to create a discernible difference between women who were colonized and those who were the colonizers. The study further expressed African feminism as a social movement that aims to raise a global consciousness which sympathizes with African womens' histories, present realities and future expectations. Gaie (2013) attested to the definition of African feminism to

be the struggle of Africans to reaffirm their most valuable conceptions of motherhood as the centre of human development and liberation from the bifurcation of humanity into gender, racial, ethnic, religious, economic, traditional, regional, national and philosophical categories.

Mohapatra (2009), argued that the basic assumption of all the traditions of feminism is that they believe in human equality. They object vehemently to the discrimination of women on the basis of gender. They are critical of the imposition of men-centric dress codes and taboos against women. They urge that all women should have the choice of everything in their lives and have the same opportunities as men in day-to-day activities. They are critical of patriarchy and seek to uncover its influence not only in politics, public life and the economy, but also in all aspects of social, personal and sexual existence. According to some feminists femininity is being imposed upon women by men (Solli, 2002 in Mohapatra 2009). Women's freedom, female discharge and gender disparity are feminists' primary concerns. Agarwal (1997) cited in Mushambi (2017) thus described African feminism as a movement that was initiated by African women who are within and outside Africa. African feminists believe that their experiences are different from those of western women.

2.2.1 NEGO FEMINISM

Nnaemeka Obioma (2004) observed that other feminists fail in their efforts to define African feminism because they are looking at it from the context of Western feminism which is confrontational and combative, as they take African feminism to be what Western feminism is, instead of evaluating African feminism on its own terms. She highlights the major areas where the African feminists have issues with Western feminism. The foremost is the area of radicalism that permeates Western feminism, then the Western feminists' aversion to motherhood. African feminism recognizes Africa in its entity as a mother, that is, the African woman, therefore, cannot support any ideology that demotes motherhood. It recognizes the importance of motherhood to African womanhood. Thus, nego feminism is Obioma's alternative to the radicalism, racism and egoism that are at the core of White feminism. African feminism focuses on cultural matters that they feel relate to the complicated experiences faced by women of all cultures within the African space.

Therefore, Nnaemeka Obioma (2004), an African feminist, relates the concept of nego feminism to address the tensions and complexity of African feminism, as a feminism of compromise, negotiation, contending with various aspects of patriarchy in Africa and dealing with it in a uniquely African specific way. Obioma discusses and defines the term nego-

feminism in her article 'Nego-Feminism: Theorizing, Practicing, and Pruning Africa's Way', as the feminism of negotiation and non or no-ego feminism. While creating this theory, Obioma built on "the idea of African woman's willingness and readiness to negotiate with and around men, even in difficult circumstances" (Nego-feminism, 2004, pg. 380). Hence, nego-feminism encircles issues of peace or conflict management, negotiation, complementarity, give-and-take, collaboration, bargaining, mediation, and arbitration, (Nego feminism, 2004: pp. 377-378).

This says nego-feminism hopes to detach personal gain and pride from the overall goal of achieving equity for women, hence, the word 'no or non-ego' (Akin-Aina, 2011).

Obioma composes that African feminism "knows when, where, and how to detonate and how to go about patriarchal land mines". In other words, it knows when, where, and how to negotiate with or negotiate around patriarchy in different contexts (Nego feminism, 2004: pg. 378). This entails that nego-feminism recognizes how to apply the culture of negotiation in order to deconstruct the patriarchy for the woman's benefit. Mushambi (2017) also emphasized the theory of nego feminism as a feminist movement that places more emphasis on negotiations and also, the theory holds the view that feminists must compromise and negotiate enough in order to have freedoms. Thus, nego-feminism is a guide for dealing with the feminist struggles that occur on the African continent and which considers the implications of patriarchal traditions and customs and aims to dismantle and negotiate around these (Akin-Aina, 2011). On this note, this study will apply this theory because it calls for negotiation and also because the study aims at providing harmony between the legislation on domestic violence and socio- cultural norms, practices of the Oyo community, to bridge the gap between domestic violence legislation and gender norms in the community. The theory will fit well with the objectives of the study that aim to examine the contestation between domestic violence legislation and gender norms in the Oyo community and how the two can be negotiated.

2.2.2 LEGAL FEMINISM

The second theory adopted for this study, is legal feminism. Katherine (1999) defines the feminist legal theory as a family of different perspectives used to analyze the actual, and the desirable relationship, between law and gender. Likewise, Christine (1989) terms feminist legal theory as an effort to explain, analyse and change law in respect of, and from the perspective of women. Therefore, feminist legal theory emphasizes the gender implication of

lawful rule and practices on how it influences women, and how the law reveals and constructs gender

identities, in the exposure and critique of patriarchal nature to a rejection of patriarchy, and to the liberation of women.

According to Dailey (1993), in a review of Katharine and Kennedy (1991), in *Feminist Legal Theory: Readings in Law and Gender*, legal feminism is the study of how legal rules and practices construct various meanings of women, and also uncovers how these rules and practices are constructed by gender. Kennedy and Katherine (1991), argue that legal theory poses a challenge on the assumption embedded on the traditional legal doctrine, and it gives suggestions on how the law plays a role in women's subordination and the ways of changing and improving to ensure equality.

On this note, this study will apply legal feminism as a second theory due to the fact that it inquires the description of gender disparity of men's and women's social roles, experiences, interests, and chores. It will guide this study to investigate the nature of gender inequalities in the socio-cultural norms of the Oyo community and challenges gender subordination and reject patriarchy for the liberation of women in the community. The theory also poses challenges in changing legal rules and practices that construct meanings of women on the assumption embedded in the traditional legal doctrine that gives suggestions on how the law plays a role in women's subordination. Thus, the theory will help to analyze the discriminatory laws that construct the meanings of women and how women are treated by posing legislation on domestic violence enacted and adopted in Nigeria to curb the women's subordination in the Oyo community.

CHAPTER THREE

RESEARCH METHODOLOGY AND METHODS

3.1 INTRODUCTION

As indicated earlier in the second chapter of this study, a review of various literature was carried out. The chapter laid the foundation for a detailed exposition on gender-based violence and domestic violence globally, in Nigeria and in Oyo State particularly. The review formed the basis for the discussion of this research. However, chapter three outlines some overall definitions, descriptions and procedures of the research methodology, qualitative research methods, data collection and data analysis processes that have been presented over the years. Lastly, it discusses the ethical considerations and limitations of the study.

3.2 RESEARCH METHODOLOGY

According to Kallet (2004:122), the methodology section always describes actions to be taken to investigate a research problem and it motivates for the application of specific procedures or techniques used to identify, select, process, and analyse information applied, in order to understand the problem, thereby, allowing the reader to critically evaluate a study's overall validity and reliability. The Sage Dictionary of Social Research Methods (2006: 175) defines methodology as the philosophical stance or worldview that underlies and informs the style of research. The study put forward that, research methodology may possibly be termed the philosophy of methods. Ayres (2007a) cited in Vaismoradi et al, (2013:398) stated that, the philosophy and the basic principles of methodology, study aims and questions, designs and data gathering criteria that provide key differences between qualitative and quantitative methodologies.

Meyers (2009) also contributed to the view that, research methodology is a strategy of inquiry, which moves from the underlying assumptions to research design, and data collection. Research methodology has two distinctive modes which are classified majorly as qualitative and quantitative. They are both different about the nature of knowledge; as one understands the world and the main objective of the research (Thomas, 2010: 301). Thomas (2010), as well, said that research methodology is based on specific underlying philosophical assumptions about what constitutes concrete research and the best research methods which are suitable for the development of knowledge in a given study.

Vaismoradi et al (2013:398) indicates that qualitative methodologies consist of the philosophical perspectives, assumptions, postulates, and approaches that researchers employ to render their work open to analysis, critique, replication, repetition, and/or adaptation, and to choose research methods. The study further explains that qualitative methodologies are not a single research approach, but different epistemological perspectives and pluralism which have created a range of 'approaches' such as grounded theory, phenomenology, ethnography, action research, narrative analysis, and discourse analysis. The methodology section of a research paper often aims to answer three major questions, which are: how is data is generated, how is it analysed, and the type of conclusions and representations derived from the data (Kallet, 2004 and Thomas, 2010).

3.2.1 QUALITATIVE RESEARCH METHOD

This research adopted a qualitative research method in an attempt to comprehend the Oyo community's view of socio-cultural norms. According to Denzin and Lincoln (2000) qualitative research 'aims to study things in their natural sceneries, endeavouring to make sense of, or to interpret occurrences in terms of the meanings people give to them.' This means that qualitative research involves an interpretation, a descriptive narration with words and a naturalistic approach to the world, as it attempts to understand phenomena in natural settings (pg. 3). Denzin & Lincoln (2000) further explained that the word 'qualitative' indicates an emphasis on the qualities of entities and on processes and meanings that are not experimentally inspected or measured in terms of quantity, amount, intensity, or frequency. Denzin and Lincoln put it forward that qualitative researchers often stress the socially constructed nature of reality, the intimate relationship between the researcher and what is studied, and the situational constraints that shape inquiry. Such researchers emphasize the value-laden nature of inquiry that is, they seek answers to questions that stress how social experience is created and given meaning (pg. 13).

Leedy & Ormrod (2001), have stated that qualitative research builds its premises on inductive, rather than deductive reasoning. It is from the observational elements which pose questions that the researcher attempts to explain. The sturdy connection between the observer and the data is a clear difference from quantitative research, where the researcher is strictly outside of the incidences being examined. There is no starting point of truth or any founded assumptions

from which the researcher can begin. This correlates with the study of Sharan, (2002) which also stated that qualitative research is concerned with an inductive investigation, and a richly descriptive end-product. Likewise, Shank (2002) describes qualitative research as a form of systematic empirical inquiry into meaning. According to him, systematic means a planned, ordered and public following of rules agreed upon by members of the qualitative research community. By empirical, he denotes that this type of inquiry is based on the world of experience on how researchers try to understand how others make sense of their experience (pg. 5).

Creswell (2003), cited in Williams (2007) study, stated qualitative research as an effective model that occurs in a natural setting, which enables the researcher to develop a level of detail from being highly involved in the actual experiences. Williams (2007) describes qualitative research as a holistic approach that involves discovery. The study found out that the involvement of the purposeful use of describing, explaining and interpreting collected data, forms qualitative research and it is conducted within a poststructuralist paradigm in five areas, which are; ethnographic study, grounded theory study, phenomenological study, case study, and content analysis (pg. 67). These five areas are the representatives of research that is built upon inductive reasoning and associated methodologies (Williams, 2007:67).

According to Domegan & Fleming (2007), qualitative research aspires to discover issues about the problem on hand, as very little is known about the problem. Therefore, qualitative research is concerned with comprehending the meanings people have constructed, that is, how people make sense of their world and the experiences they have in the world (Merriam, 2009: 13). The qualitative method refers to research methods as the tools with which researchers design their study and collect and analyse their data (Givens, 2008 cited in Vaismoradi et al, 2013). The methods share like goals that is, they seek to arrive at an understanding of a particular phenomenon from the perspective of those experiencing it (Vaismoradi et al, 2010: 398).

According to Myers (2009), qualitative research was invented to help researchers know people, and the social and cultural settings within which they live. Therefore, using the qualitative approach as this study's research method, will help this study to understand the people of the Oyo community and their socio-cultural background within which they live in. Qualitative research methods were established in the social sciences to enable researchers to study social and cultural occurrences (Thomas, 2010: 301).

This validates Thomas (2010: 302), who put forward that qualitative research is ‘naturalistic’, as it tries to study the everyday life of diverse groups of people and communities in their natural contexts. Concurring with this, Bertram & Christiansen, (2014) also reveal qualitative research as an attempt to know situations in their uniqueness in any particular setting, that is, an effort to increase the knowledge of why things are the way they are in our social world, and why people act the way they do. Crossman (2017) described qualitative research as a type of social science research that gathers and works with non-numerical data that strives to interpret meaning of any given data which helps to comprehend social life through the study of targeted populaces or places, and it allows research to explore the meanings that people give to their behaviours, actions, and interactions with others (pg. 1).

Therefore, qualitative research helps researchers to explore meanings, interpretations, symbols, and the processes and relations of social life. It produces descriptive data that the researcher must interpret using thorough and systematic methods of transcribing, coding, and analysis of trends and themes. Qualitative research findings are gathered through a variety of approaches, and often, a researcher will use at least two or more of the following: direct observation, open- ended-surveys, focus groups, in-depth interviews, oral history, participant observation, ethnographic observation and content analysis while conducting a qualitative study (pg. 2).

Thus, this research adopted a qualitative research study which relied extensively on YouTube videos, legislation documents and existing literature. Qualitative research helped the study to understand the meaning which people of the Oyo community have built around their world and their experiences. It also helped this study to comprehend the socio-cultural norms of the Oyo community and how they relate to domestic violence. Using qualitative research as well helped this study to understand the legislation in place against domestic violence in Nigeria and the Oyo community.

The primary data was sourced from selected YouTube videos of interview sessions with an Ifa priest and an Ifa priestess in 2009, who explained the mythology contained in Odu Ifa (literary corpus) titled “*Women in Yoruba culture*” and “*Women not seeing odu and women’s menstruation*” which are available online. The priest, Araba Yemi Elebuibon, is a well-known scholar and traditionalist of Yoruba descent who is versed and renowned in the field of the Yoruba culture and also promotes culture throughout the world. The Ifa priestess, is a popular Yoruba elder called IyanIfa (that is, female Ifa diviner) in Ile Ife (the origin of the Yoruba), Nigeria.

According to Ramey et al (2016), video data provides a range of possibilities for units of analysis and gives researchers opportunities to conduct rich secondary analyses. Also, the capturing of visual details makes it possible to reveal the context surrounding events and allows for a more complete understanding of the moments of interest. Therefore, the Youtube videos were used to depict the context surrounding the reality of gender construction among the Yoruba, from the mythology in Odu Ifa, so as to get thorough understanding of Yoruba culture.

Odu Ifa is a storehouse of Yoruba culture in which the Yorubas' comprehension of their own historical experiences and understanding of their environment can always be found. To date, Ifa is regarded by the Yorubas as the custodian of the Yoruba cultural body of knowledge embracing history, philosophy, medicine and folklore. The themes of Ifa divination of poems, folklores, proverbs, taboos and oral narratives reveals that they represent the traditional Yoruba world view. This is because it gives reference to all situations, circumstances, actions and consequences. Ifa proverbs, stories, taboos and poetry are not written down, but passed down orally from one priest or priestess to another because it is a sacred oral text.

Therefore, based on the mythology contained in Odu Ifa (literary corpus) the gender constructs of the Yoruba group of people is found, and it is on this premise that people express the adequacy of *oro* (words) and *owe* (proverbs) while searching for the truth on the norms of the Yoruba people. This means that, the perspective of the status of women in Yoruba culture can be obtained through oral narratives that surround women and gender construction. Within the Yoruba culture, it is a common practice to engage the use of proverbs, superstition, taboos, folklore, etc., in order to protect or relegate woman. This is an age-long tradition which is still in use in recent times with little modernization. It is used to describe the norms on women's issues in the society. On this note, the Yoruba tradition of folklore, oral narratives, proverbs and taboos were used to illustrate the gender norms of the Oyo community and how it now contributes to the prevalence of domestic violence in the Oyo community.

Furthermore, on the legal aspect of the study, data was obtained from legislative documents as its primary source, viz, the Nigerian 1999 Constitution, Violence Against People Prohibition Act 2015, the Oyo State 2013 Protection Against Domestic Violence Law and the Oyo State 2016 Violence Against Women Law, to analyse legislation in place against domestic violence in the Oyo Community. However, the Oyo state 2016 violence against women law was engaged more because it is an updated version of the 2013 law and the most

recent law of the state. These laws are documented and accessible online for use (Constitution of the Federal Republic

of Nigeria 1999, Violence Against Persons (Prohibition) Act 2015, Oyo state Protection against Domestic Violence Law 2013 and Oyo State Violence against Women Law 2016). Finally, the secondary sources such as journal empirical study articles with copies of surveys and interview transcripts, reports, newspapers, magazines and credible internet sources and websites, were employed to analyse the major norms operating within the Oyo Community.

3.2.2 DATA COLLECTION AND ANALYSIS

Creswell (1998: 110) cited in Mukamunana's (2008) study, sees data collection as a circle of a series of interrelated activities aimed at gathering information to answer research questions. Antonius (2003: 2) tersely states that data collection points to information that is collected in a systematic way and organised and recorded to enable the reader to interpret the information correctly. While Anastasia (2017) described data collection as the process of gathering and measuring information on variables of interest, in an established systematic fashion that enables one to answer queries, state research questions, test hypotheses, and evaluate outcomes.

Henning et al. (2004) reviewed data analysis as a continuous, developing and repeating process during which transcribed data from interviews are investigated. Cohen et al, (2007) as well defined the qualitative method of data analysis as the procedure of making sense of the research participant's views and opinions of situations, corresponding patterns, themes, categories and regular similarities. Gibbs (2007) aptly points out that qualitative data analysis is a procedure of transformation of gathering qualitative data, done by means of analytic processes, into a clear, comprehensible, insightful, trustworthy and even original analysis.

Firstly, to this end, this study engaged in document review as its method of data collection to review the legislative documents in place against domestic violence in Nigeria. Document review is a way of collecting data by reviewing existing documents and the process provides a systematic procedure for identifying, analysing and deriving useful information from existing documents (WBI evaluation group, 2007 and Evaluation Briefs, 2009). According to Bowen (2009) cited in Triad 3 (2016), document review was attested as a kind of qualitative research in which documents are identified and interpreted by the researcher to give voice and meaning around an assessment topic. The process involves incorporating coding content into themes alike and speaks to how focus groups or interview transcripts are analysed (pg. 1).

The study explains that document review is a social research method and is an important research

instrument in its own right as it is an invaluable part of most schemes of triangulation, the combination of methodologies in the study of the same phenomenon (Bowen, 2009).

Also, Letts et al (2007), viewed document review as a study that involves the analysis of data about historical events with exact approaches used which could be lithe and open for the purpose of learning how prior intentions and events were related due to their meanings and value. The study also said documents are re-read bearing in mind the setting within which they were formed, and it is often used to learn about specific persons at specific times and places that present unique chances to discover more about the topic of interest. Furthermore, Letts et al termed document review as a research method that requires the researcher to enter into an in-depth learning process to become a critical editor of texts, such as diaries, media reports, or blogs.

Secondly, the study employed content analysis to analyse the data gathered from the interview sessions in the online videos of the Ifa priest and priestess to describe, understand and quantify the variety of ways in which the body of knowledge in odu Ifa possibly interprets the reality of Yoruba culture revealing the socio-cultural norms of the Yoruba beliefs and practices. According to Cole, (1988) cited in Elo and Kyngas (2008: 108) content analysis is an approach of analyzing written, verbal or visual communication messages. Mayring (2000), describes qualitative content analysis as a method of empirical, methodological controlled analysis of texts within their context of communication, following content analytical rules and step by step models, without rash quantification.

Leedy & Ormrod (2001) define this approach as ‘a detailed and systematic examination of the contents of a particular body of materials for the purpose of identifying patterns, themes, or biases’ (p. 155). This says that content analysis reviews forms of human communication, including books, newspapers, and films as well as other forms in order to identify patterns, themes, or biases. The approach is designed to identify particular characteristics of the content in the human communications. The procedural process for the content analysis study is formed to achieve the highest objective analysis possible and includes identifying the body of material to be studied and defining the characteristics or qualities to be scrutinised (Leedy & Ormrod, 2001).

Patton, on the other hand, (2002: 453) asserted the definition of qualitative content analysis as any qualitative data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meanings. In a nut shell, content

analysis as a research method is a systematic and objective way of explaining, understanding and quantifying circumstances (Krippendorff, 1980, Downe-Wamboldt, 1992, Sandelowski, 1995 cited in Elo and Kyngas, 2008:108). It is also signified as a method of analysing documents, to attain a condensed and comprehensive description of the occurrence under a given study, and the outcome of the analysis is concepts or categories describing the occurrence (Elo and Kyngas 2008: 108). Krippendorff (1980) cited in Elo & Kyngas (2008: 108) defines content analysis as a research method for making replicable and valid inferences from data to their context, with the purpose of providing knowledge, new insights, a representation of facts and a practical guide to action.

Hsieh & Shannon (2005) described qualitative content analysis as a research approach for the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns. Qualitative content analysis is one of numerous research methods employed to analyse text data and emphasises on the characteristics of language as communication with attention to the content or contextual meaning of the text (Budd, Thorp, & Donohew, 1967; Lindkvist, 1981; McTavish & Pirro, 1990; Tesch, 1990 cited in Hsieh and Shannon, 2005).

Also, Duriau et al (2007) stated that content analysis is a category of research methods at the intersection of the qualitative and quantitative norms. It is auspicious for rigorous exploration of many important but difficult-to-study issues of interest to organizational researchers in areas as different as business policy and strategy, managerial and organizational cognition, human resources, organizational behaviour, social-issues management, technology and innovation management, international management, and organizational theory.

Berelson (1952: 18) cited in Bengtsson's (2016) study, defined content analysis as a research technique for the objective, systematic and quantitative description of the manifest content of communication. Bengtsson (2016) said that in the qualitative content analysis, data is provided in words and themes, which makes it easy to draw some interpretation of the results and the choice of analysis method relies on how deep within the analysis the researcher seeks to reflect the informants' statements about a subject. It has been utilized extensively to determine the place of women in society. In advertising, for instance, women tend to be represented as subordinate, often through their lower physical positioning in relation to the males or the unassertive nature of their poses or gestures (Crossman, 2017). Therefore, the Youtube videos were used to comprehend the reality of gender construction of the Oyo-Yoruba, from an age-

long tradition through the oral narratives of Ifa divination verses by the Ifa priest and priestess. Subsequently, through the use of themes of Ifa divination in Odu Ifa, the reality of gender construction among the Yoruba was revealed from their mythology, and it serves as a paradigm for social categorization, making them germane to gender construction among the Yoruba, which saddles both the female and male in the society with different responsibilities at the mythical and practical levels. Hence, this gives the Yoruba society the basis for regarding males superior and females inferior, as men display dominance over women.

Lastly, the study employed a systematic literature review as its method to analyse all secondary data. Systematic review allowed the study to establish the extent to which existing literature reviews have progressed towards the clarification of socio-cultural norms of the Oyo community towards domestic violence in the community and sought to bridge the gap between laws against domestic violence and social-cultural beliefs in order to curb domestic violence in the Oyo community.

According to Kitchenham (2007) & Ryan (2010), a systematic review is a form of secondary study that uses a well-defined methodology as a means of identifying, evaluating and interpreting all available evidence related to a specific research question in a way that is unbiased. Uman (2011) also put it forward that systematic reviews, typically include a detailed and extensive plan and search strategy derived a priori, with the goal of decreasing bias by appraising, identifying and synthesizing all relevant studies on a precise topic. Majumder (2015) asserted a systematic review as a highly stringent review of existing literature that addresses a clearly articulated question. The review systematically searches, identifies, selects, appraises, and synthesizes research evidence relevant to the question using methodology that is overt, reproducible, and leads to minimum bias.

A systematic review is an appraisal and synthesis of primary research papers using a rigorous and clearly documented methodology in both the search strategy and the selection of studies. This minimises bias in the results (O'Connor, et al., 2007). Systematic reviews are a rigorous and transparent form of literature review. Systematic reviews are a demanding and transparent form of literature review described by Petrosino et al cited in Mallett et al (2012) as the most reliable and broad statement about what works. They include identifying, synthesising and assessing all available evidence, quantitative and/or qualitative, in order to generate a vigorous, empirically derived answer to a focused research question.

A systematic review operates within a process that identifies broadly, all studies for a definite, focused question drawn, appraises the methods of the studies, summarizes the results, presents key findings, finds reasons for the different results across studies, and cites the limitations of current knowledge (8, 9). In a systematic review, all decisions utilized to compile information are meant to be definite, allowing the reader to gauge the quality of the review process and the potential for bias (Garg et al, 2008).

A systematic review is a high-level overview of primary research on a specific research question that endeavours to identify, select, synthesize and appraise all high-quality research evidence relevant to that question in order to answer it (Cochrane, 2014 cited in Heathier. Campbell 2014). A systematic review attempts to identify, appraise and synthesize all the empirical evidence that meets a pre-specified eligibility criteria to answer a given research question. Researchers conducting systematic reviews use explicit methods aimed at minimizing bias, in order to produce more reliable findings that can be used to inform decision making (Cochrane, 2014).

So, a systematic literature review is a section of research in its own right and, by its nature, which is more able to address much more comprehensive questions by uncovering connections among many empirical findings, than what any single empirical study ever can do (Baumeister & Leary, 1997 cited in Siddaway, 2015). Indeed, systematic reviews sit above all other research designs at the top of the 'hierarchy of evidence' because they have the likelihood to provide the most important practical implication (Siddaway, 2015).

3.3 ETHICAL CONSIDERATIONS

Authorization to examine the contestation between domestic violence legislation and the socio- cultural norms of the Oyo community in Nigeria was obtained from the Humanities and Social Sciences Research Ethic Committee and permission was sought. The research was directed by the ethical ideologies of beneficence, non-maleficence and autonomy.

The research benefited the target population, who are women in the Oyo community and who are mostly domestic violence victims, as well as the Oyo community at large, by looking into how to implement the legal framework on gender-based violence regardless of the social cultural beliefs and practices of the community. Also, the research did not aim to harm the target population and other people in the Oyo community, hence, the study was constructed on analytic desk-based research because domestic violence is a very sensitive topic, which may

negatively affect the target population's emotions when being interviewed, and this makes the target population autonomy to be respected by not being interviewed.

3.4 LIMITATIONS OF THE STUDY

The challenge to this study is the fact that domestic violence is a very sensitive topic, therefore people involved may not want to open up and share their domestic live experiences, hence the decision to rather source primary data from selected YouTube videos of interview sessions with an Ifa priest and an Ifa priestess who explain the mythology contained in Odu Ifa (literary corpus) titled 'Women in Yoruba culture' and 'Women not seeing odu and women's menstruation' and also from legislative documents, namely; the Nigerian 1999 Constitution, Violence Against People Prohibition Act 2015, the Oyo State 2013 Protection Against Domestic Violence Law and the Oyo State 2016 Violence Against Women Law to analyse legislation in place against domestic violence in the Oyo Community, which are all available online. For this reason, the research adopted desk-based work and relied on secondary sources which were textbooks, articles, journals, magazines, and newspaper.

3.5 CONCLUSION

The study adopted a desk-based qualitative research method to understand the worldview of the socio-cultural norms of the Oyo community in Nigeria, to interpret and understand the meanings people in Oyo community attributed to their social and cultural norms and interactions with others through the use of verses in Odu Ifa and how they relate it to domestic violence. Also, it observed and became acquainted with the legislation in place against domestic violence in Nigeria and Oyo community, through legislation documents, existing literature and YouTube videos, as its primary and secondary data. Lastly, the study employed content analysis, document review and systematic literature as its data collection methods and analysis; to gather information that provided answers to the research questions and transform the collected data into an understandable and insightful analysis.

CHAPTER FOUR

EXAMINING THE SOCIO-CULTURAL NORMS OF THE OYO COMMUNITY

4.1 INTRODUCTION

The research methodology adopted by the study was discussed in the previous chapter. In order to avoid loss of focus on the relevance of this study, it becomes imperative to reiterate that one of the main aims of this study is to examine the socio-cultural norms of the Oyo community and how they aid in the upsurge of domestic violence in the community. As discussed earlier primary data was sourced from selected YouTube videos of interview sessions with an Ifa priest and an Ifa priestess, who explain the mythology contained in Odu Ifa (literary corpus) titled '*Women in Yoruba culture*' and '*Women not seeing odu and women's menstruation*' which are available online (Henry, 2009 and Ruiz, 2016). Secondary data were sourced from journal empirical study articles with copies of survey and interview transcripts, reports, newspapers, magazines and credible internet and website sources, to analyse the major norms operating in the Oyo Community.

4.2 CONCEPTUALIZATION OF ODU IFA

In a conversation with Ifayemi Elebuibon (2016), it was gathered that Ifa is the living body of wisdom which is handed down by Eledumare (God), given to Orunmila, who is the first diviner priest who walked on the earth and the only one who is a witness to people's destiny in the spiritual realm before birth. Orunmila used the body of wisdom (Ifa) to heal and resolve all human problems that come with living on earth. According to the history of the Yoruba, Orunmila married Odu (mysterious wife) because Egan, (his first wife could not get pregnant). Orunmila consulted the Ifa about Egan's barrenness. Ifa told him to go and marry a second wife, and only after that could Egan bear a child.

Orunmila took Odu as his second wife and she gave birth to sixteen children, which are called 'ODU IFA' (16 major Ifas), and they are ranked in this manner: Eji-Ogbe, Oyeku Meji, Iwori Meji, Odi Meji, Irosun Meji, Owonrin Meji, Obara Meji, Okanran Meji, Ogunda Meji, Osa Meji, Ika Meji, Oturupon Meji, Otura Meji, Irete Meji, Ose Meji and Ofu Meji.

Olajubu (2003), said that oral sacred text constitutes the starting point of any investigation into the Yoruba thought system, which means the Yoruba cosmological accounts in Odu-Ifa serve

as a paradigm for social categorization making them germane to gender construction among the Yoruba. The study further revealed that the reality of gender construction among the Yoruba, is known from their mythology, which saddles both the female and male in the society with different responsibilities at the mythical and practical levels.

Olokun (2013), also argued that when one speaks of the Yoruba people's cultures and traditions, it is impossible to separate the subject from Odu Ifa. He said, it is within the oral corpus of Ifa divination and worship system that the soul and beating-heart of the Yoruba people dwell. The Odu Ifa is a Yoruba holy text and its verses are written in an exotically poetic style, and comprises all their science, cosmology, metaphysics, medicine and wisdom. Sage (2013) asserted that Odu Ifa is used primarily for the purpose of divination on how to overcome a problem or life purpose, destiny and destination. It is seen to also provide proverbial wisdom on the Yoruba concept of righteousness, faith, truth, courage, wisdom, character, wickedness, divinity, success, and any other kind of moral and ethical understanding according to the Yoruba spiritual practice commonly known as 'Ifa'.

Sage (2013) further explained that the verses of the Odu Ifa did not only provide incredible proverbial wisdom, but also portrayed the daily life of the Yoruba ancestors by describing their ancestral African cities, houses, palaces, mansions, streets, roads, agriculture, craftsmanship, engineering, monetary system, business practices, clothing, jewelry, legendary ancestors, military practices, family values, and anything relating to the traditional African way of life. Hence, odu Ifa did not only provide great moral and ethical wisdom, but as well provide an in depth look into the lifestyle and thought processes of true African personalities (Sage, 2013).

Abimbola (1977), confirmed that in Ifa, there are 256 various Odus of Ifa poetry, and many hundreds of diverse poems are associated with each Odu. It was explained that the Ifa priest memorises these poems over several years of training and each poem is followed by a set of 'throws' of the divination instruments like cowrie shells or kola nuts to reveal which poem is appropriate when a client comes to the Ifa priest for counsel. The Ifa priest recites the poem to the client who in turn looks for a clear interpretation of his situation in the words. This enables Odu Ifa to give references to all occurrences, situations, actions and consequences in life, based on the innumerable verses (poetic tutorials) relative to the 256 Odu coding. In Yorubaland, Odu Ifa is an essential part of life and for every incident in the lifespan of a man, there is a corresponding Odu. In each Ifa verse, there are more than 4000

meanings/verses/stories which explain what the Ifa client is passing through after a divination by the priest. Due to its vastness,

the Odu Ifa cannot be contained into any book and is therefore handed down orally through generations.

4.3 THE PORTRAYAL OF YORUBA WOMEN IN FOLKLORES, POEMS, PROVERBS, AND TABOO IN ODU IFA

Yoruba women have been ridiculed throughout the telling of folklores, poems, taboos and proverbs that stereotype them in a negative ways while men get preferential treatment. This is because of beliefs that are based on stereotypes which are very strong that people tend to accept. The stereotype is an exaggerated and preconceived portrayal of the Yoruba society, usually based on bias rather than fact.

However, with repetition over a long period of time, it automatically becomes permanent and difficult to change. This gives the Yoruba society the basis for characterising males superior and females inferior through the use of themes of Ifa divination. Hence, men display dominance over women, who are often regarded as second-class citizens. The Yoruba Ifa divination system contributed in a significant way to the justification of women's negative images and portrayal from the verses of Odu Ifa, thereby, making women in the Oyo community face traditional and cultural issues that pertain to their complex experiences of domestic violence (Obioma, 2004).

Dogbevi (2011) asserts that proverbs to a large extent form the basis of African thought, including gender construction. According to Familusi (2012), a proverb is a concise statement, in general usage, expressing a shrewd perception about everyday life or a universally recognized truth. Most proverbs are rooted in folklore and have been preserved through oral tradition. He reasons that proverbs are very significant in traditional Africa, as it helps to find words when it is lost, hence the saying among the Yoruba , *“Owe lesin oro, oro lesin owe; ti oro ba sonu owe la fin nwa”* – *meaning- proverbs help in explaining words and vice versa; when words become incomprehensible, then proverbs are used in explaining them.* Thus, proverbs are intimately related to the way of life of Yoruba people which is addressed in many themes and areas of Odu Ifa.

4.3.1 Women as Betrayers, Deceivers and Traitors

In the Odu Ifa of Oyeku Meji verse, women are portrayed as betrayers and traitors. In the verse, a woman called Olojongbodu betrayed her husband when she told her husband's

enemies all those things which were forbidden for her husband to eat. As a result, death fell down from the

top of an Ayunre tree and severely injured the husband. From the Ifa divination system is the story as follows:

"Obinrin leke, obinrin l'odale - Women are full of deceit, Women are betrayers

K'eyan mo finu han fobinrin - Let no one confide in a woman

A dia fun Olojongbodu, obinrin Iku" - That was the case in the divination for Olojongbodu, the killer wife

The story from the second Odu of Ifa brought in the proverbs often used to categorize women as traitors and betrayers:

"Obinrin L'eke, obinrin l'odale - A woman is a gossip, a woman is a traitor.

A benu mimu bi obe - Her mouth is as sharp as a knife

Eniyan ti ko gbon ni i bobiriin mule, Ijo obinrin bo mawo lo baje"- Only a stupid person takes an oath with a woman; the day she knows the secrets of a cult, that cult is destroyed.

Also, an Ijala poem which is usually chanted by hunters (mostly men) in honour of Ogun (the god of iron), puts it this way:

"E ma je ka finu han f'obinrin; ibi ti oju re o to, enu re debe" - We should refrain from revealing our secrets to a woman; her mouth will speak more than her eyes can see.

The proverbs and poems above translate that women are traitors and betrayers and that any man who shares a secret with a woman does so at his own peril. The proverbs explain that a woman can go to any length to get hold of a piece of information, and once acquired, such is used negatively. In light of the above, men are advised to be mindful of what they tell women so as to avoid danger. This makes men not to share their mind with their wives when taking a vital decision. The proverbs and poems contributed to the prevalence of domestic violence, as men do not involve their wives in decision-making despite their essential role in the family. This gives in to male dominance at the expense of women, as the authority in the home rest with the husband who is responsible for all decisions in the family (Akintan, 2013).

To this view, Aluko's (2015) study bolsters the exclusion of women from decision making when looking at property rights among Yoruba women. One of the respondents in the study mentioned that men do not regard women when taking a decision such as buying land or

building a house, as some even completed it before telling their wives. It was asserted that men take decisions on their own because they are the head of the household. Thus, the meaning given to the illustrated poem contributes to the exclusion of women from decision-making in their household which is one of the prevalence of domestic violence women are facing in their various homes.

This systemic nature of subjugation makes Yoruba women unable to negotiate their way out of domestic violence, which affects them at both an individual and institutional levels, thereby hindering them from participating in decision-making activities in the household and society at large. This shows that women need to negotiate their way out of this aspect of patriarchy in the Oyo community by utilizing the culture of negotiation in order to deconstruct patriarchy for their own benefit (Obioma, 2004).

4.3.2 Women as Wives

In contrast however, one verse in the first Odu Ifa of Eji-Ogbe upholds the positive role played by a woman as wife, which is in contrast with women's portrayal in the second Odu Ifa of Oyeku-meji, as betrayers, deceitful and traitors. The verse tells the usefulness of women as wives who gives protection to their husbands in the house to elude debts, trouble, disease, death etc. On this Ifa, the verse goes thus:

Oda-owo, awo koro – Lack of money, Ifa priest of koro

Aabo, Obinrin re – His wife namely Protection

Omoo won ni Oke Ijero – Their daughter at Ijero... etc.

The story in the verse of Eji-Ogbe shows the role played by Aabo (Protection), one of the most popular wives of Orunmila. She stood by her husband and saved him from death and disease affliction by assisting in taking care of the three strange visitors who came to visit him unexpectedly. Orunmila had nothing with which he could make his visitors feel welcomed. However, she (Protection) came to her husband's rescue by packing some of his possessions and going to the marketplace to sell. Thereafter, she bought some items of entertainment for Orunmila's guests to fill their bellies. Unknown to them, the guests were Iku (Death), Arun (Disease) and Esu (Devil), who came to afflict Orunmila. This means that if Aabo had not come to his rescue as a wife, he would have been struck by disease or killed.

Abimbola (1968), in analysing the story in Eji-Ogbe says, the verse shows the important of a woman in a man's life. Abimbola says Aabo's role indicates the supportive role women play in their husband's house, that of main backup for men. Also, from the illustrated story of Orunmila and his wife, Aabo, Alaba (2004) argued that in truth, men thrive on the metaphysical power possessed by women, who tactically choose to be unknown at times. He further argued that, all mighty Yoruba men are seen as successful because of the support of a woman who could be a mother, wife or wives, concubines and daughters(s).

Additionally, he stated that any mighty man can be ruined once his female supporters withdraw their support. This means that women are the pillars holding the success, life etc of their husbands. From the forgoing, one can see the reason why Yoruba people believe that a man cannot really live a successful life until he has a wife or wives (Makinde, 2004). However, the belief is found in the verse of Ifa corpus of Otura-Meji which says:

“Aini obirin ko se e dake lasan – You cannot fold hands and look on without a wife

Bi a dake lasan, enu ni I yo ni – Folding of hands bring trouble

Enia ko lo 'birin” – One without wife.... etc.

Though, Aluko (2015) argued that women as wives are still under the Yoruba traditional obligations to be submissive to their husbands. The study asserted the norm that is well captured in the Yoruba popular expression, which says *“Oko lolori Aya, meaning, the husband is the master or crown of the wife”* which implies the wife's subservience to the husband in all matters.

However, the good role of a wife portrayed by Aabo in the verse of Eji-Ogbe as a pillar holding the success or life of men, could be used to apply the culture of negotiation in Oyo community to enable men to view women as individuals with whom they can share their opinions and make decisions towards the progress of the family. As advanced by negofeminism, this would involve deconstructing all negative popular expressions and portrayals of Yoruba women which men have in mind, that often instigate the prevalence of domestic violence within community households (Obioma, 2004).

Women as Witches

Another proverb which relegates and classifies women as witches is:

“Kaka ko san fun iya aje on fi gbogbo omo e bi obinrin, eye nyi lu eye”- Rather than a witch giving up on witchcraft, she multiplies her power by giving birth to females.

This proverb indicates “witch” as a feminine energy, which is a force that is naturally connected to the female principle. This is because it has the power to create or destroy so that re-birth is possible and balance is restored, as all women carry the power for creation and destruction through the womb. Thus, the secretive nature of this power instils awe and fear in men which they can never comprehend and it is believed that “witch” is passed down from mother to daughter, since “witch” is a spiritual power that is specific to the female.

Abimbola (1968) affirmed that, in a Yoruba society, witchcraft is a powerful spiritual practice associated with females under traditional religion, while wizardry is for males under such traditional religion. This means that the daughter of a witch will automatically become one. Therefore, a man whose wife is a witch (if he knows) becomes sad when the woman reproduces her kind, and apart from the fact that the mother will pass witchcraft powers to her daughters, it also shows that sons are preferred to daughters in Yoruba land, which is another factor that promotes the prevalence of domestic violence in the community when the wife does not bear male children.

A woman’s case as a witch is conserved in the 10th Odu Ifa which is Osa Meji. Osa Meji of Odu Ifa explains how the witches got their metaphysical strength from Eledumare (God) when he made the first set of human beings and thereafter sent them to earth. Their praises in the verse goes thus:

“Apanimowaagun – One that murders and eats the flesh thereof

Olokiki oru – Popular person in the dark/night

Ajedo tutu mo bi...” – One who consumes human liver and does not throw up...

The verse above shows the wickedness of witches, their doctrine and how they operate at night to destroy fellow humans. However, Faith (2017) argued that witchcraft is part of gender power structure in Nigeria, as women are mostly accused of being witches, especially when it comes to the death of their husbands, even though the Yoruba traditional religion acknowledged that both men and women can be witches. The study described how women go through rituals to

prove their innocence in the death of their husbands. The respondents in the study reflected on how women are always looked upon with suspicion in Nigeria when their husbands die, while men are never suspected when their wives die, even when everyone knows that the man was very abusive to the wife while alive.

In the same study, it was acknowledged that the accusation of witchcraft is also attached to women when couples delay to conceive or when there are miscarriages endured (pg. 26). To this end, Eze-Anaba (2007) affirmed that a woman could be subjected to violence for being accused of being a witch. This makes it difficult for Oyo Yoruba women to negotiate their way out of patriarchy context in the Oyo community (Obioma, 2004).

4.3.3 Women as Powerful beings

However, in Yoruba traditional religion, “witch” refers to the power itself, and not the person. Another verse in the Odu Ifa of Osa-Meji posits the power given to women by Eledumare to be superior over everything, even to the power given to men. On this, Odu Ifa says:

“Nigbati won nbo l’aye - When they were coming to the earth

Awon obinrin, won ko ri nkankan yan la t’odo Olodumare - Women had no powers from Olodumare

Nwon nbi ara won pe agbara wo ni awon ni...” – They wondered the kind of power they possessed.....

Also the verse in Otura Meji lays emphasis on the power Eledumare gave to women, when Eledumare sent the deities into the earth for its creation, Osun, the only woman among them was excluded and things did not go as well as they planned, it was only when they went to beg Osun to join them that things started going well with them. Thus, this shows that women are very powerful and relevant, it means without women, the world cannot be formed, as this brings forth the saying, that: *Obinrin ni o ni aiye – women own the world*. Reinforcing the power of women in the verse of Otura-Meji, Olajubu (2003) indicates that Osun possesses the authority to activate or deactivate the power in life which could make the natural way of life stagnant.

This is also evident in the chapter of Irete-Meji in Odu Ifa when Eledumare was giving power to the deities when coming to the earth, Eledumare gave Obatala, the power of creation, and Ogun, the power of war technology and evolution, while Odu was not given any power. So, she went to Eledumare before they left the invisible realm for her own power on earth, then

Eledumare told her that “*you will be Iya won that is, their mother for all eternity that will support the world*”. “*You are the mother of all men, they must alert you, Odu, of all things they intend to do*”. Eledumare then gave her the power of ‘*eiye – bird*’. The verse tells that Eledumare gives her the Eleiye pot (which is the Odu pot). However, Eledumare warned her not to misuse the power given to her. She then says as long as people don’t mess up, she will give them blessings, but if they mess up, she’ll kill them. But the verse made it known that she gets a bit too arrogant and misuses her power. So, the command over the power was transferred to men, but the power still remains with women. On this the verse goes thus:

“Two te fele mo’le, emi te fele mo’le - You stepped on the brush. I stepped on the brush.

A te fele mo’le papo - We both stepped on the brush.

Di’fa fun Odu lati owo awo – That was the divination for Odu when he consulted the priest.

Won ni, Odu lo si ikole aye lati ikole orun...” – It was said that Odu left heaven for earth.

Olajubu (2003) regards women as powerful beings who are able to depose any bad ruler through protest processions in their nakedness. Women as powerful beings also establishes the relationship between the power a woman has in reproducing and the sanctity of life. In this regard, Williams (2014) states, all powers both good and evil derive from women because of their special powers of giving birth to all other human beings. However, these positive aspects of women are not often emphasized but rather they are mostly spoken of in connection with their malevolence. With this great power women possess, this study believes it should be a guide for dealing with every implication of patriarchal traditions and customs in the Oyo community by dismantling every negative portrayal of women in the community as advocated by negofeminism (Obioma, 2004 and Akin-Aina, 2011).

4.3.4 Women as wicked and hard-hearted

The Ifa Ose-meji portrays women as wicked persons who enter a home and destroy it. The Ifa says:

Inu u won ni o da – Their minds are full of evil

Iwa a won ni o sunwon – Their characters are devilish

Ifa a won ni o sunwon – Their divination is malevolent etc.....

The excerpt in the Ose-meji tells about women's wickedness and hard heartedness before they are married into a home. The verse then gives warnings to men to be careful as such women could scare everything out of the family or turn the house empty. Because of this, the following proverbs are used to stereotype women as wicked, hard-hearted and at times murderous:

“Obinrin bimo fun ni ko pe koma pa ni - That a woman bears a man a child doesn't stop her from killing it

Obinrin ko bimo fun ni, ko pe ko ma pa ni - That a woman is yet to bear a child for a man doesn't stop her from killing him

Okunrin ti ko ku, obinrin re ni ko ti i paa - If a man is not yet dead, it is because his woman is yet to kill him.

Ito pe lenu o di warapa, egbo pe lese o di jakute; bi obinrin ba pe nile oko aje nii da” - When saliva overflows in the mouth, it is termed epilepsy; when a wound on the leg is left untreated, it gets rotten. When a woman stays married to a man for long, she becomes a witch.

Through these poems and proverbs, the image of women is severely tainted, and society does not give them any chance to express their reasons openly and freely. This explains the reason for women being subjected to harmful widowhood rites when their husband dies, as it is often believed the woman's hard-heartedness and wickedness killed her husband. Afolayan (2011) affirmed that women are subjected to inhuman treatment all in the traditional beliefs that the women are potential husband killers. The study explained that widowhood rituals are one of the central issues around which the conception of gender-based violence, as well as harmful traditional practices has cleaved (pg. 15).

Olukayode (2015) said the widowhood practices are observed among the Yoruba for the woman to prove innocence of the death of her husband, through which the widow may have to swear with either the Holy Bible or the Holy Quran or through other traditional means like being asked to drink the water used for washing the corpse in order to prove her innocence of not involved in her husband's death (pg. 3). It is therefore obvious that the assumption embedded in the traditional legal doctrine, gives suggestions on how the customary law plays a role in women's subordination (Kennedy and Katherine, 1991). This study sees the need to guide the traditions and customs in the Oyo community for the benefit of women's freedom (Obioma, 2004).

4.3.5 Women as Subordinate

The Ifa verse that resonates the general thought regarding the importance of sons is in the Odu Ifa of Iwori-Meji which states concisely:

“Omo Okunrin ni ogidi omo - Male child is the real child

Eni ba bi Obirin omo - whoever bears female child

Bi eru gbogbo aye - Bears public slave

Omo okunrin ni ojulowo omo” - Male child is the authentic child.

This verse of Ifa shows the relevance of a male child, by classifying the male child as a real child, regarding the female child as irrelevant. The following proverb that further buttresses the perceived irrelevance of the female and emphasizes male child preference in Yoruba society is;

“Adekunle ni oruko okunrin, Adetule ni oruko obinrin” - A son brings addition to a household while a daughter reduces it.

This explains the saying that when a woman is married, she moves in to her husband's house and is integrated into that family. Truthfully, there's preference for the son who would eventually marry and bring home a wife than, the daughter who would eventually leave her father's house at marriage and become member in another family (Akintan, 2013 pg. 58). This is the reason a son is symbolically referred to as 'opomulero' that is, the pillar of the household while the daughter symbolises a cyclic stream.

This confirms why Familusi (2012) and Akintan (2013) said the arrival of a girl-child is not as celebrated as that of a boy-child in most homes in Yoruba society because male children carry the family name, which is a mark of social fulfillment on the men's part. Fapohunda (2012) & Akintan (2013) considered this for the contempt with which women are treated, as some parents prefer to send boys to school to allow them attain higher pedigree, giving them the best education while providing the least levels of education to female children.

Thus, the poem and proverbial male preference syndrome also often hinders women from inheritance and property rights. Yoruba people hold the belief that whatever a woman owns belongs to the family, which is headed by a man, hence the belief that a female child does not

need to inherit property because if inherited, it would be eventually owned by the husband she marries. Akintan (2013) affirmed that Yoruba a woman has no right to inheritance as she herself can be inherited at the death of her husband.

Staveren & Odebode's (2007) study attested to this belief. When examining the family norms of the Yoruba, it was found that property rights and inheritance are imbalanced for the Yoruba, which are set out in culturally and traditionally embedded rules and processes. One of the respondents firmly expressed a lack of provision for inheritance rights and individual property for women. It was said;

"In Yoruba land, a son is seen as "Arole" which means "he who stays and fills the house." And there is the saying that "a female born of a woman is only a passenger whose final destination is her husband's home; so a woman is just for her father to care for before she gets married." (Staveren and Odebode, 2007).

Therefore, these poem and proverbs are used as weapons to force women to accept particular practices that are not beneficial to them, but for men only. They are also used to remind and warn men to be highly conscious of their territory and authority whenever they are involved with women. However, the Ifa verse and the proverb shows the traditional legal rules and practices that constructs how women are being treated on the assumption embedded in the traditional legal doctrines which are constructed by gender (Dailey, 1993).

4.3.6 Women as Mothers

The fourth odu Ifa of Odi-Meji acknowledge women as mothers, it says:

"Bo ba se pe Iyaa mi ni – As for my mother

Awede Awemo – she cleanses brass, she bathes children

Otoro Efon..." – she is called Otoro Efon...

The story above illustrates the role of Osun as a mother, as someone who gives help to the needy. In Yoruba land, Osun is seen as a mother who helps many people to solve their problems, especially to women who could not get pregnant. This is because Osun is believed to have given birth to several children so much that there's no seat for her; the reason why Osun was always found standing up and she was also considered as the goddess of fertility (olomoyoyo). This bring forth the proverb which says: *"Iya ni loniranlowo, baba ni alabaaro"*

– *A mother is a helper, while the father is a counsellor.* Abimbola (1968), described the image

of woman as mother in Odu Ifa as a very powerful image and analysed the image of woman to mean *ikunle abiyamo* - *the labour pain and experience of a woman on her knees*. This is because it is believed in Yoruba that if a woman begs another human being in that posture and utters the words *mo fi ikunle abiyamo be o* - *I beg you with motherhood*, it is only a hard-hearted person that would say no. Therefore, Abimbola (1968) regards the statue of a woman on her knees as a great representation of supplicating the terrestrial forces to hear their cries or accept their atonement.

Abimbola argued that what a woman goes through in the process of labour, a man cannot bear and also said *ikunle abiyamo* is a creation process which *women take after Eledumare during labour*. Reason why people regard mother as ‘Wura – Gold’ that is “*Iya ni wura, baba ni dingi*”

– *Mother is like gold (dearer to the child than the father), father is a glass*. Olajubu (2003) also lays emphasis on motherhood as a major subject in goddess worship, which is founded on the supposition that women as mothers make up the source of supernatural and earthly life in human world.

Aluko (2015) as well acknowledged motherhood as the highest value that is given to women as mothers in Yoruba land, as the Yoruba believe the preservation of humanity depends on the role of mothers (pg. 60). Therefore, the power symbol of women kneeling down could be used to utilize the culture of negotiation between men and women in the Oyo community in order to diminish the patriarchal notion that men have in mind but rather assent women with the highest value. (Obioma, 2004).

4.3.7 Women as Sexually Promiscuous

The sacred Odu Ifa Oyeku Ofun tells about a woman called Adesetan who was going from town to town snatching many women’s husbands. The verse says as she visited them all, one by one she infected them with a sexual disease and killed a vast number of men in each of the cities she lived. The story goes thus:

“Iporo o seje - Iporo o seje

A di’fa fun Adesetan omobirin ona Iworo - Ifa was divined for Adesetan, a lady along the way to the city of Iworo

O pogun oko sile alara - She killed twenty husbands in the city of Alara

O pogbon oko soke Ijero” - She killed thirty husbands in the city of Ijero... etc.

The Ifa therefore concludes by warning people that women like Adesetan who practice such lifestyles should be avoided. Thus, it was from the Oyeku Ofun verse that proverbs which are used to stereotype women as promiscuous was extracted and they are:

“Baa fi gbogbo ile nla jin kolekole, kope o ma jale die kun; bi a si fi gbogbo odede jin iyawo agbere, kope o ma tara re f’ale” – Give a burglar an estate, it does not stop him from theft; if an adulterous wife is given an entire house, that does not stop her from giving in cheaply to an illicit affair.

“Obinrin abi ale mefa won ko mo ara won” - A woman will have six lovers, yet they would not know one another.

These proverbs depict women as erratic with reference to sex and marriage. Going by this saying, it explains that some women are adulterous. The proverbs illustrates an expression of lack of trust and a conclusive conception of the woman. Yet, the Yoruba culture permits men to explore their sexual desire or polygamy, but regards polyandry with contempt. Yakubu (2011) asserted that the hypocritical stance of the Yoruba patriarchal society encourages men to explore their sexual desires with the opposite sex, and men who keep many girls or women are generally adjudged by society to be manly, randy, and mature, but women who do same are seen to be committing a grievous sin against God and nature.

Thus, the verse and proverbs give in to prevalence of domestic violence, as men make use of the verses and proverbs to depict women as human with little control over their sexual urges in order to sexually abuse them or control their movements. Adejimi et al (2014), affirmed this when he assessed the prevalence of sexual violence amongst male civil servants of Oyo State. The study found that respondents often used controlling behaviours towards their wives when they go out without their consent, insisting on knowing where their partners were at all times, and also anger/jealousy if their partners talked with other men, regularly accusing their partners of being unfaithful. Eze-Anaba (2007) also confirmed that a woman could be subjected to violence for being involved with or suspected to have an illicit lover aside of her husband. However, this shows gender discrimination practices in the Oyo community, as they affect women and construct women’s identities, in the exposure and critiques of patriarchal nature (Christine, 1989).

The third Odu of Ifa Iwori Meji verse also reinforced polygamy, when Ifa told Orunmila to go and marry a second wife when his first wife was unable get pregnant. It goes thus:

“Aja oni bode Mowa – Dog is a watch guard of Mowa town

Agbo onibode Moba – Ram is a watch guard of Moba town

Adiye Irana Aba ara sukuuku – The fowl that roams about always look strange

Adi’fa fun Orunmila baba mani egan sile – Thus declared Ifa oracle and advised Orunmila that Egan his wife was without a child.

O lo re gbe Odu ni iyawo – Then he decided to take Odu as his second wife.

Egan a so, Odu awo, omo awo a male” – Egan will produce seed, Odu will continue multiplying and Ifa students will increase.

Therefore, men use this as an opportunity to get themselves a second wife or as many wives they want as the case may be, when their wives cannot get pregnant or bear them children. For instance, another proverb in support of this is *Ori omo lon pe omo waye - the birth of a child beckons to the coming of another child*, meaning that if your wife is barren, you should marry another woman who can bear you children and these children will in turn call other children to come through the first wife, this is a solution to barrenness in Yoruba tradition, which encourages polygamy.

There is also another proverb that corresponds to the Iwori Meji verse, which suggests that a man can be polygamous in nature, it says: *“Pashan ta fi na iyale, oun be laja fun iyawo” - The same treatment meted out on the first wife is available for the second wife*. This indicates that the new wife should not anticipate being treated specially from the first wife. Lastly, the core supposition of this proverb regards a woman as a child that should be reprimanded anytime she is wrong, and that men are free to beat their wives. Hence, men make use of this verse of the Odu Ifa and the proverb to marry as many wives as they want, as a confirmation of social status and responsibility and to prove their dominance and superiority over women. (Akintan, 2013).

Adejimi et al’s (2014) respondents asserted the point that, it is a normal occurrence for the husband to correct his wife by the whip if she asks whether her husband has a girlfriend, or because of disobedience to husband’s instructions and late preparation of food. However, Akintan (2013) see polygyny in Yoruba society as exploitation of females, as these proverbs and Ifa verses are used as weapons to force women to accept particular practices that are not of benefit to them, but to men which cover for men’s own excesses and infidelity in terms of

sexual relations. As a result of this, this study will embrace culture of negotiation in order to deconstruct all stances of patriarchy that hold women in a negative light of being sexually promiscuous for the benefit of women's freedom (Obioma, 2004).

4.3.8 Women as Unfit to Participate in Religious activities

One aspect of the Yoruba culture that is relevant in terms of a woman's state is taboos. Famulusi (2012) explains a taboo as a prohibition against performing certain acts and it is motivated by magical or social sanction. He said it is a *"way in which a society expresses disapproval of certain kinds of behaviour believed to be harmful to its members, either for supernatural reason or because such behaviour violates a moral code."* A taboo is commonplace in all westernised nations but it is analysed in many parts of Africa. In Yoruba land for example, taboos are used to establish spiritual cause which then turned to enforcement of moral rules. The study found out that some taboos militate against the rights of women and are therefore seen as a way of favouring and establishing men's supremacy. Instances of such taboos are cited below:

"Awo egungun lobinrin lese, awo gelede lobinrin lemo, bobinrin foju koro, oro a gbe" - Women can only participate in a masqueraded cult; they can be involved in gelede cult as well, but if she sees oro cult, she will be devoured.

The saying above indicates the barrier set for women in participating in the Egungun cult. The cult is majorly for the males and it requires an amount of concealment. Peradventure a woman knows the concealed cult, she dares not say it. This basically explains the saying *"b'obinrin mawo ko gbodo wi."* Masquerades that operate at night are said to do so in their nudity, hence, women must not see them. If for any cogent reason any woman needs to go out at night when the Egungun festival is ongoing, there must be prior notice to that effect so that the night masquerade comes out, woman can go into hiding. This proverb is an indicator of the fact that there is no equality in the involvement of men and women in religious matters and it shows there are some occultic practices that are peculiar to the male folk. This traditional religious structure of the Yoruba could be referred to as prejudiced.

Also, it is regarded as taboo for females to see Oro. It's a traditional form of worship that is also peculiar to men. In an attempt to forbid women from knowing its practice, they are customarily forbidden to see or participate in it so as not to know its secrets. If a woman disobeys the sanction, hence the saying that *"b'obinrin ba f'oju kan oro, oro a gbe" that is, if a woman sees oro, it will punish with her.*

However on the contrary, a verse in Odu Ifa Irantegbe shows the genesis of the Egungun cult as that which was initially peculiar to women. The Odu Ifa verse stated how powerful the women were at the onset before they were gulled by men who took over these powers from them, thus, turned women subordinates to men and also limits them of their right to participate in traditional religious activities. The verse goes thus:

“Ha! Agba t’oba s’aseju, tite ni te - Ha! An elder who goes overboard will be disrespected

A d’Ifa fun Odu –That was the divination for odu

Nigbati ode isalaye...” - When she got to the world... etc.

This belief portrays Odu as a very mighty woman who was initially in charge of the traditional form of worship. Adewole (2016) said, Odu in Yoruba religion is also recognized as the wife of Orunmila that is, the deity in charge of divination and wisdom, and the designation of chapters in the Ifa corpus.

Similar to women’s prohibition against Egungun (Masquerade) performing acts and Oro religious activities, the study of Famulusi (2012) also stated that, a menstruating woman is not allowed to participate in the sacrifice to Obatala (Obatala is a Yoruba divinity of fertility and other religious activities). Obatala is well-known for whiteness and this symbolises purity, and a menstrual period is believed to be a time of impurity or defilement, hence, women are forbidden from entering into any sacred place because they could render all objects there ineffective (p.303). Although, Olajubu (2003:10-11) said different cultures conceived blood in different ways and settings, where some see it as life itself to be valued, some view it as an impurity, and prevent any affiliation between it and consecrated parts. Yet, the notion of mystery is associated with menstrual blood, thereby limiting the part played by women in religion all over traditions from time to time.

However, Olusola (2014) said, in the case of the Yoruba culture, a negative tag has been put on menstrual blood in the religious space in the prohibition of women from power structures either permanently or temporarily, all in the fear of contamination and power clashes. The study further explained that, it is not only in sacred spaces where women are banned, but, they are also banned of their sexual right with their husbands, as traditional husband priests in Yoruba land often prevent their wives from sleeping with them, so as not to lose some certain medicinal potency and effectiveness on them when their wives touches them. Even an ordinary man who is not a priest would not eat the food prepared by a menstruating woman or that of a woman

who has just given birth to a child. Thus, the taboo does not only portray females as impure but also undermines their significance in religious practices, decision-making and the rights in the house.

The reason why women could not participate in the sacrifice of Obatala could be drawn from the Odu Ifa chapter of Irosun Meji, which symbolizes the possibility of accident and misfortune. In Yoruba, menstrual blood is referred to as Irosun (red Camwood powder), which is useful for performing rites in Ifa tradition. Williams (2014) attested that menstrual blood is regarded as significantly powerful and can “bring misfortune to a man” and render impotent any herbal concoction. IyanIfa from Ile Ife attested to this when asked if it is proper for a woman during her menstrual period to go to Ifa temple, her response was;

No. The reason is that if a woman enters, it will destroy the charms kept inside the temple and can make the woman's menstrual cycle to cease and never come on again. In Yoruba land, when a woman is on her menstrual period, it is believed she is unclean (IyanIfa, 2009).

Similar to this, is the case of women not permitted to see Odu, in an interview conducted with IyanIfa, she was asked if women can see Odu. IyanIfa confirmed the fact that women cannot see Odu, giving the same reason with why woman can't see Oro, in her words she says;

The reason for a women not being allowed to see Oro, is the same reason women cannot see Odu. It is called Eewo (Forbidden). No babalawo cannot even allow a woman to see Odu. There is always a demarcation and a woman is placed far away from Odu side.

The Iyanifa was then asked the correlation between Odu and Oro, the woman explained thus;

They are almost both the same thing. It is a taboo for any woman to see Odu. Even in the olden days, our forefathers do not allow their women to cook for them or serve them with water while menstruating.

The supposition of why women are not allowed to see Odu is from the chapter of Odu Ifa of Irete-Meji, which says thus:

“...The time came, Odu said, Thou Orunmila, You are going to learn my taboo.

She said, she wish to tell him her taboo.

She said, she did not want his other wives to see her face.

She said, that he should tell all of his other wives that they should not look at her face.

Whoever looked into her face, she would fight.

She said, she did not want anyone to look at her

appearance. Orunmila said, "Fine!"

He then called all of his

wives. He prevailed upon

them.

The wives of Orunmila would not look at Odu's face..."

The excerpts from this verse show Odu's warning to Orunmila from her taboos. When Odu finally ends up marrying Orunmila, she tells him all her taboos and promised Orunmila to make all things completely good for him if he keeps to her taboos. One of the taboos she told him was to tell all his other wives not to dare look at her face. Orunmila then promised her that none of his wives will look at her. Orunmila then summoned all his wives and told them that they must not look at Odu's face. He kept her in one room separately and always go in to meet her.

One day when Orunmila was not around, out of curiosity, one of the Orunmila's wives wonder who the person in the room was that they always pass food for. She opened the door and saw the room dark, she took up lamp to see the person in there, she saw Odu's face and out of Odu's furious state, she killed her. Thus, that is why women are not allowed to look at the Odu's pot. Yoruba people see Odu's pot as the most powerful object in the Yoruba religion. They believe women can receive Ifa and become diviners such as Iyanifa or Iyalawo or belong to Ifa cult with the same status as men, but they can't look into the Odu's pot.

In recent times, these taboos are used to violate women psychologically to restrict their movement and right, the initial reasons for a woman not to see Odu or Oro and participate in Obatala sacrifice activities are no longer effective but rather are now being used to curtail women's movement and to hinder their participation in some certain activities in the community. Therefore, the culture of male dominance over the females is strong and as a result, subjecting them to feelings of inferiority, lack of confidence and unworthiness in their chosen fields.

This reveals gender inequalities in the religious sphere in the Oyo community which gives way to women's subordination to traditional religious structure and restricts them from

participating in religious activities. Thus, Obioma's theory (2004) will help women to negotiate their way

out of this aspect of patriarchy in the Oyo community by utilizing the culture of negotiation in order to stop male dominance in religious practices to the Yoruba women's advantage. This will be done by coming together of women in religious activities which will help them to cope with difficult challenges of their daily lives. As this will enable them to obtain an amount of liberation from the anxieties of household troubles and domination, as well as provide them with means of helping them deal with conflicts and suffering. Chong (2006: 713) confirmed that religious participation of women is more than just a coping mechanism but an important instrument of gender resistance against male authority, control and restrictions imposed by the family system.

Ifayemi Elebuibon, when interviewed in Brazil in 2016 on women in culture, asserted that these practices started in the ancient days when women were not to take part in the tradition. The evidence was shown in the verse Odu Ifa of Otura-Meji as it narrates how Osun was exempted by other gods which Eledumare sent to the earth. Also Baba Ifayemi explained thus:

“In the ancient time, when Eledumare sent the deities on a mission to create the world, Osun was the only female amongst them but Osun was not allowed to attend their meeting, and she was not allowed to make contribution on the creation of the world. This made Osun angry and went behind to form a society of witchcraft to destroy their mission. The deities went back to Eledumare to make report to the difficulties they are facing, saying; ‘we used all the knowledge you gave us but to no avail, everything is not working’, Eledumare consulted Ifa on their behalf and then asked about the woman amongst them, they replied that they had isolated her, Eledumare told them to go back and bring her to their midst and they went back to restore her to their midst, inviting her for meetings and all sorts, and things started falling into places for them (Ifayemi Elebuibon, 2016).”

This means in the traditional Yoruba society; the people envisaged their world into masculine and feminine. Both male and female of deities worked together to maintain power equality. And when both were equal, there was unity in the world but when they were in discord, there was turmoil. Ifayemi (2016) said Osun was the symbol of contemporary feminists to start women's liberation by fighting for women, demanding for women's participation by allowing women to partake in the decision making by attending meeting and be initiated. In Ifayemi Elebuibon's voice

“...that is how everything came back to normal, people were no longer sicker, no drought, no trouble and no famine in the planet, which was what allowed Yoruba tradition to allow a

woman play a role. It was in the same way that churches and mosques do not allow women to play a role, which is from history. The more reason we see women allow to go into temple and taking leadership roles, such as Iya Agan that is head of Egungun (Masquerade), Iyalode (Head of a society), Iyaloja (Head of market woman), as well as becoming Iyanifa or Iyalawo. It is Yoruba tradition that allow all that while other religion do not allow women to play an important role.”

Olajubu (2003) argued that Olodumare also recognized, and by implication, endorsed the complementary roles of male and female humans, preferring that the male deities go back and make peace with Osun.

This made Yoruba women fill-up an important post and played vital roles in pre-colonial political entities such as family, religion, economy etc. However, the women founded the various kingdoms and territories in Yoruba land, where they exercised political authority as kings with the assistance of Osun. Women like Madame Efunporoye Tinubu, the renowned iyalode of Abeokuta and Iyalode Efunsetan Aniwura in Ibadan, played such part as Osun and this gained recognition in trade and politics at the time. There were no lesser than two Oonis (title of king) that were females in Ile-Ife, a city regarded as the religious domain of the Yorubas.

Also in Oyo, the political domain of the Yorubas, Orompoto, a woman, reigned after Egunogu for many years as the Alaafin. Apart from this, each Yoruba kingdom had a ranking of female chiefs and the Iyalode was the most popular title for the head of the female chief ranking in all of Yoruba land (Awe, 1977). Awe (1977:12) in her book titled ‘the Iyalode’ in the traditional Yoruba political system described Iyalode as the mother of the town or the queen of the ladies or the most distinguished lady in the town and the extent of the Iyalode’s power varied from kingdom to kingdom.

4.3.9 Women as Priestesses

Through the help of Osun, a female can be an Ifa diviner, just as a male can also be an Ifa diviner. According to an Ifa verse in Eji-Ogbe, it illustrates the right and the power women have to be an Iyanifa or Iyalawo and it tells that nothing stops a woman from performing the role of Ifa diviner just as men do. The verse goes thus:

Arowo difa – Arowo divines

Awo ile Jagba – The priest of Jagba

If ape iwo Orunmila – Ifa said you Orumila etc.....

This verse empowers women as Ifa diviners and regarded them as powerful beings equal to their male Ifa diviner counterparts. However, in Yoruba language Iyalawo literally means ‘mother of wisdom’ and IyanIfa can be translated to mother in Ifa. Olajubu (2003) also discussed the function of women as priestesses in the Yoruba religious space, as people who are in custody of the ritual power (acting as intermediary between mortals and the Supreme Being) that sustained the Yoruba community.

Nevertheless, despite Osun efforts, women’s complementary roles in Odu Ifa and people’s awareness efforts to liberate women from domestic violence, many Yoruba men still use proverbs, taboos in Odu Ifa and other aspects of tradition to justify their prejudice, and uphold their hegemonic masculinity. Until the present day, women in the Oyo community are still greatly violated through the traditional and cultural system that was in operation then. Men still consider many of the proverbs, poems, and taboos portraying women in a negative way as a justification for expanding their excesses to domestically violate their women. This makes the theories of this study relevant in examining the contestation between domestic violence legislation and gender norms in the Oyo community and how the two can be reconciled (Obioma, 2004).

4.4 CONCLUSION

From the above analysis of socio-cultural norms of the Oyo community, the conceptualization of Odu Ifa was discussed, and it was asserted that Yoruba culture cannot be separated from Odu Ifa because the soul /beating heart of the Yoruba people dwells within the oral corpus of Ifa divination and worship system. Thus, making Odu Ifa portray the daily life of the Yoruba people which gives an in-depth look into the lifestyle and thought process of true Yoruba personalities. It was discovered that Odu Ifa provides proverbial wisdom of the Yoruba concept of righteousness, faith, truth, courage, wisdom, character, wickedness, divinity, success, and any other kind of moral and ethical understanding according to the Yoruba spiritual practice commonly known as ‘Ifa’.

Through this, constructions of gender were discovered in Yoruba and found the prevalence of domestic violence that women are confronted with, through the poems, taboos, and proverbs in Odu Ifa which stereotype them in ridiculous and negative ways. During the course of analyzing the socio-cultural norms of Oyo community, it was found that in Odu Ifa verses of

poems, proverbs, and taboos, women are subjected through the beliefs that are based on the stereotype which most men tend to accept, depriving women of their rights, freedom, decision-making activities etc. The analysis shows the preferential treatment men get as the family superiors, and thus making women inferior with the classification of women as less important and an immoral entity, insignificant beings and subordinate. In conclusion, the portrayal of women in Odu Ifa obviously demonstrates the prevalence of domestic violence women face in the Oyo community such as exclusion from decision-making both in the household and religion, harmful widowhood rites, male preference syndrome, exclusion from inheritance and properties, exploitation etc.

Nevertheless, the analysis shows there is an ordinate-subordinate relationship in the attitudes and behaviors of Yoruba men towards their women. Yet, they still depend on women for assistance, covering etc. However, men do not totally trust their wives who they regard as misleading, traitors, witches, sexually promiscuous and unfit to participate in religious activities. These imbalances clearly state the gender norms of women in the Oyo community and its prevalence of domestic violence in the Oyo community. Nonetheless, the image of women is still recognized as powerful, rather than hopeless and inferior, which is the contemporary image which Yoruba men tend to paint their women. Therefore, with the recognition of women as being powerful and influential, women can negotiate their rights, in order to erase their negative portrayal and deconstruct patriarchy for their own benefits.

CHAPTER FIVE

LEGISLATION AGAINST DOMESTIC VIOLENCE IN NIGERIA

5.1 INTRODUCTION

This chapter deals with the analysis of legislation in place against domestic violence directly and indirectly in Nigeria and the Oyo state as the second primary data source of this study, to understand the real and desirable correlation between law and gender (Katherine, 1999). This chapter will discuss the international treaties ratified by Nigeria against domestic violence that protect women's rights. Such will include: International Covenant on Civil and Political Rights (ICCPR), International Covenant on Economic Social and Cultural Rights (ICESCR), Universal Declaration, The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and African Charter.

Also, domestic treaties such as, the 1999 Constitution of Nigeria, Violence against People Prohibition Act 2015, the Oyo state 2013 Protection against Domestic Violence Law and the Oyo State 2016 Violence against Women Law, to explain and critique law in respect to and from the perspective of Yoruba women will be explored, so as to challenge women's subordination and reject patriarchy for the liberation of women in the Oyo community (Christine 1989). The Oyo state 2016 Violence against Women laws were engaged more because it is an updated version of the 2013 law, and the most recent law of the state. However, before beginning with the legislation against domestic violence in Nigeria and Oyo State, the chapter will first provide the the feminist theory perspective on domestic violence and their contributions to legislation on domestic violence.

5.2 FEMINIST PERSPECTIVE ON DOMESTIC VIOLENCE AND THEIR CONTRIBUTIONS TO DOMESTIC VIOLENCE LEGISLATION

Seligman (1975) cited Seeley & Plunkett (2002) described violence against women through an experiment called '*learned helplessness*', as an aversive event that women had no control over. Therefore, Walker (1979) says an abused women becomes paralyzed as a result of '*learned helplessness*', that gives women no power over their circumstances and subsequently becomes subservient towards penalty and violence. To this effect, Seeley & Plunkett (2002)

view domestic violence from a feminist perspective to be an outcome of a patriarchal society and

unequal power distribution that traditionally oppressed women, and as a result of abuse of power that makes men believe they have the right to dominate women through physical and emotional violence. McPhail (2007) also asserted that the feminist theory is based on an outcome of male domination over women within a patriarchal system, in which men are the prime perpetrators of violence and women the main victims, which is from historical and current power differences that keep women subsidiary, mainly through the use of control, which includes physical, economic, sexual, and psychological abuse, comprising tactics of intimidation and isolation.

In correlation, Tracy (2007) views the feminist theory perspective on domestic violence as a patriarchal issue that comes up in any or all forms GBV that cause abuse against women. The study noted that, the the feminist theory perceives patriarchy as an overarching social construct which ultimately engenders abuse, hence, view domestic violence as an outcome of patriarchy, which is part of a systematic effort to maintain male supremacy in the home and in society (Meyer, 2003 cited in Tracy, 2007). Also, according to Amaral (2011), the the feminist theory emphasizes on gender and power inequality in opposite-sex relationships, and it focuses on the societal perspective on male's use of violence and aggression throughout life and the prescribed gender roles that dictate how men and women should behave in their intimate relationships.

Although, exponents of the the feminist theory admit that women can also be violent in their relationships with men; though, feminists just do not see the issue of women exploiting men as a serious social problem, and therefore, does not deserve the same amount of attention or backing as violence against women (Kurz, 1997 cited in Amaral, 2011). Therefore, Collins (2000) cited in McPhail et al (2007) stated that the feminist perspective on domestic violence recognizes the significance of viewing at the intersections between gender and other systems of oppression, such as race, national origin, sexual orientation, class, age, and disability, by challenging male supremacy and privilege as well as the historical notion that domestic violence is a private family affair. Therefore, within feminist thought, there is an acknowledgment that women suffer as a result of gender inequality and that radical alteration is required (Nancarrow, 2003).

Feminists demand legal reform, communal solutions, including the founding of programs and facilities for women who have been assaulted, and the participation of the criminal justice

system to hold men responsible for their violence. Hence, feminists pursue legal reform in favor of women because the judiciary is seen as an avenue that had the potential to provide symbolic and actual justice for women and to increase the public awareness of the intimate partner violence issue (Clark 1989–1990, p428 and Currie 1990, p405 cited in Hall, 2015 p7). Even though the diversity of legal reforms that are invented to improve the prevention and amends of domestic violence, sexual harassment, rape and sexual assault, and other forms of violence against women have not all been equally efficacious (UN Division, 2005).

However, efforts were made in securing women's safety, creating public awareness that violence against women is unacceptable, making known that sex discrimination is connected to other forms of oppression of women, empowering women who are victims of violence, strengthening women's place in society by enhancing equality and avoiding measures that impose a dissimilar negative impact on underprivileged groups (UN Division, 2005). For instance, Hall (2015) noted the feminists appealing success in 1982 in changing the criminal code of Canada so that rape will be defined as an act that could occur not only outside of marriage but also within marriage. Though, an amendment was made, and it removed the word "rape" from the Criminal Code, replacing it with "sexual assault" which was written in gender- neutral terms (Sheehy, 1999 cite in Hall, 2015 p8).

Hall (2015) argued that gender-neutral language persists to this day and has led to an increased criminalization of women, who are often countercharged by their assaulters. Nevertheless, the the feminist theory recognizes the resilience, strength, and agency of women in the legal reform and attempts toward the goals of female empowerment and self-determination.

5.3 INTERNATIONAL, REGIONAL AND HUMAN RIGHTS TREATIES AND CONVENTIONS RATIFIED IN NIGERIA AGAINST DOMESTIC VIOLENCE

Consequent to the the feminist theory contributions to legislation on domestic violence, this section placed emphasis on the international and regional commitments that Nigeria abides as regards domestic violence under the Universal Declaration of Human Rights, these include the International Covenant on Economic Social and Cultural Rights (ICESCR), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), the African Charter on

Human and Peoples Rights on the Rights of Women (Maputo Protocol) and Africa Charter, to protect

women's privileges generally and from domestic violence specifically. Even though, domestic violence is not explicitly stated in the Universal Declaration, nevertheless, the right of women to be liberated from domestic violence can be tacitly construed from the articles of the Universal Declaration. Although, Eze-Anaba (2007) argued that women are still faced with various and diverse obstacles enforcing international human rights standards and therefore suffer from lack of protective laws that meet the international standards.

5.3.1 International Covenant on Civil and Political Rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR)

The United Nations ICCPR tries to ensure the safeguarding of civil and political rights, which was embraced by the United Nations General Assembly on December 19, 1966, and it came into force on March 23, 1976. The ICCPR is acknowledged as the International Bill of Rights, and it recognizes the intrinsic dignity of each individual and accepts to promote conditions within states to permit the satisfaction of civil and political rights. Countries that have approved the Covenant are indebted to protect and reserve basic human rights and are compelled to take administrative, judicial, and legislative measures in order to guard the rights conserved in the treaty and to deliver an effective remedy (ICCPR, 1966).

The uniting themes and values of the ICCPR are seen in Articles 2 and 3 which are based on the conception of non-discrimination. Part 2, Article 2 (1) *“ensures that rights recognized in the ICCPR will be respected and be available to everyone within the territory of those states who have ratified the Covenant (State Party), stating non-discrimination on the basis of sex.”* Article 3 ensures *“the equal rights of both men and women to the enjoyment of all civil and political rights”* and Article 4 gives *“equal rights for everyone.”* In part 3, Article 6 makes *“the right to life”*, Article 7 assents *“the right to be free from torture, inhumane or degrading treatment”*, Article 8 (1) and (2) gives *“right to not be enslaved”*, Article 9 (1) accedes to *“right to liberty and security of the person”*, Article 16 states right to *“recognition as a person before the law”* and lastly, Article 26 coincides to *“equality before the law”*.

Similarly, the ICESCR was espoused by the United Nations General Assembly on December 19, 1966, and it came into force on March 23, 1976, together with the ICCPR (1966), make up the International Bill of Human Rights. The Covenants recognize the ideal of liberation of human beings as enjoying economic, social and cultural rights. However, Nigeria ratified the

ICESCR on 29 July 1993 and stated implicitly the right to be at liberty from domestic violence

from some of its two provisions. Part II, Article 2 (2) of the ICESCR prohibits “*discrimination on the basis of sex*” and, Article 3 acquiesced “*the equality of men and women.*” However, the Nigerian ratification of the ICCPR and ICESCR tacitly stated the right to be liberated from domestic violence from some of its provisions, though the law is not yet domesticated in the country.

The ICCPR and ICESCR laws are not yet domesticated because of the inherited doctrine reproduced in section 12 (1) of the 1999 Constitution of the Federal Republic of Nigeria (CFRN) which provides that; “*no treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly.*” Consequently, Women Aid Collection (2008), asserted that the challenges in implementing the international treaties is a result of what is provided in section 12 (1) of the Nigerian Constitution, which restricts application of the international treaties. Egede (2007), Ibe (2010), Dada (2012) & Johnson (2015) argued that the failure of the international treaties to specifically eliminate domestic violence is due to the dualist system Nigeria operates, which is buttressed by virtue of provision in section 12 of the Nigerian Constitution, whereby treaties cannot be utilized domestically except they have been integrated into the Nigerian domestic legislation.

Dada (2012) said the Nigeria Supreme Court clearly held on to the doctrine, that no treaty applies unless it is authorized by the national law and of which the Constitution, by virtue of its supremacy as the highest law of the country has primacy over international law. Therefore, it means if the section 12 (1) of that Nigeria Constitution is not amended, it would continue to hinder the effective of ICCPR and ICESCR to curb domestic violence in the country. Ojigbo (2009) rightly submitted that until Nigeria's law-making body passes a law incorporating the provisions of the treaty, which is known as the process of domestication, Nigerian inherited doctrine will continue to limit the effect of a treaty in Nigeria. Thus, the effect of this constitutional provision is that until the National Assembly domesticates the treaties prohibiting domestic violence, these treaties cannot be enforced in Nigeria.

However, Enemo (2018) argued that the provision of ICCPR can still be applicable in Nigeria to sort out the problem of domestic violence even without being domesticated; reason being that the Nigerian Constitution as the uppermost law in the country and the African Charter law being domesticated in Nigeria shows the provision of right to life in section 33(1) and Article

4 respectively, which is in line with the provisions given in Article 6 of the ICCPR, of which domestic violence is conceived as a violation of the right to life (Enemo, 2018, pg.11).

Consequently, this study argues that the provision of ICESCR can as well be applicable in Nigeria for courts to use in giving justice to women experiencing domestic violence without being domesticated. The justification is that the Nigerian Constitution section 15(2) shows the “prohibition of non-discrimination on the basis of sex”, which is perceptible to provision of ICESCR in section 2(2). Enemo (2018), admitted that be as it may, the time has come for lawyers and judges to look beyond the issues and problems of non-domestication of these international treaties, by becoming more proactive, bold and dynamic in the interpretation of the domestic laws as it were.

5.3.2 The Convention on the Elimination of all forms of Discrimination against Women (CEDAW) and The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo Protocol)

The CEDAW was espoused by the United Nations at the General Assembly in 1979 and enforced in 1981. The United Nations Division for the Advancement of Women (DAW) correctly termed CEDAW is a Bill of Rights for women due to its front runner status in bringing the female half of humanity into the focus of human rights concerns. It consists of a preface and thirty articles that describes what constitutes discrimination against women and sets up a programme for national action towards the demise of such acts of discrimination.

The Convention offers the basis for understanding equality between men and women through guaranteeing women’s access to equal opportunities in all areas of life, such as economic, political, social, and cultural (Women’s Aid Collective, 2008). Nevertheless, the Nigerian government signed and ratified CEDAW in 1985 as a state party to the convention without doubts. This was done in order to take suitable/ necessary measures to ensure redress of discrimination women face daily by ensuring women enjoy the rights to which they are eligible under the Convention (Women’s Aid Collective, 2008 and Johnson, 2015).

According to Opeyemi (2017), the UN committee on Convention on the Elimination of all forms of Discrimination against women expressed their concerns on the prevalence of violence against women and domestic violence in Nigeria, as recommendations were made to the Nigerian government to take specific action against domestic violence by domesticating CEDAW into Nigeria’s national law. Also, by providing shelters and support services including sufficient training for the police and health service providers to support victims, and

additionally, introducing school syllabi, courses on women's right to increase alertness/awareness of Nigerians on the violence against women and to stand-in a positive culture grounded on the equality and non-discrimination of women all over the states in the country (Opeyemi, 2017 pg. 11). Nigeria then made assurances to integrate the principles of equality of men and women in the Nigerian legal structure, by abolishing all discriminatory laws and accepting suitable legislative and other measures to eradicate discrimination against women (Eze-Anaba, 2007). These were put up in Article 1 of the Convention on the Elimination of All forms of Discrimination against Women (CEDAW) which simply gave a definition of gender discrimination as *"any distinction made for women because of their sex"*.

Also, Article 2 (a- g) urges the state parties to the treaty to *"condemn discrimination against women in all forms and agree to pursue all appropriate policy of eliminating discrimination against women by localising the equality of sexes in their various Constitutions"*, Article 3 laid emphasis on the *"right of women to dignity in all fields, particularly in politics, social, economic and cultural fields"*, Article 4 (1) grants *"equality between women and men"*, Article 5 (a) and (b) of CEDAW prods states parties to take *"all appropriate measures to combat gender roles"*, while Article 10 articulates on *"bridging gender disparity in Education and urges states parties to take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women"*.

Article 15 stipulates *"equality before the law that will accord women equality with men before the law"* and Article 16 (1) gives *"equality to women and men in marriage and it states that all appropriate measures must be taken in all state parties to eliminate discrimination against women in all matters relating to marriage and family relations."*

Nigeria then signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Women's Maputo Protocol) in 2000 and approved it in 2004, thus, strengthening its pledge to the obligation of the treaty, which calls for the abolition of discrimination against women. The African Commission on Human and Peoples Rights on Domestic Violence was concerned about the deficiency of legislation at the national level on the discrimination against women and asked the Nigerian government to enact the Africa Charter law that would prohibit Female Genital Mutilation, Violence against Women and other discriminatory practices against women. Nonetheless, the protocol is yet to be adopted into Nigerian law, due to the absence of the political will by the government to domesticate

approved international instruments as required by their Constitutions, discriminatory cultural and traditional practices, religion, and poverty (Eze-Anaba, 2007) and this impedes its utilization in Nigeria.

Nevertheless, Article 1(f), (g) and (j) define discrimination against women, harmful practices and violence against women, Article 2 (1) (a- e) stipulates the “*elimination of discrimination against women and urges the states parties to combat all forms of discrimination against women through appropriate legislative, institutional and other measures*”, Article 2 (2) stipulates “*the elimination of harmful cultural and traditional practices in state parties*”, Article 3 (1- 4) lay emphasis on “*the right of women to dignity*”, Article 4 (1) provides women with “*the right to life, integrity and security of the person*”, Article 4 (2) obligates “*the state parties to take appropriate and effective due diligence measures to end public and domestic violence against women*”.

Article 5 specifies the elimination of Harmful Practices against women by urging “*the states parties to prohibit and condemn all forms of harmful practices which negatively affect the human rights of women and which are contrary to recognized international standards. It states, states parties shall take all necessary legislative and other measures to eliminate such practices*”, Article 6 (a- j) enunciates equal rights marriage, urging states parties “*to ensure that women and men enjoy equal rights and are regarded as equal partners in marriage*”, Article 8 (a- f) states “*access to Justice and Equal Protection before the Law for both women and men*”, Article 12 (1) provides “*right to Education and Training for women by taking appropriate measures*”, Article 20 nudges “*state parties to take appropriate legal measures to ensure that widows enjoy all human rights*” and lastly, Article 21 (1) and (2) gives “*widow and female children the right to inheritance.*”

However, the provision of CEDAW and the Maputo Protocol attempts to figure out gender in law and aims to work towards seeking for equality between men and women in the society (Katherine, 1990). Johnson (2015) has argued that the laws fail to work towards seeking for equality and to guard women’s rights from domestic violence in Nigeria, due to religious and cultural reasons and also the non-domestication of CEDAW and Maputo Protocol into national law. In Nnadi’s (2012) view, the effect of non-domestication of the international treaties makes no Nigerian resident to depend on them by virtue of section 12 (1) of the 1999 Constitution, yet Nigeria is compelled by these instruments under international law.

Nevertheless, Egede (2007:275) suggested implicit ways of utilising the non-domesticated human rights treaties in which Nigeria is a party, notwithstanding, the stringent provisions of section 12 (1) of the Constitution. It was suggested that courts are capable of using non-domesticated human rights treaties by depending on them for support in interpreting alike provisions in the Constitution and African Charter which has been domesticated, and which might give rise to lawful anticipation by citizens that government in its Acts, would observe the terms of the treaty. Enemo (2018) concurred that treaties can be used by the Courts as a guide and aid in interpreting Nigerian laws that will give the positive effect in response to iron out the problem of domestic violence.

Johnson (2015), and Enemo (2018) then argued that the non-domestication of the Protocol to Women's Rights and the CEDAW in Nigeria are still both pertinent in Nigeria notwithstanding their non domestication. The reason behind this being that section 18(3) of the African Charter states that *"the state shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions"*. Therefore, both laws can be made reference to, due to the provisions of the African Charter by holding on to 'international declaration and conventions', that they are related to by virtue of section 18(3) of African Charter which has been domesticated in Nigeria.

Egede (2007:275-276) stated that the justices have the opportunity to refer to similar provisions in other international human rights treaties approved by Nigeria, such as the ICCPR, as a direction to the understanding of the African Charter Act. Johnson (2015) however stated that efforts have not been made by lawyers to apply this chance.

Besides, Johnson (2015), reasoned that the difficulties in utilizing CEDAW and Maputo Protocol for contesting women's rights is in the language used. It was argued that the wide wording of CEDAW, which allows for misinterpretation and misunderstanding, hinders their domestication and application to the Nigeria law and domestic violence situation. The study also argued that lack of awareness of the treaties by the public makes it difficult to utilize, as most people in Nigeria, especially women, are unaware and ignorant of the rights they are privileged to under the international treaties. This shows that the lack of awareness of these treaties hinders women from seeking their rights as guaranteed in the treaties, hence, makes it difficult to think CEDAW and Maputo Protocol will stand as strong means in curbing domestic violence in Nigeria.

5.3.3 The African Charter on Human and People's Rights

At the regional level, the African Charter on Human and People's Rights was ratified in Nigeria in 1983 without any reservations, and even though domestic violence was not specifically mentioned, but the right to be liberated from domestic violence could as well be taken from the Article's provisions which offer non-discrimination on the basis of sex and of women and protection of the rights of women and children. The African Charter has been adopted into Nigerian law and it endorses women's rights in many of its Articles.

The African Charter identifies women's rights in three comprehensible Article's provisions, they are Article 2, Article 3 and Article 18 (3). Part 1, Article 2 contains *"a non-discrimination clause, providing that the rights enshrined in the Charter shall be enjoyed by all irrespective of race, ethnic group, colour, sex, language, political or any other opinion, national or social origin, fortune, birth or other status"*, Article 3 (1 and 2) enjoins countries to *"combat discrimination against women via legislative, institutional and other means"*. The equal protection clause in Article 3 provides for *"equality before the law and equal protection before the law"*, Article 4 provides women with *"the right to life and integrity"*, Article 5 grants the *"right to be free from torture, inhumane or degrading treatment, Article 6 cedes to person right to liberty and person security"*, Article 13 (1-3) gives individual *"the right to participate in politics and in public services and property services in strict equality of all persons before the law"*, Article 18 (3) ensures the *"elimination of every discrimination against women and also ensure protection of women, and lastly Article 19 and 28 stipulates equal right and respect without discrimination."*

However, Eze-Anaba (2007) argued that the African Charter was insufficient in guarding the rights of women in Africa as it did not deliberate on critical issues such as customary and traditional practices within the conjugal relationship. She claimed there was no stipulation on the age of marriage and parity of spouses. Pointing out that the Charter promoted African traditional values and traditions without due reflection to the damaging effects of some traditional values on women, gives to the justification for the adoption of legal feminism by this study to challenge the assumption embedded in the traditional legal doctrine that gives suggestions on how the law plays a role in women's subordination, by changing and improving, to ensure equality (Kennedy and Katherine, 1991).

On the contrary Johnson (2015) debated that, the reason why the African Charter law has little effect in improving women's lives, is due to the fact that, Nigeria uses its internal laws as an

excuse to evade its commitments and obligations to the African Charter, as the Supreme Court is of the belief that it is unimaginable for the African Charter to have more influence than the highest law of the country (Nigerian Constitution). Also, the concern is that women will start utilizing the African Charter provisions to hold the government legally accountable to guarantee their rights. However, Nigeria merely adopted the African Charter into her civic law, and the provisions of the Charter are incorporated into chapter IV of the 1999 Constitution which deal, amongst others, with “the right to life, the right to dignity of human persons and the right to liberty.”

5.4 DOMESTIC TREATIES ENACTED IN NIGERIA AGAINST DOMESTIC VIOLENCE

5.4.1. The 1999 Constitution of Nigeria

The international conventions ratified in Nigeria, alongside the regional and national human rights treaties against domestic violence, recognise the persistent effect of patriarchy and masculinist norms on legal systems. In the light of which Christine (1989) endeavors to clarify, analyse and adjust laws in respective of, and from the perspective of women, which aim to challenge gender subordination and reject patriarchy for the liberation of women.

The 1999 Constitution of Nigeria specifies that the Constitution is the uppermost law in Nigeria in Chapter 1, part 1, section 1(1), as iterated below.

“This Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria”.

From the Constitution, domestic violence was not specifically mentioned but it can be implicitly implied in its provisions. Such as in, section 15 (2) that prohibits “*discrimination on the basis of sex*”, and Section 17 (2) (a) gives “*equality before the law by assuring the state social order which is founded on ideals of freedom, equality and justice.*” Chapter IV, Section 33 (1) provides a person to have “*the right to life*” and lastly, section 34 (1) (a) and (b) state that “*no person shall be subject to torture, inhumane or degrading treatment.*”

Johnson (2015) argued that the Nigerian Constitution that should ideally protect women from discrimination as the highest law of the country comprises discriminatory provisions that are reinforced towards women. As this is evident in the language used in section 26, 29(4) and 42, which shows the Constitution is male-oriented. Reason being, there is no exact provision in the whole Constitution that visibly outlines discrimination (WACOL, 2008). Ketefe (2011)

asserted that, the 1999 Constitution of Nigeria is afflicted with many defects, notable among which is the obvious and hidden discrimination against women. The hidden discrimination comprises the gender-biased language of the Constitution, as the Constitution reinforced and maintained violence against women. Emakhu (2013) attests to this, saying; “the Nigerian law, which should be looked upon as the last hope of the down-trodden to curb domestic violence, has turned out to be an instrument of gender discrimination”. As the language of the Nigerian Constitution, for example, is disappointingly ‘manly’ as the word “He” is regularly used in the barring of the word “She” where both genders have been referred to.

The language used in the Constitution is therefore obvious to be predominantly masculine and it is attested to in the section 318 of Chapter VIII, part IV of the Nigerian Constitution which addresses the issue of interpretation, citation and commencement, which states;

“In this Constitution, unless it is otherwise expressly provided or the context otherwise requires- "belong to" or its grammatical expression when used with reference to a person in a state refers to a person either or whose parents or any of whose grandparents was a member of a community indigenous to that state.”

To assume female as male means to overlook the fact that a woman has her own concerns. This means that the Constitution recognises only the male gender and as well reflects the mind-set of those who constructed the Constitution.

Supporting this, Okegbola (2010), in her work ‘*Gender gaps in the Nigeria Constitution*’, noted that, the language in which the Constitution was written, discloses its ostensible desire to continue with the patriarchal tradition in the society. In her opinion, it is obligatory to oust the Constitution of its masculinity and make it genderless, recognizing that not only men are human beings in Nigeria. She noted the pronoun ‘he’ to appear in the 1999 Constitution 235 times, while the word woman was used only two times in sections 26 (2) (a) and 29 (4) (b). It is therefore obvious that the Nigeria Constitution is gender-biased/sexist in its language of construction, by failing to acknowledge the existence of women on equal terms with men, thus, portraying the patriarchal nature of the Nigerian society.

Okafor (2013) posits that, a Constitution needs to be expressed in a language which will make clear and speak for women as well as men. The study said, the Nigeria Constitution has hugely neglected the gender aspect of its citizens by failing to use an inclusive language.

Ketefe (2011) stated that, a good Constitution should safeguard the interests of all the people in the country

and leave no room for unfair discrimination against any person, institution or body, either directly by incorporation of discriminatory provisions, or indirectly by featuring gaps which may be exploited to deny some people their rights.

The Nigerian Constitution advocated for the protection of human rights as mentioned earlier, of which the rights of women were implicitly interpreted however, the Constitution is still passive on gender specific human rights obligations. According to Shettima (1995) cited in Okafor's (2013) study, gender equality was not applied when the Nigerian Constitution was approved in 1979, as the provisions concerning women were not conferred and nothing was done to legitimately involve women in the national political structure or to implement laws that will curb women's rights violation.

Furthermore the study observed that the 1999 Constitution yet again was prepared without the input of women, who constituted half of the Nigerian populace and contributed to societal development in vital ways (Awomolo, 1997, Ketefe, 2011, Pogeson, 2011, Adeleke, 2012 and Oluyemi, 2016). Women's contribution to the social and economic development of the country, is more than half as likened to that of men by virtue of their double roles in the productive and reproductive spheres (Allanana, 2013). Rather, women are grouped together with lunatics, imbeciles and infants under common law (Bamgbose, 2005).

5.4.2. Violence Against Person's Prohibition Act 2015

The Violence Against Person's Prohibition Act (VAPPA) was enacted for the purposes of eliminating violence in private and public spheres and to prohibit all forms of violence against persons and provide maximum protection and effective remedies for victims and the punishment of offenders (VAPPA, 2015). VAPPA was signed into law in 2015 and it is only applicable to the Federal Capital Territory (FCT). Onyemelukwe, (2016) asserted that VAPPA came into existence to address gaps that existed in the protection and remedies available to women who had suffered various harm as a result of violence meted out to them on account of their gender. The Act expresses violence as; any act or attempted act, which causes or may cause any person physical, sexual, psychological, verbal, emotional, or economic harm whether this occurs in private or public life, in peace time and in conflict situations.

Section 1(1) (a-c) of the VAPPA bans rape and section 1 (2) sanctions life imprisonment to "any person convicted of an offence under section 1 (1) (a-c)." Section 2 (1) prohibits "wilful injury on another person", Section 3 forbids "a person from causing another person physical, emotional or psychological harm", Section 6 (1) gives "prohibition of female genital

mutilation.” While section 6 (2) gives the punishment to whoever performs female genital mutilation, Section 9 (1) disallowed forceful ejection or abandonment of spouses, Section 10 (1- 3) bans deprivation of liberty by any person, Section 14 (1- 3) states that “a person who commits verbal, emotional and psychological violence on another has committed an offense”, Section 19 states that “anyone who beats his or her spouse is guilty of an offence, Section 20 makes it a crime for anyone to practice harmful traditional acts on any person” and lastly, section 21, regards the use of harmful liquids or substance on another person as an offence.

However, Onyemelukwe (2016:16) argued that VAPPA adopts gender neutral language as women are not specifically identified as beneficiaries in the title and in the Act provisions, thus retains some female empowerment flavor (pg. 22). Also, the study argued that, some of the Act’s provisions fail to acknowledge gender-based violence against women as a form of discrimination, which is thus an indication of the historical imbalance of power relations between men and women, which is a violation of women’s human right. Lastly, the Act provision in section 9 (1) mentions prospective concerns, for example, “the offence of abandonment which provides that a spouse can be charged with abandonment if they abandon the home and their responsibilities.”

Onyemelukwe (2016) then argued that would a woman who seeks refuge outside the house in the face of domestic violence be accused of abandonment? (pg. 20). Therefore, it is arguable that the provision given in section 9 (1) and the gender-neutral language adopted in the Act still imperils and relegates women’s experiences and rights, thus, making the realization of protecting women debatable.

On the other hand, Johnson (2015) contended that despite the law’s estimable protection of domestic violence, the complexities that exist between the federal and the state laws with regards to issues of marriages makes the law to be non-effective. This is because of the second Schedule part 1 item 61 of the Nigerian 1999 Constitution which reveals that the federal government can only make laws for statutory marriages but cannot intercede in marriages that are tied under Islamic and customary laws. Since domestic violence occurs mostly in marriages contracted under Islamic and customary laws, the VAPPA enacted by the federal government cannot be used to curb domestic violence in states. In this case, the state’s laws enacted will be applicable in curbing domestic violence that is if there is law on domestic violence in such states.

Therefore, this study found that the non-domestication of international conventions and treaties into Nigerian civic law, traditional patriarchal system, socio-cultural norms and unawareness of the treaties, undermined the effectiveness of the laws in curbing domestic violence in Nigeria, thereby hindering the fulfilment of women's rights as they persist to be victims of domestic violence in the seclusion of their households. The studies reveal the fact that, the Constitution failed in several ways to guard against discrimination against women, as it implies that there is a lack of gender sensitivity toward the debates of gender.

Therefore, the failure to use inclusive language in the Constitution implies the dehumanization of women in Nigeria. Also, the gender-neutral language used in VAPPA and the failure to acknowledge gender-based violence as a form of discrimination and lastly the complexities that exist between the federal and state laws regarding the issue of marriage, makes the Constitution and VAPPA systematically challenged with regards to curbing domestic violence in Nigeria. Hence, the study sees the need for employing legal feminism to change the non inclusive language and gender-neutral language used in the laws in respect of women, by challenging gender subordination and rejecting patriarchy in every assumption embedded in VAPPA and the Constitution for the liberation of women in Nigeria (Christine, 1989 and Katherine and Kennedy, 1991).

The study also deems it necessary to consider the employment of the concept of nego feminism, as the concept is well versed with encircling encircle issues of complementarity that will detach personal gain in the composition of VAPPA and the Constitution, by deconstructing the patriarchal language for the benefit of achieving equity for women in Nigeria (Obioma, 2004).

5.5 DOMESTIC TREATIES ENACTED IN OYO STATE AGAINST DOMESTIC VIOLENCE

In spite of the absence of a national legislation on domestic violence against women in Nigeria some states have taken the lead by propagating laws against domestic violence, among which the Oyo state is one of them. The state government first disseminated the 'Protection Against Domestic Violence Law' in 2013 and later made further amendments on it, which culminated in the second law titled 'Violence against Women Law' in 2016.

5.5.1. Protection against Domestic Violence Law 2013

The provision of law that prohibits and protects against gender-based violence and other related matters in the Oyo State House of Assembly was enacted in 2013. The law was enacted to prohibit all kinds of gender-based violence in Oyo state and to give victims of gender-based violence protection orders. Section 1 (a-c) of the Bill states:

“No person shall commit any act of Gender-Based Violence against any person; which includes, but not limited to the following; physical, sexual and psychological violence occurring in the family: wife-battery, sexual abuse of female children in the household, dowry-related violence, rape, female genital mutilation (FGM) and other traditional practices harmful to women, non-spousal violence and violence related to exploitation; physical, sexual and psychological violence occurring within the general community: rape, sexual abuse, sexual harassment and intimidation at work and institutions, trafficking in women and forced prostitution and lastly, physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.”

Section 4 (1) of the law gives “the police officer order to arrest perpetrators of gender-based violence without warrant”. Section 7 (1) (c-g) of the prohibition and protection law gives “[a] court powers in respect of protection order”. Section 7 (2) provides “additional conditions of a protection order for the complainant which it deemed reasonably necessary to protect and provide for the safety, health or well-being of the complainant.” In the case where the complainant is a child, section 7 (6) (a-c) allows the court “to give protection order that will be in the best interest of the child.”

Nevertheless, Eze-Anaba (2007) argued that the orders of court processes in Nigeria are not pleasant to victims of domestic violence particularly, when it is in the form of sexual assault. This because legal luminaries and law enforcement officers, like officials of other institutions, are not alerted to issues of domestic violence or trained on how to retort to the issue of domestic violence. This is because many of them also operate from the prejudices and stereotypes of the patriarchal society.

5.5.2. Violence against Women Law, 2016

A law to outlaw violence against women in public and private life, harmful traditional practices, and prescribe punishment for the offenders and other matters connected therein was ratified by the House of Assembly of Oyo State of Nigeria and cited the law as ‘Violence against Women Law, 2016’. The law is an advanced version of the protection against

Domestic Violence Law of 2013. In part 1 of the law, different interpretations of words were highlighted

and defined, while the part 2, section 3 (1-4) provides for prohibition of physical injury by means of a dangerous weapon or other harmful liquid on women, with penalties to anyone who convicts, attempts, aids and abets an accessory inflicts physical injury on them. Section 4 prohibits any form of coercion. Section 5 (1-4) prohibits sexual offensive conduct and provides penalties for anyone who convicts, attempts, aids and abets, an accessory to offensive conduct.

Section 6 (1) (a and b) gives prohibition of indecent assault on a woman. Section 7 (1 and 2) and section 8 (a-b) accedes penalties to anyone who convicts and attempts defilement of an underage girl. Section 9 (1 -5) gives prohibition of female circumcision or genital mutilation and penalties to a person who convicts, attempts and aids and abets. Section 12 (1-4) of the law prohibits forceful ejection of a woman from her home, and gives punishment to a person who convicts, attempts, aids and abets an accessory of forceful ejection of a woman.

Section 13 (1-4) provides prohibition of damage of a woman's property with the intention to cause harm, and gives punishment to anyone who convicts, attempts, aids and abets an accessory. Section 14 (1-4) gives prohibition of forced, attempted, aiding and accessory of financial dependence or economic abuse of a woman, which Eze-Anaba (2007) said it condones domestic violence and discourages victims from speaking out and seeking redress. Section 15 gives prohibition of deprivation of entitlement of a woman. Section 17 (1-4) of the law accedes prohibition of harmful widowhood practices and gives penalties to anyone who convicts, attempts, aids and abets an accessory to harmful widowhood practices. Section 18 (1-

4) prohibits the desertion of a spouse without sustenance and gives penalties to anyone who convicts, attempts, aids and abets an accessory.

Section 19 (1 and 2) of the law prohibits stalking of woman and gives punishment to accessory. Section 22 (1-4) provides for prohibition of spousal battery, to anyone who convicts, attempts, aids and abets and is an accessory to the above. Section 23 (1-4) accedes the prohibition of harmful traditional practices and gives penalties to anyone who carries, attempts, aids and abets an accessory to harmful traditional practices. Section 26 of the law provides prohibition of sexual discrimination to anyone who discriminates, aids and abets and is an accessory. Lastly, section 27 (1 and 2) provides for prohibition of sexual exploitation and accedes penalties to anyone who convicts, aids and abets an accessory to the sexual exploits a woman.

Part 3 of the law provides for the application of a protection order for complainants and section 32 (1) (a-j) orders the court's power in respect of a protection order. Section 32 (2) (a-e) gives the court order power to inflict any additional condition, which may be deemed reasonably

necessary to protect and provide for the safety, health or well-being of the complainant. In the same part 3 of the law, section 33 (1) gives police the power to issue a protection order to complainants at the scene of an incident of violence or as soon thereafter as reasonably possible, or to whom a report of violence has been made.

Section 33 (2) gives the police officer the order “to arrest without an order from the court or a warrant of arrest. Lastly, the law specifies for the rights of victims under section 38 (1) of part 3. However, the challenges in addressing domestic violence are also linked to the implementation of existing legislation. Thus, this study has singled out socio-cultural norms and religion as challenges in implementing legislation alongside with other challenges.

5.6.1 Cultural norms

The Oyo State laws; Protection against Domestic Violence Law, 2013 and Violence against Women Law 2016, attempt to adhere to international standards such as Germany, United Kingdom, Pakistan and Zimbabwe, by offering policemen roles to play in the domestic violence panorama of incidents to inspect the nature of gender inequalities in the Oyo community and to challenge gender subordination and reject patriarchy for the liberation of women in the community (Christine, 1989), in order to curb domestic violence cases. The law gives the court and policemen power to issue protection orders to arrest perpetrators of gender- based violence without warrants and to protect complainants (PADVL, 2013 and VAWL, 2016), thereby implying that the policemen and legal luminaries should no longer regard domestic violence as a private affair.

Despite the effort of the law to make the Nigerian policemen and legal luminaries investigate, protect victims, prosecute and punish perpetrators of domestic violence, they still find it difficult to prosecute and punish offenders due to the customary law and their personal culture and socialization sentiments and stereotypes which allow for male domination over women, and still makes them view and treat domestic violence cases as private issues. IRB (2007) rightly submits that, in some of Nigeria's rural areas, courts and police were still found reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas.

As well, it is evident when the report of ‘the citizen’ in February 27, 2016, brought to light that licit marriages still continued to be a major barrier in taking legal action towards curbing domestic violence against women in the western part of Nigeria. Reason being that customary law sees the couple as one, unless they are not legally married, thus, making the Nigerian

policemen and legal luminaries tend to still view domestic violence as a secluded or family matter that does not require outside intervention (Ozoemena, 2006 cited in Igwe 2015 study). Also the attitude and bias of community leaders in the Oyo community who act as informal legal officers to settle conflict in marriages renders the laws available on domestic violence ineffective to prosecute perpetrators as they still consider domestic violence issues as private affairs.

This study therefore argues that the customary law and the socio-cultural norms and gender stereotypes of community leaders, legal luminaries and Nigerian policemen, makes the objective of the Oyo State Violence against Women Law difficult to achieve in curbing domestic violence cases in the Oyo community. Eze-Anaba (2007) affirmed this when he said the rules of procedures in courts are not friendly to victims of domestic violence as many of the legal luminaries and police officers still operate from the prejudices and stereotypes of social and cultural beliefs that condone domestic violence within an already patriarchal society, which discourages victims from reporting and striving for redress because they know it will be viewed as a private issue. Johnson (2015) rightly put it that domestic violence is prevalent in Nigeria because of existing customary law and culture.

Therefore, this situation will persist unless the customary law, community leaders and the officers stop viewing domestic violence cases as private issues, by detaching themselves from their individual advantage and egotism for the overall aim of attaining equity for women, thereby encircling issues of peace management, mediation, and arbitration (Obioma, 2004 and Akin-Aina, 2011).

This study also advances that there should be programmes in the Oyo community to address the needs of women, by engaging the community leaders to portray women as agents capable of changing lives. WHO (2009) said the community intercessions intends to change not just individuals' thinking and behaviour, but also to summon the entire village in exertions to eliminate violence against women. Hence, this study sees the programme as a way of encouraging the wider Oyo community's involvement to engage men and boys, to enhance women's employment chances, influence in household decisions, aptitude to solve marital clashes and reinforce their social networks.

5.6.2 Inadequate training for the Officials

Part 3 of the Violence against Women Law, recommends responsibilities for police officers and the luminary's officers (VAWL, 2016) to inquire the nature of gender inequalities in the

Oyo community by challenging gender subordination and rejecting patriarchy for the liberation of women in the community (Christine, 1989). Nonetheless, the contest is the fact that most of these police officers have not been trained on gender sensitivity on domestic violence. And it will be very challenging to assess the capability of these officers to defend domestic violence victims sufficiently, particularly when these officers themselves are culpable of the similar crime in their various households or still grip harmful stereotypes about women.

According to IRB (2007), it was known that the Nigerian police are insensitive to women and sometimes even go out of their way to intimidate or harass women. Eze-Anaba (2007) also said numerous victims of domestic violence, who place grievances at police stations usually get mocked, chastened, or their complaints underrated because law enforcement officials are not informed on the issue of domestic violence or educated on how to respond to such grievances, and also because they function from the biases and stereotypes of the male subjugated customs and traditions in the society.

Also, the law gives court orders to protect women who are often the victims of domestic violence, but the danger in here is that, relying on the judge's protection on women could make perpetrators get away with domestic violence crimes if the judges are also domestic violence perpetrators or compassionate to acts of violence. According to Eze-Anaba (2007), the rules of court procedures in Nigeria are not friendly to victims of domestic violence, especially when it is in the form of sexual assault, because legal luminaries and law enforcement officers, are not sensitized to issues of domestic violence or trained on how to respond to the issue of domestic violence, as many of them also operate from the prejudices and stereotypes of the male dominated society.

So, this study advances that the Violence against Women Law should give provisions for the officers' training on gender sensitivity on domestic violence and the sincerity of judgement on domestic violence cases without operating from the prejudices and stereotypes of the male dominated society, so as to dismantle and contend with various aspects of patriarchal traditions and customs by detaching from their own personal gain and pride for the overall goal of achieving equity for women (Akin-Aina, 2011).

5.6.3 Religion Influence

Another factor that contests the implementation of Violence against women Law, despite the efficacy of the law to curb domestic violence is influenced by the religious beliefs that lay emphasis on how religious practices construct various meanings of women, and how these practices constructed men's superiority over women and women's subservient role (Katharine and Kennedy, 1991). Beryl (2002) argued that religion is used to justify women's subordinate position in society, and religious texts have been interpreted to reinforce the power of men in society. Women's access to justice in domestic violence cases is frequently impeded by gender imbalances in religious beliefs, social and cultural (Chuma and Chazovachii, 2012 and Immigration and Refugee Board of Canada, 2015). In the Oyo community domestic violence is justified on the basis of religion, based on Oyo Yoruba people, fervent religious faith, and they tend to give veneration to their religious beliefs. Various verses in the Bible and Quran oblige women to be subservient, obedient and listen quietly to their spouses as they will to their God (The Holy Bible, Ephesians 5:22-24 and 1 Timothy 2: 11, Quran 4:34).

These verses are often interpreted and used to emphasize the subservient status of women in the home most especially, and women on the other hand, collude with the interpretation so as not to go against the teachings in the both holy books, so, they accepted to be totally submissive to their husbands and also countless men count on these verses to mandate total obedience from the wives and use this kind of act towards women to perpetuate violence, so that women can be submissive to them. Therefore, women do not see any reason to report or sue their husbands to court if they are being abused, as they believe is part of what the holy books demand from them. It is then becoming problematic for Violence against Women, Law to intervene in domestic violence when the women feel that it is acceptable for their husbands to abuse them.

This is evidenced when Chireshe (2015) refers to the domestic violence that Zimbabwean women experienced, as a result of religion. It was indicated that religious reasons discourage victims of domestic violence from telling the authorities about the abuse because it is assumed that religious homes are harmless places that is free from domestic violence and that only God had the authority to stop the abuse by changing the perpetrator's heart, thus, the silence on such case. If there are no reports made on domestic violence or cases in the courts, it will be difficult for the Violence against women Law to intervene unless the woman as the victims and the man as the perpetrator realize that domestic violence is a crime, by utilizing the culture of compromise in order to deconstruct the religious patriarchal practices for the

woman's benefit (Obioma, 2004). So, this study argues that unreported cases of domestic violence due to

religion influence and hinder the Violence against Women Law to be non-effective to utilize to curb domestic violence in the Oyo State. Violence against Women Law can only be effective if women report domestic violence cases and men are ready to compromise enough in order to gain women's freedoms (Mushambi, 2017).

5.6.4 Tripartite Legal Framework

The intricacies of the tripartite nature of the Nigerian legal framework, most especially as regarding marriage in the country might make the Oyo State Violence against Women Law, not be effective to curb domestic violence in the Oyo community. This is because the Violence against Women Law does not state if women who are married under Islamic rite are covered under the law. Considering the vast number of people who get married only under Islam, this makes domestic violence to be on high rate in the Oyo community, thus bringing difficulties for women's rights generally in changing the Islamic legal rules and practices that construct meanings of women on the assumption embedded in the traditional legal doctrine that gives suggestions on how the laws plays a role in women's subordination (Kennedy and Katherine, 1991).

Bamgbose (2002) cited IRB (2007) rightly reported that the multiple legal systems in Nigeria cause misperception and allow multiples of law, based on such factors as place of residence, ethnic group, type of marriage and religion. So, the failure of the Violence against Women law to clarify if women married under Islam are covered might be unable to utilize to protect women who are married under Islam because Islamic law cannot be equated to customary and statutory law. Hence, these categories of people will have no other choice than to be subjected to Islamic law. Therefore, this study advances that the law should give clarity of those women who the law covers regarding marriage, so as to contend with various aspects of patriarchy that women are subjected to in the Islamic law, by utilizing the culture of compromise in order to deconstruct the patriarchy for the woman's benefit (Obioma, 2004).

5.6.5 Penalties

Onyemelukwe (2016) asserted that legislation should give effective prosecution and punishment to the perpetrators. As a result, the Violence against Women Law imposes fines or prison sentences or both to anyone who disobeys an order made by the law and court on a domestic violence cases (VAWL, 2016) in order to stop the legal rules and practices that constructs various meanings of women, women subordination and reject patriarchy for the liberation of women in the Oyo community. Most fines in the Oyo State law are between N20,

000 to N2, 000, 000 token amounts as consequences of any acts of domestic violence. This study argues that imposing such amounts will not make the law to be implemented, because domestic violence perpetrators who are wealthy and influential will always find a way to buy themselves out and see domestic violence as a trivial issue which money can solve.

Such attitudes will always have a great negative impact on the lives and health of women who are the victims of domestic violence and it ridicules the overall objective of the Violence against Women Law because it seems the law is unknowingly only targeting poor perpetrators who might not be able to afford the fines, as such providing freedom for wealthy and influential perpetrators of domestic violence. Manjoo (2013) cited in Johnson (2015) said to guard against future reoccurrences of domestic violence acts, there is need for severe penalties for domestic violence crimes. Therefore, this study advances that the law should only make use of prison sentences as a penalty to anyone who disobeys the law or court orders to dismantle any patriarchal traditions customs in the Oyo community (Akin-Aina, 2011) regardless of the domestic violence perpetrator status in the society.

5.6.6 Illiteracy among women

Ackerson et al (2008) noted that the low educational status of women exposes them to domestic violence, unlike women with formal schooling who are least probable to tolerate domestic violence. This shows a link between domestic violence and literacy, as girls' scholastic chances tend to be restricted by patriarchal viewpoints about gender roles, with consequences in some parents ascribing greater importance to the schooling of boys than girls (NDHS, 2003). It can therefore be argued that women/girls with no education are more probable to be unaware and ignorant of the Violence against women Law in the State.

Education is therefore seen as an eye opener that guarantees women's autonomy and self-respect and it is through education that knowledge is acquired. Thus, women with no education are as good as women with no knowledge, and this means that Oyo Yoruba women with no education are powerless to utilize and engage with the laws in place against domestic violence in the State. Oladepo, (2011) also added that women and female children are over signified among those with fewer authority and they are thus expected to suffer gender-based violence. It is therefore debatable to know how the Violence against Women Law intends to curb domestic violence in Oyo community when women who are not educated do not know the existence of the law, let alone engaging the law, unless such women are empowered through education.

Even if they are empowered the patriarchal social values are still reinforced in schools, as there is dynamic power between the boys and girls in schools as Allanana (2013), pointed out that there is gender bias in the school teaching pedagogy and curriculum which is very apparent, to give more consideration to boys, giving more reinforcement to them, while girls are disregarded in class. Allanana (2013), also describes how certain subjects and courses such as the sciences, mathematics and other technical disciplines are tagged masculine, while secretarial studies and home economics are tagged feminine, thereby denying both sexes the opportunities to benefit from exposure to all subject areas or a wider choice of subjects which are thereby used to reinforce male superiority and female inferiority. So, this study that argues there should be specification for prohibition of sex discrimination between girls and boys in education, so as to contend and dismantle patriarchal socio-cultural notions for girl's equity in education (Obioma, 2004).

5.6.7 Lack of services support

Johnson (2015), asserted the need for government to offer shelters and support services to victims of domestic violence. Ojigho (2013) explains the provisional shelters as a temporary place where women have time to recover and decide without fear on the next steps they wish to take. To this effect, the Oyo State Violence against Women Law provided prohibitions and penalties for any person who inflicts any form of violence on women, such as forceful ejection of a woman from her home, desertion of the woman without sustenance, deprivation of woman's entitlement and damage of woman's property, in order to challenge gender subordination and reject patriarchy for the liberation of women in the Oyo community, but the law omitted to mention how the state government would give services support to women who find themselves in any form of abuse mentioned.

For this reason, this study identifies a gap in the Violence against Women Law provided by the Oyo state government, which will be problematic to implement so as to curb domestic violence in the community. As the law neglected to state what the Oyo State government plans are concerning the provision of support services for the victims of domestic violence, unlike the other counterpart states who have established shelters and safe houses for battered women and young girls seeking refuge from their abusers (Ojigho, 2013) owned by the state government and others by an NGO. Therefore, it is debatable that the Violence against Women Law efficacy will be severely undermined by the lack of services support for the victims of domestic

violence and even for the perpetrators so as to deconstruct patriarchy for the benefit of women (Obioma, 2004).

5.6.8 Ignorance of the law by the public

This study argues that the Violence against Women Law as a new law poses several challenges for the law to effectively investigate the nature of gender inequalities in the socio-cultural norms of the Oyo community by challenging gender subordination and rejecting patriarchy for the liberation of women in the community. It is noteworthy to mention that there is a lack of awareness or ignorance of the law by the public. Because many people, including women (especially-the illiterate/uneducated), luminaries' officers, and police officers may be unaware/ignorant of the Violence against Women Law.

According to Onyemelukwe (2016), there is a need to create/raise awareness/ consciousness, as numerous women are basically uninformed of available opportunities for help, and the provisions of recent legislation. So, the study advanced that the law should be publicized by the Oyo State government to create familiarity and knowledgeability of the law among the people of the Oyo community through the use of social media platforms, radio and television with simplification of the legislation into simple and easy to read language, in order to contend with and dismantle any patriarchal traditions in the Oyo community for the benefit of women. (Obioma, 2004 and Akin- aina, 2011).

5.6.9 Omissions in the Protection against Domestic Violence Law 2013 and Violence against Women Law 2016

Onyemelukwe (2016) gave key essentials of what legislation should be against the violation of women. The study asserted that legislation should ensure it is comprehensive by providing broad definitions of all kinds of violence against women and criminalize them in connection with international human rights standards, in order to prevent violence, empower, support and protect survivors of gender-based violence. Thus, the Oyo State government enacted the Protection against Domestic Violence Law (2013) and Violence against Women Law (2016) and recognizes economic abuse and financial dependence of woman, physical injury by means of dangerous weapon or other harmful liquid on a woman, coercion, rape, female genital, harmful traditional practices, mutilation, harmful widowhood practices, assault on a woman and forceful ejection of a woman from her home as all kinds of violence against

women that construct various reflections of women in the Oyo community (Christine, 1989).
The law

provided what CEDAW (1979), WHO (2002), RHRC (2004), and Adebayo (2014), describes these as a comprehensive definition of what constitutes violence against women. However, the broad definitions of violence against women in the laws are imperfect as they failed to specifically recognize honour killing as a form of violence against women as defined by Ali and Gavino (2008) and United Nations Universal Periodic Review of the Syrian Arab Republic (2016). Thus, it is then arguable how the Violence against Women Law intends to show justice concerning the issue of honour killing with the gravity it deserves in the Oyo community to contend and dismantle patriarchal traditions and customs in order to gain women's freedom from honour killing (Akin-Aina, 2011 and Mushambi, 2017).

Also, VAWL (2016) recognised rape as part of the forms of violence against women and girls in the Oyo State but fail to acknowledge rape within marriage as an offence, due to the fact that the law defines rape as described in section 357 of the Criminal Code as “unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape”.

According to the Criminal Code, two vital fundamentals are clear, which are “carnal knowledge and lack of consent”, which means there must be “unlawful carnal knowledge of a girl or a woman and carnal knowledge must be without the consent of the victim; or if there is consent, it is either coerced or fraudulent”. The criminal law further outlined carnal knowledge as “carnal connection which takes place otherwise than between husband and wife.” Making it known that “rape committed within a marriage is not an offence.” Hence, this study argues that VAWL will be problematic in advocating against rape which is part of abuse women experience in various homes in the Oyo Community and to dismantle patriarchal traditions and customs in order to gain women's freedom from rape (Akin-Aina, 2011 and Mushambi, 2017).

This is because, the provision of rape definition will continue to empower perpetrators (husbands) and deny victims (wives) of their licit defences, as no form of carnal knowledge between husband and wife could be unlawful.

As well, the PADVL (2013) and VAWL (2016) fail to mention domestic violence as one of the utmost prevalent forms of gender-based violence that is mostly against women and girls, with the high rate of 20% to 50% of women who have experienced physical violence at the hands of an intimate partner or family member (UNICEF innocent digest, 2000). UNICEF

innocent digest (2002), RHRC (2004), Alo et al (2012) and Adebayo (2014) terms domestic violence to include any behaviour or violence that happens in an intimate relationship against women such as in marriage, cohabitation, dating or within other family members, whether it occurs within or beyond the borders of the home which include sexual, emotional, verbal, psychological, economic abuse, spousal abuse and wife battering and physical abuse such as slapping, hitting, beating, kicking, use of weapons, public humiliation, forced isolation, murder or threats to life, spouse's control and deprivation of his/her partner's access to food, water, shelter, clothing, health care and fertility (forced pregnancies and/or abortions).

Unfortunately, the VAWL, which is the latest law of Oyo state does not explicitly mention domestic violence as a crime, although the interpretation unit contains a definition 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 or liberty, whether occurring in public or private life”*. And definition of spousal or partner battery as *“the intentional and unlawful use of force or violence upon a woman, including the unlawful touching, beating or striking of a woman against her consent with the intention of causing bodily harm”* and gave prohibition to both offences.

The contest that now exists is that VAWL cannot determine if women in an intimate relationship, who have been abused by a family member, can report indictments of physical injury, emotional, verbal and psychological abuse, financial abuse, stalking, harassment, coercion and intimidation, as it fail to mention domestic violence as part of the forms of gender- based violence, just like Aihie (2009) and Esere *et al* (2009) illustrated domestic violence as an intentional and persistent abusive treatment of anyone in the home or family member by another in a way that cause pain, distress or injury, that undermines the life and liberty of another member of the same family which harms the development of the victim personality as a result of violating the law of basic human rights, so as to contend and dismantle ingrained patriarchal traditions and customs in order to gain women's freedom from partners (men) that maintain power and control over their women (Akin-Aina, 2011 and Mushambi, 2017).

5.6.10 Economic abuse and financial dependence of woman

The Violence against Woman Law provided for prohibition of economic abuse and financial dependence of woman to reject subordination of women and patriarchy for the liberation of women in the Oyo community, but failed to provide adequate structures and institutions that

would ensure that most of abused women who are unemployed or earn a very low income who may or do not own property, that are extremely vulnerable in the face of violence as there is no place for them to go (UNFPA, Chuma and Chazovachii, 2012 and IRB, 2015), become economically and financially independent.

Hence, the study argues that the law may not effectively curb domestic violence in the Oyo community if proper actions are not put into consideration in favour of abused women. As long as women are still considered economically and financially dependent on men, they will persist to grieve in silence for dread of losing the financial and economic support of the male perpetrator and always believe they are unconfident, imperfect, unproductive and incompetent without men, which will be excluded from decision making in the home (Niaz 2003 cited in Ali and Gavino, 2008 and Ali & Gavino, 2008) who dare not report domestic violence to the authorities but continue to suffer human rights violation in the society especially with their homes.

IRB (2007) reported circumstances in which the police have detained violent husbands, however the women later requested for licit actions to be stopped because they are financially and economically reliant on their husbands. Eze-Anaba (2007), attested to the fact that economic vulnerability and financial dependence of women on men discourage victims from speaking out and seeking legal justice. So, this study argues there is need for provision of adequate structures and institutions in Oyo state to deconstruct any personal gain and pride of men, for the overall goal of realizing equity for women (Obioma, 2004 and Akin-Aina, 2011).

5.6.11 Culture of silence

OCHA (2013) found that fear of stigma and social exclusion usually reduce or prevent chances of most women from reporting or seeking legal services but rather prefer to suffer domestic violence in silence. The culture of silence and the justification of domestic violence as an actuality of married life make it problematic for Violence against Women Law to be implemented. The reason is that, Violence against Women Law can only be effective where women as the victim and the men as the perpetrator realize that domestic violence is a felony. Thus, it becomes complicated for the Violence against Women Law to intervene, to analyse law in respect of or from the perspective of women to challenge any assumptions embedded on the traditional legal doctrine on domestic violence, when the woman thinks that it is acceptable and justifiable for her husband to hit her. This also makes women in the Oyo community reluctant to report domestic violence cases which present a contest for the Violence

against Woman Law to achieve its objective, because the law can only be effective if women are willing to report cases of domestic violence. Haddad et al (2011), also confirmed that women who are victims of intimate partner violence were always unwilling to report the violence to the police or authorities out of fear of social unacceptability and shame and even to the family. This is because they are often pressured by their families to drop the charges.

Therefore, women often do not tell anyone about their abuse because of difficulty in obtaining convictions, social exclusion and fear of retaliations in the future. Even when they do reveal the abuse, they are ignored, or told it is a family matter that does not involve an outsider's intervention (Seabi, 2009). To this end, this study sees need for the law to focus more on women and girls having the rights to express themselves without fear of being socially excluded or stigmatized to deconstruct and contend with all patriarchal traditions and customs in order gain women's freedom to report or seek for legal justice on domestic violence cases that occurs in the Oyo community (Akin-Aina, 2011 and Mushambi, 2017).

Also, people should advocate for women by creating awareness and platforms for women to express themselves so as to break the culture of silence in victims' minds, because speaking up on the issue of domestic violence can be difficult and the longer they keep quiet, the stronger the culture of silence grows, and the harder it gets to speak up. Lastly, women should be encouraged to be educated because education is seen as an eye opener that guarantees women's self-autonomy that will enable them to speak up.

5.7 CONCLUSION

The chapter analysed all legislation in place against domestic violence on behalf of the women's perspective in Nigeria and Oyo State, indicating women's rights and freedoms from domestic violence and other forms of gender-based violence. The above international, regional, national and state legal instruments mentioned and analysed completely speak the truth that all humans are born to be free from pain or injury and are to be equal in self-respect and rights without any difference of any kind, including distinction as to sex and gender. The laws analysed all kinds of violence and discrimination raise against women, being it in the household, community or society which is a contradiction to human dignity and rights as recognized by the instruments and Acts. And it gives prohibition to the prevention of

women's participation on equal terms with men, in all spheres of life such as, the political social,

economic and cultural life and it provides for women's empowerment to realise their full potentials in the development service of their country, state and of humanity. Also, the laws provides for the protection order to protect women who are mostly the victims of gender-based violence and domestic violence and rights to them.

Despite this fact, women are still found to face various and diverse obstacles such as traditional and cultural beliefs, gender roles stereotypes which are embedded in the patriarchal system of Nigeria, to enforce international human rights standards and domestic laws and therefore grieve from deficiency of protective laws that meet the international standards. The intricacies under section 12 of the 1999 Constitution of Nigeria, the dichotomy amongst federal and state laws regards to the issues of marriages in Nigeria under second schedule part 1 item 61, socio- cultural norms and gender neutral language was found responsible for the international treaties, VAPPA 2015 and the Nigerian Constitution not to be enforced in curbing domestic violence against women. The chapter attempted to use the Violence against Women Law to know if law on its own could curb domestic violence in Oyo community, however the study found the inadequacies and implementation shortcomings of the law. Despite the important and good intention of the Violence against Women Law, it is grossly inadequate to curb domestic violence in Oyo community. The insufficiencies and application failings strengthens the need for a pursued gender sensitive and efficient amendment of law in Oyo State to prohibits domestic violence. Therefore, much is needed to be put in place for domestic violence to be effectively curbed in Oyo community, by ensuring that, cases of domestic violence are reported to the law enforcement and stop hiding under the influence of religion, so as to break culture of silence. Also, legal luminaries and law enforcement should deal away with the notion of socio-cultural sentiments and stereotypes and be trained in gender sensitivity on domestic violence. The Violence against women law should give clarity of whom the law covers regarding marriage, the law should stick to prison sentences only as penalty to anyone who disobey the law or Court, honour killing, marital rape and abuse from family members should be included in the law as forms of violence against women, provision of adequate structures and institution should be given to women who are economically and financially vulnerable, government should expand opportunities for women's and girl's education, sensitization movement of the Oyo State law by the government should be publicized in Oyo community to people notice and a free government services support by the government should be given to assist women who have been violated and deprived of entitlement.

CHAPTER SIX

SUMMARY, CONCLUSION AND RECOMMENDATION

6.1 Introduction

The final chapter of this research presents the summary, conclusions and recommendations of the study. The main objective of this study has been to examine the contestation between domestic violence legislation and the socio-cultural norms of the Oyo community in Nigeria. The study therefore examined the socio-cultural norms of the Oyo Yoruba people as it concerns women gender norms from the traditional society to the contemporary society. The study also examined the legislation in place against domestic violence in the Oyo community. The analysis was conducted on YouTube videos by a renowned Ifa priest, as well as Ifa priestess, legislation documents, articles by scholars and internet search.

6.2 Summary of the study

The overall objective of this research was to examine the contestation between domestic violence legislation and the socio-cultural norms of the Oyo community in Nigeria. Chapter one provided a general introduction to the study: an introduction to the pervasiveness of domestic violence in Nigeria and the Oyo community and also gave information about the ethnic groups Nigeria is made up of, as well as the Oyo community demographics. It further examined the socio-cultural beliefs and practices of the Oyo Yoruba people. The study highlighted the Nigerian observation of the federal system of government and the international, regional, national and state human rights treaties, acts and laws that Nigeria is a signatory to, had adopted and enacted.

The chapter placed emphasis on the fact that despite the exertions through the federal and state government to curb domestic violence in the Oyo community via the adoption and enactment of laws prohibiting domestic violence against women, its prevalence is still very much obvious in the community. It also highlighted the research objectives adopted for the study and the key questions raised for the study. It finally presented the scope and focus of the study, significance, as well as the structure of the study.

Chapter two focused on the literature review by providing fundamental insights on gender-based violence and domestic violence. The conceptualization of gender-based violence and domestic violence, as well as the prevalence thereof and causal factors were discussed. It

provided a detailed description of forms of gender-based violence and domestic violence from a global perspective, to Nigeria's and the Oyo state's specific perspective. Legislation pertaining to domestic violence in various contexts was also touched on. This section brought to light that the problem of gender-based violence and domestic violence is endured by women and specifically focused on domestic violence in a family unit which is perpetrated mostly upon women by an intimate partner, including a cohabiting partner or some other family member.

It also highlighted the root cause of gender-based violence and domestic violence to be the result of manifestations of traditionally unequal power relations between men and women, which lead to supremacy and discrimination against women by men and which occur in every culture and social group. Lastly, this section employed nego feminism and legal feminism as the theoretical frameworks guiding this study. It was linked to provide harmony between the legislation on domestic violence and socio-cultural norms and practices of the Oyo community, to bridge the gap between domestic violence legislation and gender norms in the community and also, to investigate the nature of gender inequalities in the socio-cultural norms of the Oyo community and to challenge gender subordination and reject patriarchy for the liberation of women in the community. A plethora of the conceptualizations of feminism, the the feminist theory and various strands of feminism were equally discussed.

In chapter three, overall definitions, descriptions and procedures for the research methodology, qualitative research methods, data collection methods and processing of and analysis was discussed. The methodology section described actions to be used to examine the research problem of the study and it motivated for the use of exact processes or techniques to be used to identify and analyse information applied for comprehending the problem, thereby, allowing the reader to seriously assess this study's overall validity and reliability.

This section adopted a qualitative research method to examine the socio-cultural norms of the Oyo community and how they relate to domestic violence and to assess the legislation in place against domestic violence in Nigeria and the Oyo community. It extensively relied on YouTube videos, legislation documents and existing literature. Then lastly, the section discussed the ethical consideration and limitations of the study.

Chapter four started with a view to determining the socio-cultural norms of the Oyo community and how these norms contribute to the pervasiveness of domestic violence in the community. A cursory look into the verses/themes of Odu Ifa as a storehouse of Yoruba

culture through the Ifa priest and priestess, revealed how construction of gender was discovered in Yoruba

culture and how women were confronted with the exclusion from decision-making in both household and religion, subjugation to husbands, harmful widowhood rites, male preference syndrome, exclusion from inheritance and property rights and exploitation through poems, taboos and proverbs in Odu Ifa which stereotyped them in a ridiculous and negative way (as deceitful, traitors, witches, sexually promiscuous, and unfit to participate in religious activities.) These negative portrayals brought about the subordination of women through male domination of unequal treatments, depriving women of their rights, freedom, decision making etc.

However, further analysis of Odu Ifa also revealed the positive images of women in the verses of Odu Ifa as powerful women, trustworthy and supportive of men, and safeguarding rather than helpless subsidiaries, which were the modern images which Yoruba men tend to paint their women. The positive images of women were discussed to highlight spaces within culture in which women can negotiate their rights and freedom with men to erase the age-long patriarchal notion that men have in mind, so as to assent women with the highest value they deserve.

Chapter five focused on the analysis of the legislation in place against domestic violence in Nigeria and the Oyo State. It explained and critiqued laws in respect of and from the perspective of Yoruba women, to challenge female subordination and reject patriarchy for the liberation of women, to their rights and freedom from domestic violence and all other forms of gender-based violence in the Oyo community. Feminist perspectives on domestic violence and their contributions to domestic violence legislation were equally discussed. In addition, reasons for the inability of the international, regional, national and state human rights treaties, that were created to free women from pain or injury, that could not challenge women subordination and reject patriarchy for the liberation of women in Oyo community were explained. These defects justified the need to have strategy recommendations which formed one of the essentials of chapter six.

6.3 Conclusion

The study obtained that domestic violence is a pervasive issue that is prevalent among men and women, and is directed based on an individual's biological sex, gender identity or his or her perceived observance to socially outlined norms of matter and femininity, that is rooted in social roles, as well as inequitable power structures that are based on gender norms and distinctions between males and females in a society. It is used to establish, enforce or set to

retain stringent unequal power relationships and gender roles. The most devastating problem of domestic violence, is that it is endured by women globally from an intimate partner, co-habiting partner and other family members based on women's gender and reinforced by social norms such as traditional ideology which promotes the supremacy of men over women. From the few countries reviewed, domestic violence is reinforced by rigorous socio-cultural, traditional beliefs and practices and patriarchal systems where absolute obedience is advocated by religions, cultures and socializations that enhance male domination over women to devalue the role of women in the society.

The study revealed that the subordinate roles of women in the Oyo community was as a result of the subordinate circumstance of women in the Odu Ifa verses of poems, proverbs, and taboos, where women are subordinated through male domination of unequal treatment, depriving them of their rights, freedom and decision-making activities. The subordinate views of women in the verses of Odu Ifa brought about the Oyo Yoruba people's perceptions of women as less important and immoral entities, insignificant beings, deceitful, traitors, witches, sexually promiscuous and unfit to participate in religious activities.

However, the image of women is still also recognized as powerful, that men rely on, for support and protection rather than helpless and subordinate, which is the modern image in which Yoruba men tend to paint their women. Therefore, the study found that the recognition of women being powerful and influential, can make them to negotiate their rights, in order to erase their negative portrayal and deconstruct patriarchy for their own benefit. Nevertheless, the subordinate view of women was demonstrated in how law policy-makers in Nigeria further maintained this narrow view of women through the Nigeria Constitution where various policies hinder the domestication of international laws that stand to liberate women from domestic violence.

Women are still found to face various and diverse obstacles such as traditional and cultural beliefs, gender roles stereotypes which are embedded in the patriarchal system of Nigeria, to enforce international human rights standards and domestic laws. The study also found the inadequacies and implementation shortcomings of the Oyo State Violence against Women Law that could help women to be free from all forms of violence in the community. However, the study advances the need for a targeted gender sensitive and effective amendment of law in the Oyo State to prohibit domestic violence in the community.

6.4 Recommendations

To this effect, the study therefore advances the following recommendations:

- A proper amendment of the provision of section 12 of the Nigerian Constitution by the National Assembly to allow all international treaties on domestic violence and women rights such as CEDAW, ICCPR and ICESCR, to be domesticated into Nigerian law and to be applicable for use in court when dealing with issues of violence against women to liberate women from all forms of violence in all communities, of which the Oyo community is a part.
- Nullification of all dreadful traditional and cultural stereotypical beliefs that the legal luminaries have towards women and girls through the application of all necessary laws which counter fight against violation of women to fight women's rights.
- A need for VAPPA to spread to other states in Nigeria, so as to be applicable to all women in the country, VAPPA should not be limited to the Federal Capital Territory alone, where it is in operation.
- Nullification of all abominable harmful traditional practices, religious and customary practices affecting girls and women in the Oyo community by engaging with the traditional and community leaders in order to transform norms that are harmful to women in the community.
- Amending the Oyo State Violence against Women law to include honour killing in the definition of what constitutes violence against women as provided in CEDAW, also to reconstruct the meaning of discrimination in connection with the ICESCR and CEDAW and description of rape in line with VAPPA that adopted clearer and simple language in tune with modern realities which are more inclusive and explanatory of consent, to recognise spousal rape as a criminal felony and expand the scope of protection of the law to include other categories of women who are abused by a family member.
- Government should create and expand more opportunities for women's and girl's education, and also review school syllabi to abolish the non-stop teaching stereotypes about gender relations.
- Sensitization movement of the Oyo State law should be carried out by the government to create familiarities of the law to the people of the Oyo community and as well provide free services support such as safety shelter, legal advice and services, health care, hotlines/helplines, social assistance etc., to the targets of domestic violence to

assist women who have been violated and deprived of entitlement or damages to property.

- There should be training for all law enforcement officers in gender sensitivity on domestic violence, to increase their understanding of gender issues towards women's rights that will guarantee women to seek redress and access to court.
- There is need for an individually combined media movement covering print electronic and film media that describes domestic violence as improper acts to ensure law enforcement and eradication of domestic violence in the Oyo community.
- And lastly, there is the need for obligation of social gender activists and social workers in the Oyo community to be that of building consciousness by making and distributing materials and innovatory audio-visual messages that depict a positive image of women and girls in the community.

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TO WHOM IT MAY CONCERN

This letter serves to confirm that Ms. Adebimpe Oduola, studying her Masters in Social Sciences in Gender Studies with the University of KwaZulu Natal, has submitted her work for editing and proof reading, as well as language and grammar revision.

Should you require more information, please do not hesitate to contact me on the details provided.

Regards,

Zinzile Sibanda

(Editor)

Zinzile Sibanda