

Addressing Gender-Based Violence in Africa (Nigeria and Botswana)

Obagboye Tomi Grace^{1*}

¹LL.B (University of Jos, Jos), LL.M, Kogi State University, Anyigba, Nigeria

DOI: [10.36348/sjhss.2021.v06i10.004](https://doi.org/10.36348/sjhss.2021.v06i10.004)

| Received: 28.09.2021 | Accepted: 05.10.2021 | Published: 14.10.2021

*Corresponding author: Obagboye Tomi Grace

Abstract

Gender-Based Violence (GBV) also known as Violence against Women (VAW), Intimate Partner Violence (IPV), or Domestic Violence (DV) is an age socio-cultural issue deep-rooted in African societies. Globally, Gender-Based Violence accounts for nearly one quarter of all recorded crimes. Gender-Based violence affects women in Africa irrespective of age, class, educational level and place of residence. The African society is inherently patriarchal. This is due to the influence of the various religions and customs practiced. Women are seen as inferior to men, and are regarded as property. This practice and mindset has been ingrained in the subconscious mind of the average African man. Consequently, Gender-Based violence has become entrenched and institutionalized. This paper examines Gender-based Violence in Africa (with emphasis on Nigeria and Botswana in the Sub Saharan African Region) and posits that such violence stems mainly from socio-cultural factors and lack of political will to implement effective laws that prohibit and punish GBV. Other factors that engender Gender-Based violence, like lack of awareness of rights by women, illiteracy, poverty, child/ forced marriage, substance abuse are also examined. Recommendations to curb violence against women in Nigeria, Botswana and Africa as a whole are underscored. This study employs the doctrinal research methodology.

Keywords: Violence, Women, Africa, Nigeria, Botswana, Socio – Cultural Factors.

Copyright © 2021 The Author(s): This is an open-access article distributed under the terms of the Creative Commons Attribution 4.0 International License (CC BY-NC 4.0) which permits unrestricted use, distribution, and reproduction in any medium for non-commercial use provided the original author and source are credited.

1. INTRODUCTION

The Beijing Platform for Action requires all governments and the United Nations to promote research, collect data and compile statistics related to the prevalence of different forms of violence against women (especially domestic violence). The initiative also urges stakeholders to encourage research into the causes, nature, seriousness and consequences of violence against women, as well as the effectiveness of measures implemented to prevent and redress violence against women. Goal 16 of the Sustainable Development Goal (SDGs) promotes peaceful and inclusive societies which provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Gender-based Violence is often considered a 'tip of the iceberg or silent epidemic' as victims are hesitant to reveal their experiences of violence due to many barriers [1]. The barriers that women experience about reporting GBV include fear of stigma and shame, financial barriers, lack of awareness of available services, fear of revenge, lack of law enforcement action and attitudes surrounding violence as a normal component of life. Subsequently, this results in

underreporting and challenges in accurately measuring the prevalence of GBV.

Global estimates indicate that one of every three ever-partnered women aged 15 years and over has experienced physical and/or sexual IPV in her lifetime (rates range from 16.3% in East Asia to 65.64% in central sub-Saharan Africa) [1].

A DHS [11] in sub-Saharan Africa showed that among ever-married women who had experienced physical violence, between 70–80% reported their husband as a perpetrator. The percentage of ever-married women who reported physical violence by their husband ranged from 20% in Malawi; to about 30% in Rwanda and Zimbabwe; about 40% in Cameroon and Kenya; to 45% in Zambia and 48% in Uganda. Physical violence only by someone else (and not by their husband) among the same women was reported by about 10% in Malawi, Rwanda, and Zimbabwe; and by about 15% in Cameroon, Kenya, Uganda, and Zambia.

2. CLARIFICATION OF CONCEPTS

Gender-based violence includes acts of violence in the form of physical, Psychological, or

sexual violence against a person specifically because of his or her gender [^{iv}]. While it is true that much of gender-based violence acts are directed toward women, there is evidence that men also have been victims of such abuse. For the purpose of this work, however, the term gender-based violence shall be restricted to violence against women and girls.

Gender-based violence is violence involving men and women, in which the female is usually the victim; and which is derived from unequal power relationships between men and women. Violence is directed specifically against a woman because she is a woman, or affects women disproportionately. It includes, but is not limited to physical, sexual, and psychological harm (including intimidation, suffering, coercion, and/or deprivation of liberty within the family, or within the general community). It includes that violence which is perpetrated or condoned by the state [^v].

Gender-Based Violence (GBV), also known as Violence against women (VAW), Intimate Partner Violence (IPV), or Domestic Violence (DV), are violent acts the victims of which are primarily or exclusively women or girls.

Such violence is often considered a form of hate crime, committed against women or girls specifically because they are female, and can take many forms.

The 1993 United Nations Declaration on the Elimination of Violence against Women, offered the first official definition of gender-based violence. Gender based violence (GBV) is defined as “any act of Gender- based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” [^{vi}].

Gender Based Violence (GBV) is defined by the United Nations (UN) in the Convention on Elimination of all forms of Discrimination Against Women (CEDAW) as any act that is likely to or results in physical, sexual or psychological harm or suffering to women including threats or acts of coercion, arbitrary deprivation of liberty, private or public, in the family or community.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, better known as the Maputo Protocol, which was adopted by the African Union in 2003 in Maputo, Mozambique and entered into force in 2005 (AU, Maputo Protocol, 2003). As per this protocol, violence against women means: “*All acts perpetrated against women which cause or could cause them physical,*

sexual, psychological, and economic harm, including the threat to take such acts; or to undertake the imposition of arbitrary restrictions on or deprivation of fundamental freedoms in private or public life in peace time and during situations of armed conflicts or of war” [^{vii}].

3. ENTRENCHED EPIDEMIC OF VIOLENCE AGAINST WOMEN IN AFRICA

Over 90 million African women and girls have been victims of FGM. An estimated over 60 million to be female have been eliminated through sex selective abortions in Asia. Over 20 000 women were raped in the Bosnian war of the 90's. Between 250-500 000 women were raped in Rwanda during the 1994 events.

The result of a research [^{viii}] revealed that approximately 36% of women in urban sub Saharan Africa experienced at least one form of Gender based violence, 12.8% experienced two types; and 4.6% experienced all three types. SSA urban women who had only primary-level education, had 3 or more living children, were informally employed, were in polygynous unions, or who approved of wife-beating similarly displayed higher adjusted prevalence rates for all three forms of compared respectively to their counterparts without formal education, without a living child, were unemployed, in monogamous unions, or who do not approve of wife-beating. On the other hand, the region's urban women who began cohabiting between ages 25 and 35 years or who lived in higher wealth households showed consistently lower adjusted prevalence rates for all three forms of IPV relative to their counterparts who began cohabiting before 18 years or who lived in lower wealth households.

The implications of Gender Based Violence are far-reaching, extending beyond women's physical, emotional, sexual and reproductive health, to encompass their overall well-being, the welfare of their households and communities, and even the economic and social fabric of societies. Among women who suffer intimate partner violence, injuries, visits to health personnel, disabilities and deaths are common. Violence corrodes women's confidence and mental health, hampering their productivity and contribution to development. Abused women often experience emotional distress and tend to consider, attempt, or carry out suicide frequently. They suffer post-traumatic stress syndrome, depression, anxiety, and low self-esteem and other adverse behavioral outcomes such as alcohol and drug abuse, sexual risk-taking, and a higher risk of subsequent victimization. IPV distresses families and communities. It drains household resources, strains family ties, and depresses family members. To avoid further violence, abuse and stigma, women survivors of IPV may amend their behaviors to what is acceptable to their aggressors and victimizers, often becoming their own jailers [^{ix}].

3.1. GENDER BASED VIOLENCE IN NIGERIA

In Nigeria, like in many other African countries, gender relations have remained patriarchal in nature. The Nigerian society has been suffocated by these stereotypes and gender insensitive customary laws have all engendered violence against women. Many women have been killed, exposed to terminal diseases like the HIV/Aids virus, sold via trafficking in persons or married off against their wishes, brutalized or maimed for life by their male counterparts. The unfortunate

reality is that most of the culprits always get away with the crimes, because, those polices formulated for the protection of these women have no inbuilt stringent punitive measures/sanctions to bring them to justice [x].

Cases of Gender-based violence have been on the increase in Nigeria. The media is replete with reports of husbands killing and maiming their wives. Amnesty International (2005) report on Nigeria indicates [xi]:

“On a daily basis, women are beaten and ill-treated for supposed transgressions, raped and even murdered by members of their family. In some cases, vicious acid attacks leave them with horrific disfigurements. Such violence is too frequently excused and tolerated in communities and not denounced. Husbands, partners and fathers are responsible for most of the violence against women”.

Women are vulnerable to violence at all stages of life in Nigeria. The statistics in Nigeria are daunting. About 50% of women have been battered by their husbands. Shockingly, more educated women (65%) are in this terrible situation as compared with their low income counterparts (45%). Most endure believing they have nowhere to go and they don't have confidence in the law to protect them.

A recent survey carried out by the Gender Based Violence (GBV) Sub Sector Nigeria [xii] revealed that 99% of the reported incidents of GBV affected women and girls, while 2% of reported incidents of GBV was made by survivors with disability. Of all the reported incidents, 79% were perpetrated against adults. Physical assault at 27%, denial of resources at 27%, and Psychological/emotional abuse at 19% ranked comparatively among the incidents for which survivors sought help.

Sexual violence (rape and sexual assault) accounted for 17% of the total incidents reported and forced marriage was at 10%. While rape accounted for 15% of all sexual violence cases, in 22% of the incidents help was sought within 0-3days, and after one month in 68% of the cases. 21% of reported incidents were perpetrated towards children-on average 1 in every 5 reports were from children. Out of all cases

reported by children, 29% was made by unaccompanied and separated children. 48% of the incidents reported by child survivors was an incident of sexual violence (either rape or sexual assault). 29% of the incidents reported by child survivors was an incident of forced, early marriage).

According to data received from the Nigerian Police Force (NPF) and the Ministry of Justice, rape cases in Nigeria have been on the rise. The percentage of rape incidence for girls was 63.04% in 2015, which increased to 72.13% in 2016 but decreased to 69.33% in 2017. In schools, it was 53.8 and 56.9% in 2015 and 2016 respectively but increased to 93.4 in 2017. In other places, rape cases were 62.5, 73.0 and 54.6% for 2015, 2016 and 2017 respectively.

Women aged 45-49 had the highest percentage (27.6%) of Female Genital Mutilation/Cutting (FGM/C) compared to other age groups, while women aged 15-19 had the lowest at 12.3% [xiii].

Nigeria has well equipped policy frameworks to achieve gender equality and social inclusion. The country is a signatory to a number of key global and regional instruments to tackle gender inequality and social exclusion. Some of these include: The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW 1979); The Beijing Platform for Action (1995); The Millennium Development Goals (2000); The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (2005); and The Convention on the Rights of Persons with Disabilities (CRPD, 2006). On its own, Nigeria also passed the Child Rights Act in 2003, which has been domesticated so far in 18 states. Above all, Nigeria's National Gender Policy (2006) was agreed and adopted by all states in Nigeria to promote gender equality and inclusiveness in development. The challenge however, is the lack of will power by the Government to effectively implement these laws.

The legal framework for women's rights in Nigeria is based on the Constitution primarily, other local laws, regional and international treaties relating to women ratified by the country [xiv].

Until recently, there were no explicit laws in Nigeria protecting the rights of women specifically. However, in the time past, the government had taken some steps to improve the status of the Nigerian woman [xv]. Some of these steps included the signing and ratification of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) 1979, and The Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa 2003.

In recent times, the government has introduced some reforms to guarantee better protection of the rights of women in Nigeria. These reforms include: the enactment of the Child Rights Act 2003 (this law domesticated the Convention of the Rights of the Child in Nigeria), the enactment of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003, the adoption of a National Gender Policy in 2007, the enactment of the Violence Against Persons (Prohibition) Act 2015 (VAPPA), and establishment of Women Development centers in all the states in Nigeria amongst others.

Other bills that seek to protect the rights of women in Nigeria include the Sexual Offences Bill 2013, the Gender and Equal Opportunities (GOE) Bill 2016 and Labour Amendment Bill 2016. The GEO is a Bill that seeks to incorporate and enforce certain aspects of the United Nations Convention on the Elimination of all forms of discrimination against women, the National Policy on Women and other matters connected there with. In the GEO Bill "discrimination against women" is described as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field [^{xvi}].

Nigeria is yet to domesticate the Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW) and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol). The Gender and Equal Opportunity (GEO) Bill 2016, which is an amalgamation of the principles and provisions of CEDAW and the Maputo Protocol, is still before the Senate.

3.2. GENDER BASED VIOLENCE IN BOTSWANA

Botswana is a middle-income country with high levels of violence against women and girls. The 2018 Relationship Study indicates that 37% of women in Botswana have experienced some form of violence in their lifetime, including both partner and non-partner violence [^{xvii}]. The same study reveals that 30% of women experienced violence in 2017. The most commonly reported form of violence was emotional IPV, followed by physical, sexual and economic IPV. Child sexual abuse is also reported as a significant risk factor for exposure to violence in adulthood. Both the 2012 gender-based violence (GBV) indicator report and the 2018 Relationship Study reveal that exposure to violence leads to physical injuries, sexual and reproductive health issues (sexually transmitted infections, HIV) and poor mental health among women

[^{xviii}]. Hence, the level of violence against women and girls is alarmingly high in Botswana and this has a wide-ranging impact on individuals, families, communities and the country as a whole [^{xix}].

According to the Thomson Reuters Foundation, nearly 70% of women in Botswana have experienced physical or sexual abuse - more than double the global average, according to the United Nations Population Fund (UNPF) and police statistics indicate a spike in cases in 2020. In addition, the Police recorded 2,789 rapes since January compared with 2,265 during all of 2019 [^{xx}].

In a survey [^{xxi}] carried out by Gender Based Violence Indicators Study in Botswana in 2011, it was discovered that over two thirds of women in Botswana (67%) have experienced some form of gender violence in their life time including partner and non-partner violence. A smaller, but still high, proportion of men (44%) admit to perpetrating violence against women. Nearly one third of women (29%) experienced Intimate Partner Violence (IPV) in the 12 months to the prevalence survey that formed the flagship research tool in this study. In contrast, only 1.2% of Botswana women reported cases of GBV to the police in the same period. Thus the prevalence of GBV reported in the survey is 24 times higher than that reported to the police. This suggests that levels of GBV are far higher than those recorded in official statistics and that women have lost faith in the very systems that should protect them as well as offer redress. Most of the violence reported occurs within intimate relationships. About three in every five women (62%) experienced violence in an intimate relationship while about half of the men (48%) admitted to perpetrating intimate partner violence. About 30% of women experienced while 22.4% of men perpetrated GBV in the 12 months before the survey. Emotional partner violence is the most common form of IPV experienced by women (45%) and perpetrated by men (37%) in the sample in their lifetime.

Patriarchal attitudes are a significant underlying factor driving the incidence of GBV in Botswana. While women and men affirm gender equality in the public domain this has not translated in their private lives particularly in their intimate relationships. The findings from the survey and police data show that GBV is the most flagrant violation of human rights in Botswana at the present time, yet only 6% of the 188 speeches by politicians over the last year focused on GBV while 9% made some mention of the scourge.

Only 5% of monitored news articles from Botswana covered GBV and in these perpetrators were three times more likely to be heard than survivors. The

media still reports on GBV in sensational ways that trivialize the experiences of women.

At the end of 2021 the Government of Botswana decided to launch 25 Gender Violence Courts following a rise in cases during the corona virus pandemic - a measure women's campaigners hope will bring swifter justice to victims of sexual and domestic abuse. The Government moved to establish the courts after women's rights advocates warned that lockdown curbs were exacerbating high rates of gender-based violence by trapping many women at home with abusers [xxii].

There are also some shelters like Kagisano Women's Shelter, where abused people are given accommodation. There is also SOS where abused children can go for help when they are abused. There is also Childline where abused children can go to seek help especially if they are abused by their parents.

In Botswana, most of the abusers are men who grew up in an abusive home, and they take emotional and physical violence as a way that is valid to vent their anger. The modeling that they saw when they were growing up gets strengthened by using abusive and violent tactics to solve problems, they have formed a big control over others through the abusive tactics. Drug abuse may also contribute to domestic abuse. Girls who have witnessed abuse in their home may also take it that it is a norm for females to be abused; therefore, they stay in abusive relationships after marriage. Also, abusers who are not reported to authorities enjoy abusing others. Some abusers pretext problems encountered at work to abuse other people. A jealous and envious person will mostly make sure that he/she abuses his/her partner. Most of the times, wives who do not work, stay in abusive marriages because they fear that they will end up suffering economically since the abuser is the one who fulfils their financial needs. In Botswana, many wives who stay in abusive marriages are culturally informed that a man is the head of the family. Therefore, they should never question his movements, which is very wrong [xxiii].

In Botswana, men pay hefty bride prices when they get married; therefore, some of them feel that they have bought their wives and that they have ownership of them. Because of the myths and beliefs in the community about those who have survived gender-based violence, there is a lot of shame, disgrace, and stigma; therefore, some people opt to become silent even if they are suffering.

In Botswana, many women used to stay home while their husbands go to other towns to work. Many women are abused because they depended on their husbands financially. Therefore a lot of women were forced to stay in abusive relationships. Though the

situation has changed, still many women prefer to stay in abusive relationships because they are scared to be loners. In Botswana, there is a word "lefetwa", this refers to women who are old but not married. Women do not want to be called 'lefetwa' or left overs, and prefer to stay in abusive relationships. Children who witness abuse in their homes are unlikely to do well at school. Therefore, abuse also affects their school work. Most of them end up being abusers themselves because they believe that an abusive relationship is normal as they grew up seeing people being abused. Victims of abuse might turn to substance abuse and some end up committing suicides.

Botswana's legal system is a plural one. Systems of common law and customary law co-exist and overlap, each with their own regulated structures and procedures. Like Nigeria, Botswana is a party to a number of international and regional human rights treaties [xxiv], including: the African Charter on Human and Peoples Rights [xxv], the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol relating to a communication procedure [xxvi] the International Covenant on Civil and Political Right (ICCPR) [xxvii], the Convention on the Elimination of All Forms of Racial Discrimination (CERD) [xxviii] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) [xxix] the Convention on the Rights of the Child (CRC) [xxx] and its Optional Protocols on the Sale of Children, Child Prostitution and Child Pornography and on the involvement of Children in armed Conflict.

These treaties require Botswana to respect, protect and fulfill the human rights of all those within its territory and jurisdiction. This means that all State officials, including government agents and those who act under its instructions, direction or control or through delegation of governmental authority, must refrain from interference with the enjoyment of human rights. It also means that the Government is required to protect individuals from the impairment or nullification of rights by third parties, including non-State actors such as business enterprises and private individuals, and to take a range of other pro-active steps to enable the enjoyment of rights.

Botswana's Constitution, adopted in 1966, is the foundational and primary instrument through which its legal system guarantees equal rights and prohibits discrimination. Chapter II of the Constitution contains what is commonly referred to as the 'bill of rights,' with Sections 3 – 19 enshrining certain fundamental rights and freedoms and providing a route to remedy in case of breach.

Section 3 specifies that: "*Whereas every person in Botswana is entitled to the fundamental rights and*

freedoms of the individuals, that is to say, the right whatever his race, place of origin, political opinions, colour, creed or sex but subject to respect for the rights and freedoms of others and for the public interest.

Sections 4 – 14 enshrine a range of individual rights in some detail, including: life, personal liberty, freedom from slavery and forced labour, freedom from torture and inhuman treatment, property, privacy of the home, protection of law, freedom of conscience, expression, assembly and association and movement.

In 1996, Botswana ratified the Convention on the Elimination on the Elimination of all forms of Discrimination against Women (CEDAW) and endorsed the Southern African Development Community (SADC) Declaration on Gender and Development in 1997.

The Penal Code and the Criminal Procedure and Evidence Act. In 1997 these laws were reviewed. The Penal Code (Amendment) Act 5 of 1998, Sections 141 and 142 (Broadening the definition of rape so as to encompass a range of sexual acts and ensure gender neutrality, and to increase the penalties); Criminal Procedure and Evidence (Amendment) Act of 1997, Section 2(ensuring that rape cases could be held in camera). The Women's Affairs Department in the Ministry of Labour and Home Affairs, which had initially been a unit and then a division, was established as fully fledged department. Simultaneously a series of laws were reviewed.

The narratives of GBV in Nigeria and Botswana are similar. In both countries, gender relations are patriarchal in nature and largely influenced by culture. Violence against women is not only an extremely rooted but also an accepted rather than a challenged problem. Interestingly, Nigeria and Botswana are parties to a number of international and Regional human rights treaties like the African Charter on Human and Peoples Rights, Convention on the Elimination of Discrimination against Women, the International Covenant on Civil and Political Right (ICCPR) [xxxii], the Convention on the Elimination of All Forms of Racial Discrimination (CERD) [xxxiii], the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Rights of a Child. Indeed, both states have ratified the Convention on the Elimination of Discrimination against Women. Both countries have enacted several laws to protect the rights of women, however the laws are not been effectively implemented. Nigeria and Botswana are riddled with poverty, female illiteracy, socio-economic and cultural challenges that impede the full enjoyment of the rights of women.

4. CAUSES OF GENDER BASED VIOLENCE

GBV causes are multiple with many contributing factors that can be traced back to harmful cultural and traditional practices, gender inequalities and discrimination in all aspects of life (social, economic, religious and political) and entrenched institutional arrangements that are patriarchal. These are often manifested through unequal power relations between women and men, low status of women in society; gender biased socialization, beliefs and attitudes as well as gender norms that support male superiority and entitlements. Furthermore, GBV is reinforced by laws, policies and administrative procedures that do not adequately incorporate the specific needs; experiences and aspirations of women and men in a gender equitable manner. Women's economic dependence on men continues to heighten women's vulnerability to GBV [xxxiii].

Failure to ensure women are involved and participate meaningfully in decision making at all levels contributes directly to women's vulnerability due to constrained opportunity for self-representation and direct input in all spheres of their lives. In effect, GBV causal factors constitute a lived reality of many and are likely to increase vulnerability for systemic gender based violence and intimidation. While there could be evidence of GBV in different settings, it is often difficult to counter it effectively and progressively because of its complex and often illusive nature.

Gender-based violence is deeply rooted in discriminatory cultural beliefs and attitudes that perpetuate inequality and powerlessness, in particular of women and girls. Cultural norms, religious practices, economic and political conditions usually set the proceedings for initiating and perpetuating domestic violence. One cannot underestimate the importance of macro system –level forces in the etiology of gender-based violence. These include observing violence whole growing up, absent or rejecting fathers, delinquent peer association, among others [xxxiv].

Various other factors, such as poverty, lack of education and livelihood opportunities, and impunity for crime and abuse, also tend to contribute to and reinforce a culture of violence and discrimination based on gender. Such factors are frequently aggravated in times of conflict and displacement as the rule of law is eroded and families and societies are torn apart. The result is often an increase in both the frequency and brutality of gender-based violence. In its worst form, gender-based violence has become a weapon of war, intentionally directed against and aimed at terrorizing, displacing and destroying certain communities or ethnic groups [xxxv].

The syndrome of domestic violence against women is both cause and effect of stereotyped roles and the unequal power relations between men and women especially in African societies. Some historians believe that the history of violence against women is tied to the history of women being viewed as property and gender role assigned to be subservient to men [xxxvi]. Society trains men to see women in certain disrespectful, objectified ways. In sub Saharan Africa and African customary tribal law, marriages are contracted around a system of “lobola” or dowry or bride price, in which the husband pays a sum in cash or kind to the wife’s family in exchange for her. The marriage contract thus functions as a system of exchange in which women and goods transfer ownership, allowing the ethos of the woman as the man’s property to prevail [xxxvii]. In the African culture, some cultural beliefs generally expect women not to talk back to their husbands and to always listen to them.

5. CONCLUSION AND RECOMMENDATIONS

From the foregone, it has been established that violence against women is an entrenched epidemic in Nigeria and Botswana and in Africa as a whole, with attendant devastating consequences. It is essential that all relevant stakeholders—including community and religious leaders; school teachers and administrators; health care workers; police, prosecutors, and the judiciary; government officials; media; parents, and of course, girls and boys—understand and commit to their role in ending violence against women. Below are some recommendations to curb gender based violence in Nigeria , Botswana and in Africa in general.

5.1 Legal Reforms

As examined earlier, both Nigeria and Botswana have several laws that protect the rights of women. However there is need for effective implementation of existing laws that criminalize domestic violence and establishment of more encompassing laws to protect women from gender based violence in Nigeria and Botswana and in Africa in general.

Also, African countries should be made to domesticate International and Regional Instruments that criminalize gender based violence and fulfill their obligations under these instruments. For instance, the CEDAW and Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa, have not been fully domesticated in most African States. In addition, there should be adequate punishment of Perpetrators of Violence against Women. The Government and its institutions must show adequate will and enthusiasm in the fight to end gender based violence. Putting new laws on the books is not enough. Law enforcement and court mechanisms also have to be made friendly and accessible to women.

5.2 Establishment of Shelters for Victims of Gender Based Violence

Shelters and Safe Houses should be established and made accessible to victims of gender based violence both in urban and rural areas. They should be able to provide Counselling, rehabilitation, medical attention and Legal Services for such victims. In addition, there should be specialized training of personnel who would work in these Shelters.

5.3 Massive Public Enlightenment Campaigns and Awareness against Violence against women

The Government, NGO’s, all stake holders and concerned individuals should carry out massive enlightenment campaigns against domestic violence. They should effect a change in the negative cultural mindset and perception about women and the female gender in Nigeria and Africa as a whole. Cultural and social norms are highly influential in shaping individual behaviour, including the use of violence. Norms can protect against violence, but they can also support and encourage the use of it. Interventions that challenge cultural and social norms supportive of violence can help reduce and prevent violent behaviour. Television and radio, social media, and other creative means of passing out the message can be engaged in this campaign. In Tanzania, the NGO, Kivulini uses open air meetings, local drama groups, traditional drumming, singing and dancing to engage people in discussion about domestic violence, HIV/AIDS and reproductive health. In Guinea, public education efforts bring together local NGOs and imams to explain that Islam does not condone the abuse of women.

5.4 Women Education and Empowerment

The Government and it’s institutions in African nations should ensure the education and empowerment of girls and women. Universal basic education and girl child education in line with the SDG’s should be effectively carried out. The place of girl-child education, education and empowerment of women cannot be over-emphasized. It has been argued that education does not automatically translate in a lower incidence of domestic violence, (in Malawi, for example). However, education and financial empowerment of women positions them to make informed decisions and gives them more options when confronted with issues of violence against women. Educated women are more aware of their rights and freedoms guaranteed by the law and are able to better protect themselves from domestic violence. According to a survey, highly-educated women are 31% less likely to be tolerant of domestic violence than women with no education, and women with secondary education are 16% less likely to be tolerant.

An uneducated and financially dependent woman is more likely to condone domestic violence because she doesn’t have anyone to support her and her

children if she fights against violence. Many women in Africa are trapped in violent domestic situations because they are totally dependent on the perpetrators of domestic violence for their livelihood. And many men in capitalize on this fact and continue to perpetuate violence against women unchecked.

This is another form of modern day slavery. This should stop. All hands must be on deck to ensure basic education and empowerment of girls and women in Africa. The WHO found that women with at least a secondary education were more able to negotiate greater autonomy and control of resources within marriage, have a wider range of choices in partners and are more able to choose whether and when to marry. Such capacities have often been associated with lower levels of violence in the home.

5.5 Women's Activism should be encouraged

Women are not just victims. They have been working actively for change. In Senegal, after the 1996 rape of an nine-year-old girl by a community and political leader, the NGO, APROFES (Association pour la promotion de la femme Sénégalaise) initiated protests, leafleting campaigns and local theatre performances to publicize the case.

That thwarted efforts by the man and his supporters to force the girl's family to withdraw charges. APROFES also provided legal counsel at the subsequent trial. The court proceeding, attended by thousands, yielded a 10- year prison sentence for the perpetrator, the first conviction for such a crime in Senegal. Women have also been active internationally and in various African countries to gain better mechanisms to protect women. This has included successfully pushing for adoption of international treaties and instruments, such as the CEDAW. There are various NGO's across Africa established by women to protect and advocate for the rights of women. All these efforts are commendable and women should be continued to stand up for one another and speak up against Violence against Women.

REFERENCES

ⁱ Muluneh, M. D. (2020). 'Gender Based Violence against Women in Sub-Saharan Africa: A Systematic Review and Meta-Analysis of Cross-Sectional Studies'. *Int J Environ Res Public Health*, 17, 903.

ⁱⁱ Amber Peterman, Ph.D., Jennifer Bleck, Ph.D., M.P.H., and Tia Palermo, Ph.D. Age and Intimate Partner Violence: An Analysis of Global Trends Among Women Experiencing Victimization in 30 Developing Countries *Journal of Adolescent Health* 57 (2015) 264-230.

ⁱⁱⁱ USAID: Gender-Based Violence in sub-Saharan Africa: A review of Demographic and Health Survey Findings and their use in National Planning. 2010.

^{iv} Enikő Horváth, et.al. Gender-Based Violence Laws in Sub Saharan Africa. A Report for the Committee on African Affairs of the New York City Bar, 2007.

^v UNFPA Gender Theme Group, 1998.

^{vi} UN general assembly. In Declaration on the Elimination of Violence against Women; UN: New York, NY, USA, 1993.

^{vii} AU, Maputo Protocol, 2003: Article 1.b. paragraph. 8.

^{viii} Izugbara CO, Obiyan MO, Degfie TT, Bhatti A (2020) Correlates of intimate partner violence among urban women in sub-Saharan Africa. *PLoS ONE* 15(3): e0230508.

<https://doi.org/10.1371/journal.pone.0230508>

^{ix} Izugbara CO, Obiyan MO, Degfie TT, Bhatti A (2020) Correlates of intimate partner violence among urban women in sub-Saharan Africa. *PLoS ONE* 15(3): e0230508.

<https://doi.org/10.1371/journal.pone.0230508>

^x OdehAdiza Mercy and Umoh C. Nanji, National Gender Policy and Sex-Based Violence Against Women In Nigeria. *Journal of Social Sciences and Public Affairs* Volume 4, Number 1, 2014 © 2014 Insuderc Academic Publishers

^{xi} Amnesty International report on Nigeria (2005).

^{xii} GBV Information Management Systems (GBVIMS) Mid-Year Report, January- June 2020

^{xiii} Statistical Report on Men and Women in Nigeria 2019 by the National Bureau of Statistics.

^{xiv} F.O Dada, The Justiceability and Enforceability of Women's Rights in Nigeria, *Global Journal of Human Social Science* 2014 14 (5), 48-56.

^{xv} E O Ekhaton, Protection and Promotion of Women's Rights in Nigeria: Constraints and Prospects, obtained from

<<https://www.researchgate.net/publication/328276496>> last accessed on 10/09/2019.

^{xvi} S 1 GEOBill 2016.

^{xvii} Botswana Ministry of Nationality Immigration and Gender Affairs 2018.

^{xviii} Botswana Ministry of Nationality Immigration and Gender Affairs 2018

^{xix} USAID Botswana 2014.

^{xx} Keletso Thobega, Botswana sets up Gender Violence Courts to Tackle Pandemic Backlog by Thomson Reuters Foundation. Obtained from <<https://www.reutes.com/journalists/keletso-thobega>> Accessed on 16/02/2021.

^{xxi} Gender Based Violence Indicators Study in Botswana by Southern Africa Development Community (SADC), 2011.

^{xxii} Keletso Thobega, Botswana sets up Gender Violence Courts to Tackle Pandemic Backlog by Thomson Reuters Foundation. Obtained from <<https://www.reutes.com/journalists/keletso-thobega>> Accessed on 16/02/2021.

^{xxiii} Oitshupile Khumo Maswabi, 'Risk Analysis and Countermeasures of Gender-Based Violence in Botswana' *International Journal of Innovation and Economic Development*, (2018) Vol 4 no 1, 60-64.

^{xxiv} Women's Access to Justice in Botswana: Identifying the Obstacles & Need for Change by International Commission of Jurists, Geneva, Switzerland, 2013.

^{xxv} Ratified in 1996. Notably Botswana has neither signed nor ratified the Maputo Protocol on the Rights of Women in Africa or the SADC Protocol on Gender and Development.

^{xxvi} Ratified in 1996. No reservations. In 2007 Botswana also became a party to the Optional Protocol to the CEDAW Convention recognizing the competence of the CEDAW Committee to receive Communications from individuals within its jurisdiction alleging violations of the Convention.

^{xxvii} Ratified in 2000. Reservations relating to Articles 7 and 12(3) of the Covenant which specify that Botswana is bound by the provisions to the extent that they accord with the corresponding Section 7 and Section 14 of its Constitution.

^{xxviii} Ratified in 1974.

^{xxix} Ratified in 2000.

^{xxx} Ratified in 1995.

^{xxxi} Ratified in 2000. Reservations relating to Articles 7 and 12(3) of the Covenant which specify that Botswana is bound by the provisions to the extent that they accord with the corresponding Section 7 and Section 14 of its Constitution.

^{xxxii} Ratified in 1974.

^{xxxiii} Regional Strategy and Framework of Action for Addressing Gender Based Violence 2018 – 2030 by Southern Africa Development Community (SADC)

^{xxxiv} M Akawu, 'Clinical Implications of Domestic Violence against Women on their Psychological Wellbeing' [2015] *Women and Development in Nigeria; Perspectives from Nigeria*, Nasarawa State University, Faculty of Social Sciences, 190-205.

^{xxxv} Hand Book for the protection of Internally Displaced Persons.

^{xxxvi} Harvey and Gow 1994

^{xxxvii} Mc Kendrick & Hoffmann 1990.