



Breaking Silence on Spousal Battery during Covid-19 Pandemic Era: A Case Study of Lagos State, Nigeria

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Abstract. Spousal battery is generally considered the commonest form of domestic violence. It is a form of physical assault involving the use of force, violence or threat of violence against one's spouse. The study attempts to provide an analysis on the prevalence and impact of the Covid-19 pandemic on spousal battery during the lockdown, and the challenges confronting mediation and administration of criminal justice of spousal battery in Lagos State. The study examines the record of reported cases made through the telephone helpline during the lockdown. The study also adopted the purposive sampling method to capture respondents for the key informant interview (KII) conducted. Results show prevalence and steady increase of spousal battery during the lockdown. While men were also victims of spousal battery, women were however potentially more victims. Among the major challenges confronting mediation and administration of criminal justice in cases of spousal battery are underreporting and under prosecution associated with a myriad of problems accounting for adjournment and withdrawal of cases in court. Following this, the study recommends that society should exhibit zero tolerance to spousal battery. Law enforcement agencies like the Nigeria Police Force (NPF), the Court, non-governmental organizations (NGOs) and the media should champion the promotion of public sensitization and awareness of the laws prohibiting the crime, encourage victims to speak out, report the crime to appropriate authorities and assist victims to press for legal charges in court. Government should also show more commitment in decongesting the Domestic Violent Court and Citizen's Mediation Centre of civil cases like spousal battery and the provision of free treatment, as well as counseling and rehabilitation, to victims.

Keywords: Breaking Silence, Spousal Battery, Covid-19, Pandemic Era, Lagos State.

1. Introduction

More than five million people are known to have died of Covid-19 World-Wide. But experts believe that the pandemic's real global death toll could be two or three times higher than the official figures partly because of the underreported cases of Covid-19 related deaths at homes and those in rural communities (WHO, cited in the Guardian Newspaper Article of 2nd November, 2021). In the wake of the COVID-19 pandemic, a national lockdown was announced in Nigeria as a response to the rapid spread of the corona virus. While many states in Nigeria implemented a stay-at-home order differently, in most cases, individuals were expected to stay indoors except for essential activities such as obtaining food items, medical treatment or for work in essential businesses. With the stay-at-home order in Lagos State, schools and many business organizations, including shops, restaurants and club houses were shut down. Churches, mosques as well as all gatherings like sporting events and concerts were banned. These and other forms of restrictions in Lagos State, during the first and second phases of the lockdown represented the most extreme measures put in place by the Lagos State government to curtail the spread of the Covid-19 virus. Other measures imposed by the Presidential Task Force (PTF) along with stay-at-home order include, nationwide curfew; ban on interstate movement except for food items, petroleum products and essential services; closure of international airports; and observing the protocols such as wearing of face masks and hand washing/sanitizing practices, which were made compulsory in public places.

Since the Covid-19 pandemic stay-at-home order of the government, media reports have shown that domestic violence is almost becoming a permanent feature of our daily life (Tijani, 2021 in Guardian Newspaper, November, 29 2021). The worrisome issue about the increasing cases of media reports of domestic violence is the increasing nature of the violent assaults and fatalities recorded against women. Globally, before Covid-19, studies show that 30% of women had experienced physical or sexual violence by their spouse in their lifetime (Gearhart et al, 2018).

Domestic Violence is one of the most common forms of violence against women and children in homes, and it includes physical violence such as battery, sexual and emotional abuses such as verbal insults, harassment, humiliation, intimidation, threat of harm, harm, and threat to take away children, neglect of home and not taking economic responsibility of children (Akoni and Alu, 2021).

In Nigeria, spousal battery is generally recognized as the most widespread form of domestic violence. The scourge of spousal battery is very worrisome because of the fatalities and emotional trauma involved. While men are sometimes victims of spousal battery, married women are potentially more as victims (Johnson and Das, 2009). Reports have shown that 50% of Nigeria women have experienced being battered by their husbands at one time or another and unbelievably, more educated women (65%) are in this terrible situation as compared to their low income counterparts (Ogunmola, 2019). The negative effects of spousal battery cannot be downplayed because of the attendant health implication on the wellbeing of the women. Spousal battery is the major cause of disability and death among married women with aggressive or abusive spouses (UNPF, 2001).

The legal definition of spousal battery is any willful and unlawful touching of one's spouse in a way that is harmful or offensive. In Nigeria, under the Violence Against Persons Prohibition Act (VAPPA, 2015), the perpetrator can be convicted of domestic violence even if the "victim "does not sustain any physical harm or injury from the physical assault. The act is punishable by law, if proven. All that is required is the proof that the perpetrator actually assaulted his or her spouse using physical "force," "violence" or "threat of violence" against him or her. Cases of spousal battery are mostly incidents of gender-based violence where perpetrators consciously use force, violence or threat of violence as a mechanism for subordination. Especially, where patriarchal culture exists, it is often, and

unlawfully used to demonstrate and enforce the man's position as head of the household.

In the developing countries, especially Nigeria, spousal battery is not peculiar as trends of spousal battery are sadly unabated around the world. Yet, it remains largely underreported due to negligence, silence, fear, stigma and shame that surround it (DSVRT, 2020). This is why majority of women whose say they were assaulted, beaten, humiliated and traumatized by their spouses, (fall within the legal definition of spousal battery or domestic violence) do not still regard what has happened to them as gender violence and criminal offence on the part of their spouses (DSVRT, 2020). African women, especially Nigerian women, tend to endure being battered by their spouse because they want to stay married for the fear of being stigmatized. There is also the fear of being framed 'the woman who convicted her husband' by friends, relatives and neighbours (NAN, 2015).

Over and above this, even though studies on violence against women have often been limited to sexual violence but for the purpose of this study we shall primarily restrict ourselves to spousal battery because spousal battery is unfortunately the commonest form of domestic violence. Following this, this paper shall attempt to provide some analysis on the rate of prevalence of spousal battery during the first and second phases of the Covid-19 lockdown in Lagos (between March and October 2020) and the challenges confronting mediation and administration of criminal justice in the prosecution of spousal battery in Lagos State. To address this, the study shall examine the record of reported cases of telephone helpline calls of spousal battery during the first and second phases of the Covid-19 lockdown in Lagos State, with a view to determining:

- The rate of prevalence and impact of Covid-19 stay-at-home- order on spousal battery.
- The challenges confronting the mediation and administration of criminal justice in the prosecution of spousal battery in Lagos State.

2. Theoretical Framework

Since the global awareness of the increasing spate of violence against women, much of the discussions about domestic violence against women has attracted contentious debate among feminist scholars concerning what constitutes a domestic violence or and which theoretical framework best explains it. Hence, this has influenced the appreciable application of feminist theory. Some feminist theorists argue that

patriarchal gender relation theory inevitably remains central to the understanding of how patriarchal societal institutions has influenced violence against women (Gray,1982) and why majority of women who are violently beaten by their spouses don't like to report this crime to appropriate government agencies or seek legal redress.

Feminist movements originated in the 18th Century England. But by the 20th Century, the myriad of women agitations and protests spurred the liberal feminist movements in the United States, France and other parts of Europe (Afonja, 2005). Initially, they were concerned with gender discrimination and the nature of inequality embedded in patriarchal-gender relation. It was on the strength of their campaign against gender discrimination and inequality that they "ambitiously" conceived of Gender Based Violence (GBV) as a form of violence against intimate partners. Violence against intimate partners commonly occurs in a domestic space where one person especially the male partner holds power over the spouse. From this point, the feminist sociologists took over the debate of what constitute physical, verbal, emotional and sexual conducts that suggest violence against women. Their argument is that "the history of patriarchal societal institutions is a history of repeated violence, injuries and usurpation on the part of men toward women, with impunity and direct impact of absolute tyranny" (Gray,1982).

In contrast to the pragmatic approach of the liberal feminist movements, the radical feminist movements in North America in the mid 1970s pay more attention to the subjective state of women and how women came to be dominated, subordinated, and oppressed. They see patriarchy as a system that forms part of society and its structure is sustained with violence, sexuality, religion, tradition and cultural beliefs. Following this, they advocated the need to replace patriarchy with matriarchy and restructure the patriarchal societal institutions, which they claim supports discrimination, inequality and the use of violence or threat of violence to keep women in their place and discourage them from challenging male dominance. Since radicals and extremists are quite normal in every concept or ideology, this group believed that replacing patriarchy with matriarchy is akin to fairness, justice and equity because patriarchy is a reflection of the male dominated society and a necessary display of masculinity, where only a wimp would let a woman get out of control. It incorporates the insights of which the male gender is placed on advantage over the female gender, and which allows men control over women because they have more power. Violence against women is not only a

manifestation of sex inequality, but also serves to maintain unequal balance of power. In some cases, perpetrators consciously use violence as a mechanism for subordination. For example, in a relationship, especially in African patriarchal societies, violence is commonly used to demonstrate and enforce the man's authority and position as head of a household.

Patriarchal gender relation therefore is responsible for the inferior or secondary status of women in the society. In short, patriarchal gender relation is an all encompassing account of the systematic oppression of women in society. But the feminist Marxist theorists' conception of the violence against women is largely in terms of oppression. Violence against women as a form of oppression explains one of the ways by which women are socially subordinated because of their gender. In Africa, they say it is man's world because patriarchal gender practice is hinged on social, religious, cultural and traditional beliefs and this discrimination is mostly suffered by women. Nigeria is part and parcel of the world with a patriarchal gender structure, where a patriarchal gender relation is enforced by tradition culture and perhaps religious legacies.

3. Research Methodology

This study was carried out in Lagos state, Nigeria. Lagos state is located on the south-western coast of Nigeria. It is bounded in the North and East by Ogun state and West by the Republic of Benin; it stretches between latitudes 6° and 7° N and longitudes 3° and 4° E. The state covers a total area of 3,577 square kilometers, with a population of about 27 million; representing about 12% of the national figure (George 2009). The Lagos metropolitan area is the most urbanized agglomeration in Nigeria.

The Domestic and Sexual Violence Offences Department of the Lagos State Ministry of Justice started operation in July, 2013. Due to the peculiar nature of domestic violence cases and administration of criminal justice of, especially, spousal battery in Lagos State, a retrospective study (between March-October 2020) covering the period of the first and second phases of the Covid-19 pandemic lockdown and stay-at-home order, was carried out to determine the prevalence and impact of the Covid-19 stay-at-home-order on spousal battery; gender of the victims and challenges confronting mediation and prosecution of perpetrators of spousal battery in Lagos State. Following this, efforts were made to analyze the spousal battery cases reported during the first and second phases of the Covid-19 stay-at-home-order, at the Domestic and Sexual Violence

Offences Department of the Lagos State Ministry of Justice. A telephone helpline of the Lagos State Domestic and Sexual Violence Response Team (DSVRT) was opened during the lockdown to encourage both men and women to break silence on cases of spousal violence

Hence, secondary data/records retrieved from the telephone helpline of reported cases of spousal battery between March 2020 and October 2020 were analysed. In addition, the study adopted purposive sampling method to capture respondents for the key informant interview (KII) conducted to identify the socio-legal bottleneck of challenges confronting the administration of criminal justice in prosecuting and mediating over the cases of spousal battery in Lagos State. The key informants included three (3) state legal counsels attached to the Domestic Violence Court; three (3) police officers of the Domestic Crime Unit of the Nigeria Police Force; three (3) state officials of Domestic and Sexual Violence Response Team (DSVRT); and three (3) state officials of Citizen's Mediation Centre; We also paid several visits to the Lagos state Citizen's Mediation Centre to observe proceedings of mediation of some of the cases of spousal battery. Citizen's Mediation Centre (CMC) is not a court; it is an agency of the Lagos State Ministry of Justice established to provide mediation in some civil cases so as to decongest the courts of volumes of domestic and civil cases. The CMC works in collaboration with Domestic and Sexual Violence Offences Response Team (DSVRT) of the Lagos State Ministry of Justice. It handles basically domestic and civil matters, especially mediation over matters such as those that are related to marital disputes like spousal battery, spousal forceful eviction, spousal infidelity, harassment, humiliation, intimidation, threat of harm, neglect of home, neglect of children, right to child custody, child labour, and cases of threat to take away children, forwarded to it by the Domestic and Sexual Violence Response Team (DSVRT). The study is a descriptive research, thus, the secondary data collected were analysed using frequency distribution, graph and content analysis.

4. Results and Discussion

We are not aware of any published study that has used data generated from the telephone helpline of reported cases of spousal battery between March 2020 - October 2020 that was generated by the Domestic and Sexual Violence Response Team (DSSRT) of the Lagos State Ministry of Justice. This study analyse raw secondary data/reports generated from the first and second phase of Covid-19

lockdown covering the period between March 2020 - October 2020 from the Domestic and Sexual Violence Response Team (DSVRT) of the Lagos State Ministry of Justice The secondary data is the only available source of data for the study. The ethical permission to have access to the secondary data was granted by the Domestic and Sexual Violence Offences Department of the Lagos State Ministry of Justice.

The use of secondary data/report has a rich tradition in the social sciences because it provides baseline information required for in-depth research analysis. The secondary data/report identified domestic violence as one of the most common forms of violence against women and it includes physical violence such as spousal battery, threat of harm or harm, the use of physical "force," "violence" or "threat of violence," even if the "victim "does not sustain any physical harm or injury from the physical contact.

4.1 The First and Second Phases of the Lockdown in Lagos State

In Lagos State, on March 20th, 2020, schools and many business organizations, including shops, restaurants and club houses were directed by the government to close down. Churches, mosques as well as, all gatherings like sporting events and concerts were also banned from holding large assembly of people at a time. The first phase of the total lockdown and Stay-at-home order was from March 31st,2020-May 31st,2020. The stay-at-home order of the government was reviewed to reduce the scorching effects of the lockdown as major markets were open and movements were allowed between 7am-6pm from 1st June -June 30th. The second phase of the total lockdown and Stay-at-home order was from 1st July, 2020-30th August, 2020. The period between 1st September, 2020- 30thSeptember, 2020 witnessed partial lockdown. Other modalities like observing Covid-19 prevention protocols such as wearing of face masks and hand washing/sanitizing practices were made compulsory in public places. Churches and mosques gatherings were also allowed with a population not exceeding 50 people. Finally, the lockdown was lifted on 1st October.

In Lagos State, private and public schools were closed down on March 20th, 2020 and a stay-at-home order was enforced by March 31st,2020. Since the state started enforcing the stay-at-home order, a telephone helpline of the Lagos State Domestic and Sexual Violence Response Team (DSVRT) was opened to encourage both men and women to break silence by reporting cases of spousal violence. A

cursory analysis of this stay-at-home order of the government shows that it may have had a profound impact on increasing cases of spousal battery

4.2 The Prevalence and impact of Covid-19 on Spousal Battery.

The rate of prevalence of spousal battery between March 2020 - October 2020 is very key to an understanding of the impact of the Covid-19 stay-at-home order of government. The stay-at-home order, and the associated frustration, fear and uncertainty of when the pandemic would probably end, could have provided an enabling environment capable of sparking or exacerbating domestic violence especially against women. The implication is that where the stay-at-home order of government puts spouses in close contact for an unusual prolonged period of time, domestic violence such as spousal

battery may occur, especially because couples will obviously be exposed more to one another’s habits, which may not be tolerated.

The composition on Table 1 shows that there was a gradual but steady increase in percentage of reported cases of spousal battery in Lagos State during the first and second phases of the Covid-19 lockdown. While only 4.8% of the total number of cases was reported through helpline calls In the month of March, 13.2% was reported through helpline calls in the month of April, 16.4% was reported through helpline calls in the month of May, 16.1% and 17.3% was reported through helpline calls in the month of July and August respectively. The percentage (14.2%) was still high in the month of September but there was a decline in the month of October because the lockdown was lifted 1st of October

Table 1: Distribution Showing the Prevalence based on Reported Cases of Spousal Battery through Helpline Calls in Lagos State during First and Second Phases of the Covid-19 Lockdown

S/N	Month	Reported Cases By Gender		Total Frequency of Reported Cases showing Prevalence	Percentage (%) of Total Reported Cases
		Male	Female		
1	March	03	67	70	4.8 %
2	April	11	181	192	13.2%
3.	May	18	220	238	16.4%
4.	June	13	197	210	14.4%
5.	July	21	213	234	16.1%
6.	August	29	222	251	17.3%
7.	September	13	194	207	14.2%
8.	October	08	45	53	3.6%
	TOTAL	116	1339	1455	100%

These figures show the prevalence of spousal battery during the lockdown. Yet, these figures put together may not have captured the full scale of the prevalence of spousal battery in Lagos State. This may be as a result of the fact that not many people were aware that a telephone helpline was opened by the Domestic and Sexual Violence Response Team (DSVRT) during the lockdown, to encourage both men and women to break silence on cases of spousal violence

Even with the telephone helpline opened by the Lagos State Domestic and Sexual Violence Response Team (DSVRT) to encourage both men and women to break silence by reporting cases of spousal battery, many spouses could still be nursing the fear, or stigma of being framed by friends, relatives and neighbours as a man or woman who is trying to convict the husband or wife (NAN, 2015).

Following this, however, it is difficult to determine the exact number of victims and offenders of spousal battery because incidences of spousal battery are mostly underreported. Confirming the prevalence of spousal violence in Nigeria for example, the UNICEF (2001) report on domestic violence against women in Nigeria states that violence strives in all spectrum of the Nigerian society with little or no legal restrain. Especially on daily basis, several women are ill-treated, beaten and raped by their spouses and partners (UNICEF, 2001)

Our visits to the Lagos State Citizen’s Mediation Centre (CMC), to observe proceedings of mediation of some of the cases of spousal battery, further confirm the prevalence of spousal violence during the lockdown. This is because of the various forms of physical, verbal and emotional assaults, violence and threat of violence reported by victims. The commonest of these include economic, verbal, emotional and sexual assaults and violence such as abandoning home, not taking economic responsibility of children, nagging; hissing; insults; abuses; curses; destruction of properties; provocation; attempt of forceful eviction and confrontation. Other assaults are physical violence, which include cases

such as being beaten-up; slapped; pushed; kicked; hit with object; and threatened with weapon such as knife, cutlass, broken bottle, wood, hot water, poison and acid. This finding therefore suggests that different types of assaults and violence were experienced by the victims of spousal battery.

The key informant interview (KII) conducted among the officials of the Citizen’s Mediation Centre (CMC) also reveal that most of the women who had suffered spousal violence do not really desire to leave their spouse for various reasons ranging from lack of alternative means of economic support; to fear of

losing custody of children; lack of support from family and friends; and the hope that their spouse will change. Similarly, Musbau (2017) observes in a report that about 98% of women that are victims of domestic violence cases recorded within Lagos, still desire to remain in marriage solely for the sake of their children. The key informant further states that though these reasons can be effective at reducing the rate of divorce in our society, some women still leave their spouse after series of mediation by the agency, family and friends, especially on realization that their spouse is unwilling to change and the violence is affecting their health and children.

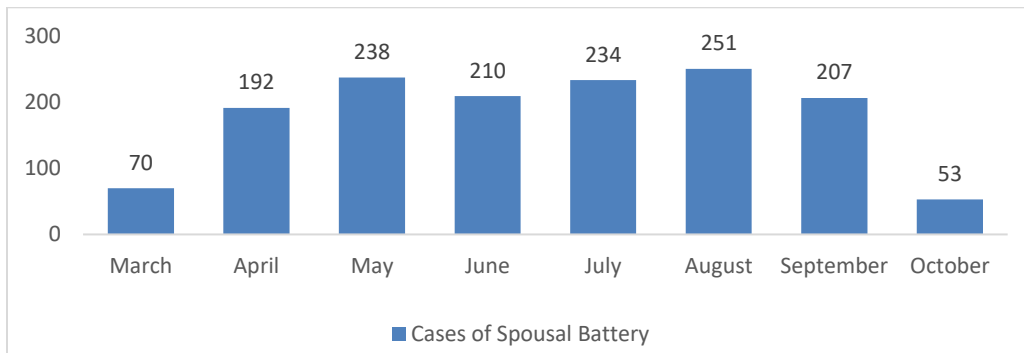


Fig. 1: Graph Showing the Prevalence based on Reported Cases of Spousal Battery through Helpline Calls to DSVRT in Lagos State, During First and Second Phases of ovid-19 Lockdown

Fig.1 shows a graph of gradual but steady increase in the trend of reported cases of spousal battery in Lagos State. The reported cases of spousal battery could be attributed to the public sensitization and enlightenment campaign and as well as, the telephone help line of the Domestic and Sexual Violence Response Team (DSVRT) of the Lagos State Ministry of Justice that was opened during the lockdown to encourage both men and women to break silence on cases of spousal violence. The increasing trend of spousal battery, no doubt, points to a disturbing dimension that the crime tend to be steadily assuming in Lagos State, even though the rights of the citizens to the dignity of human person against spousal battery is enshrined in the constitution, the Matrimonial Act, the Criminal Law of Lagos State (2015); and the Violence against Persons Prohibition Act (VAPPA, 2015).

The temporary shutdown of non-essential businesses during the Covid-19 stay-at-home order may have led to temporary unemployment and considerable financial strain especially for spouses who survive on daily income. This could have created potential source of stress, frustration, depression and exhaustion, which may lead to anger, tension, aggression, provocation and violent among spouses. More so, the stay-at-home orders and the associated

fear, frustration and uncertainty of when the pandemic would possibly end could have also worsened the situation by providing an enabling situation capable of sparking or exacerbating domestic violence like spousal battery. This catastrophic experience may have worsened the vulnerability of spouses’ undue nagging, verbal insults, provocation and incessant conflicts leading to spousal battery especially in situation where there is no government social support or palliative. The Covid-19 stay-at-home order may also create worst cases of spousal battery for spouses that previously suffer spousal battery as a form of domestic violence.

4.3 Gender of Victims of Spousal Battery

Though women are significantly more likely than men to experience spousal battery, men are sometimes also victims (Johnson and Das, 2009). Most times, spousal battery is not a manifestation of sex inequality but a conscious mentality of the perpetrator to subdue and to enforce control, to gain submission of the victim and to make him or her subordinate. Data from table 1 (as mathematically expressed below) shows that while only 8.0% of the total numbers of victims of spousal battery were men who reported the case through telephone helpline calls, 92% were women.

Total telephone helpline reported cases of spousal battery :1455

Total telephone helpline reported cases of men who are victims of spousal battery :116

Total helpline reported cases of women who are victims of spousal battery : 1339

Percentage of Men who Reported Cases of Spousal Battery:- $\frac{116}{1455} \times \frac{100}{1} = 8.0 \%$

Percentage of Women who Reported Cases of Spousal Battery:- $\frac{1339}{1455} \times \frac{100}{1} = 92 \%$

Generally, cases of men who suffer spousal battery remain largely underreported because men hardly disclose in public that they were beaten by their spouse due to ego, stigma, shame and humiliation (Johnson and Das, 2009), even when the assaults falls within the definition of spousal battery, gender violence or domestic violence. Yet, spousal battery suffered by men is more likely to be reported especially when serious injury is sustained (Cote et al, 2018).

Spousal battery is a serious human rights abuse and a public health problem. Especially, where the victim is a woman, it has potential risk for her health including injury and death (UNPF, 2001). This is because a female victim of spousal violence is three times more likely to suffer injury and five times more likely to receive medical attention (CCJS, 2000). Injuries commonly associated with spousal violence include bruises; abdominal or thoracic injuries; fractures; teeth, sight and hearing damage; head injury; back and neck injury; and possible more common are ailments that have no identifiable medical cause or are difficult to diagnose (WHO, 2005).

Spousal battery can be quite traumatic. Research evidence suggests that the effect of this assault can persist long after the violence has stopped. This is why abused women are three times more likely as non-abused women to report poor physical and mental health problems, even if the violence occurred years before (WHO, 2005). Especially, the severity of the experience, emotional pain and injury sustained during the assault, can be very critical in prolonging the traumatic experience of the spousal battery (Dibaba,2006). The negative effects of spousal battery cannot be downplayed. These effects include emotional pains, shame, guilt, self blame, lack of trust, threat to end relationship, self esteem difficulty, fear of object used by the perpetrator, health and suicidal tendencies associated with depression, anxiety and stress resulting from the violent assault (Dibaba,2006).

4.4 Legal Instruments Prohibiting Spouses Against Battery in Lagos, Nigeria.

Spousal battery against married men and women is a crime against the rights and dignity of the human person of every victim of battery. The response at national and international levels has put in place a number of laws, treaties, conventions and protocols dealing especially with violence against women At the international level, there are a number of treaties, laws, protocols and conventions that Nigeria is signatory to. Prominent among these is: the United Nations Convention on the Declaration of Human Rights (1948). At the national level, the1999 Nigerian Constitution provides for the respect and dignity of human persons. The Constitution provides in section 34(1) that ‘no person shall be subjected to torture, assault such as battery or any form of inhuman molestation and degrading treatment’. The rights of the citizens to the dignity of the human person against spousal battery is also enshrined in the Matrimonial Causes Act; the Criminal Law of Lagos State (2015); and the Nigeria Violence Against Persons Prohibition Act (VAPPA, 2015), domesticated in Lagos. The act seeks to prohibit spousal battery, spousal forceful ejection from home, economic abuse and harmful traditional practices such as ill-treatment of widows, female genital mutilation, child abuse and rape. The act prohibits all forms of violence against persons, providing maximum protection and effective remedies for victims and punishment of offenders. The Violence against Persons Prohibition Act (VAPPA, 2015) prescribes the following penalties for offenders of spousal battery:

- a) That a person who willfully assault his or her spouse by battering or inflicts physical violence and injury by means of any weapon, substance or object, commits an offence and is liable on conviction to a prison term of not exceeding 5years or a fine not exceeding N100,000.00 or both.
- b) That a person who attempts threat of physical violence or commit the act of violence on his/her spouse provided for above commits an offence and is liable on conviction to a prison term of not exceeding 3 years or to a fine not exceeding N200,000.00 or both.
- c) That a person who willfully or knowingly places his/her spouse on fear of physical violence, harm or injury commits an offence and is liable on conviction to a prison term of not exceeding 2 years or to a fine not exceeding N200,000:00 or both. The Court may also award appropriate compensation to the victim as it may deem fit in the circumstances.

d) That the perpetrator of spousal battery can be convicted of domestic violence even if the “victim” does not sustain any physical harm or injury from the physical assault. The act is punishable by law, if proven. All that is required is the proof that the perpetrator actually assaulted his or her spouse using physical “force,” “violence” or “threat of violence” against him or her.

4.5 Challenges Confronting Mediation and Administration of Criminal Justice in the Prosecution of Spousal Battery in Lagos State

The increasing incidence of spousal battery in Lagos State is very disturbing. Spousal battery is a crime punishable under the Violence Against persons Prohibition Act (VAPP Act, 2015), the Law of the Federation of Nigeria domesticated in Lagos and the Criminal Law of Lagos State (2015). In Lagos State, the Citizen’s Mediation Centre (CMC) is an agency of the Lagos State Ministry of Justice established to provide mediation in some domestic and civil cases so as to decongest the court of volumes of civil cases. The CMC works in collaboration with Domestic and Sexual Violence Offences Response Team (DSVRT) of the Lagos State Ministry of Justice. It handles basically domestic and civil matters, especially mediation over domestic matters such as those that are related to marital disputes like spousal battery, spousal eviction, spousal infidelity, harassment, humiliation, intimidation, threat of harm, neglect of home, neglect of children, right to child custody, child labour, and cases of threat to take away children, forwarded to it by the Domestic and Sexual Violence Response Team (DSVRT). The CMC was created by the Lagos State government as a way to decongest the court of some minor civil cases. But the office of the Director of Public Prosecution (DPP) is in charge of prosecuting all cases of spousal battery that results to life threatening injuries or murder. Though official statistics on spousal homicide in Nigeria has been scanty and inconsistent but report shows that loss of control, jealousy, envy and infidelity were found to be common predisposing factors to spousal homicide (Aborishade et al, 2019). Where there is enough evidence to prosecute cases of spousal battery that results to life threatening injuries or murder, the DPP will take appropriate steps to file charges at the High Court.

The Citizen’s Mediation Centre (CMC) is not a court but a mediation centre. It has powers to invoke Section 14 of the law that establishes it to resolve domestic and civil cases such as those that are related to marital disputes like spousal battery and to compel the parties to sign a Memorandum of

Understanding (MoU) for peace. And if any of the parties attempts to breach the MoU, a seven days ultimatum will first be issued by CMC for the party to comply. Thereafter, the enforcement will be carried out by the office of the Attorney General of Lagos State. At times, parties could be advised to go to court or their case referred to Domestic Violent Court (DVC), especially where cases of spousal battery is life threatening with serious injuries or where the matter could not be resolved amicably because of the recalcitrant attitude of either of or both parties. Where there are enough facts to prosecute a case, the office of the Director of Public Prosecution (DPP) will take appropriate steps to file charges at the High Court where Violence Against persons Prohibition Act (VAPP Act, 2015), the Law of the Federation of Nigeria domesticated in Lagos State and the Criminal Law of Lagos State will be invoked. In spite of this, and especially with the relevant legislations in place to curb the increasing incidence of spousal battery in Lagos State, only a handful of cases have been successfully prosecuted. Those few cases that have been successfully prosecuted were probably those that are life threatening with serious degree of injuries and those that culminated in the death of either the assaulter or the victim (NAN, 2015).

The key informant interview (KII) conducted reveal quite a number of socio-legal bottleneck of challenges confronting mediation and administration of criminal justice in prosecuting or settlement of cases of spousal battery in Lagos State. The criminal justice stakeholders including the assaulter and the victims of spousal battery were all apportioned with blame for the challenges confronting the prosecution or mediation in cases of spousal battery in Lagos State. For instance, most spouses were not particularly aware of the telephone helpline opened by the Lagos State Domestic and Sexual Violence Response Team (DSVRT) to encourage both men and women to break silence by reporting cases of spousal battery. Even where some spouses were aware of the telephone helpline, they were still unwilling or reluctant to lodge complaints with appropriate authorities or agencies probably because of the fear of being stigmatized by friends, relatives and neighbours as a man/woman who is trying to convict the husband/wife, or due to lack of money to pay for legal services.

A legal officer attached to the Domestic Violent Court (DVC) laments that often times, women don’t want to report their spouses or seek legal redress for spousal battery because of fear of losing economic support from their spouses. He states further that this

fact is evident in several cases where victims are pressurized by their friends and relatives to withdraw their complaints and suits, especially when it is becoming more apparent that their spouses may suffer punitive measures like jail term or a fine.

A senior official of CMC reports that another problem associated with mediation and administration of criminal justice of domestic disputes like spousal battery is the non-availability of medical report or evidence that could ultimately help the prosecutor to convict the accused persons. Photograph and medical reports of physical evidence of blood from injuries, cuts, bruises, swollen parts of the body or forensic evidence supporting that the victim was actually battered are key in offering credible evidence to help the prosecutor to convict the accused person. Where the medical report, forensic evidence, or photograph of the physical evidence are not promptly taken this could distort the required evidence needed to convict the accused person, especially where credible evidence is being demanded by the defendant. Yet, most times victims of spousal battery may not be able to assist the agency or the Domestic Violent Court (DVC) with evidence because victims themselves may have destroyed these evidence under the persuasion of the spouse (i.e., the perpetrator), that the battery was “the work of the devil” or simply blaming third parties especially the in-laws’ interference as responsible for causing the domestic conflict leading to battery. Musbau (2017) confirms this that evidence for 88% of cases of domestic violence against women recorded within Lagos were either destroyed by the abuser or misplaced by the victim.

Another key informant puts the challenges of mediation and administration of criminal justice of domestic disputes like spousal battery on the police. That most times, the police treat cases of spousal battery with triviality. That it is only when there is physical evidence of blood, injury or death that police would promptly take action. Generally, police often believe that domestic conflicts leading to spousal battery are civil cases that can be resolved or settled by spouses themselves or by their families and neighbours.

Yet, the court also cannot be exonerated from the challenges confronting mediation and the administration of criminal justice because of the frivolous ways it grants requests to adjourn cases. Since justice delayed is justice denied, victims of spousal battery most times end up not getting justice. But a State counsel attached to the Domestic Violent Court (DVC) notes that the sensitivity and complex

nature of spousal battery especially when it culminates into serious injury or death of either the assaulter or the victim, most times, require careful approach, since justice must not only be done but must be seen to have been done. So, tackling the increasing incidence of spousal battery and bringing offenders to justice is much more the collective responsibility of officers of the Temple of Justice. Commenting on whether the punitive measures of the existing laws is not stringent enough to stem the tide of the crime; he states further that the supreme aim of the laws is not only to punish offenders but to correct and refine perpetrators of crime and to also save the society from tragedy of violence, anarchy and destruction.

5. Conclusion and Recommendation

Spousal battery, unfortunately is regarded as the commonest form of domestic violence. This crime is on a notable increase in Lagos State, especially during the state wide lockdown in 2020, on the account of the Covid-19 pandemic. This could have been influenced by the disruption of the major means of livelihood of many people and especially where palliatives and other forms of social support for families were of limited access during the said Covid-19 lockdown. Hence, this could have created a potential source of stress, frustration, exhaustion and depression, which may equally lead to anger, tension, aggression, provocation and violence among spouses. More so, the stay-at-home order and the associated fear, frustration and uncertainty of when the pandemic would likely end could have worsened the situation by providing an enabling environment capable of sparking, or exacerbating domestic violence like spousal battery. While men are sometimes victims of spousal battery, women are overwhelmingly more as victims. In order to suppress the crime and bring perpetrators to justice, responses at national and state levels have entailed a number of laws. Yet, with the recent increasing trend of reported cases only few offenders have been successfully convicted because of a myriad of problems resulting from adjournment of cases and withdrawal of complaints and suits, especially when it is becoming more apparent to victims that their spouses may suffer punitive measure like a jail term or fine. Spousal battery can be quite traumatic and it often leaves victims with severity of trauma, emotional experience and injury sustained during the assault, which can be very painful. The negative effects of spousal battery include emotional pain, shame, guilt, self blame, lack of trust; threat to end relationship, self esteem difficulty, fear of object used by the

perpetrator and health associated depression from the assault.

Following this, fighting against all manner of spousal battery is all encompassing. Data on the prevalence, severity and health implications of spousal violence can serve as the important tool to engage government and policy makers in addressing the issue. Law enforcement agencies like the Nigeria Police Force (NPF), the court, Citizen's Mediation Centre (CMC), Domestic and Sexual Violence Response Team (DSVRT), as well as the media, non-governmental organization (NGOs), community leaders and family members are all expected to play different but critical roles in the war against spousal battery. In a nutshell, society should exhibit zero tolerance to spousal battery, promote public awareness of the crime, encourage victims to speak out, report cases to appropriate authorities and be bold enough to press for legal charges in court. Especially, Civil Society Organisations and government agencies in charge of domestic violence have a lot to do in terms of advocacy and sensitization of the general public of the existence of laws prohibiting spousal battery and the danger of the crime. Government should also show more political and legal will to decongest the Court of spousal battery cases with stringent and prompt penalty on offenders to serve as deterrent. Psychiatric analysis of the state of mental health of offenders is also as important as the forensic evidence needed to successfully convict the offenders. Much is also required in the area of policies, counseling and rehabilitation of victims who are often traumatized and haunted by their terrible experiences. The treatment, counseling and rehabilitation programmes of CMC should be holistic to include allowing the victims to have access to government subsidized medical care programmes. Above all, programmes targeting women economic empowerment can also be effective at reducing the rate of spousal violence.

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