

Chapter 41

Restorative Justice and Women's Experiences of Violence in Nigeria

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ABSTRACT

The principles of restorative justice (RJ) and traditional African mediatory practices share a similar vision about giving social healing to offenders, victims, and communities in the aftermath of victimization. Regrettably, colonialism drove Africa's traditional restoration-based justice initiative out by forcefully replacing it with its retribution-oriented alternative. The chapter theoretically examines RJ vis-à-vis women's experiences of violence in Nigeria. It obtained its data mainly from secondary sources. It argues that culture prevents numerous cases involving the interests of women, as wives or intimate partners of men, from public negotiation especially with or before strangers in Nigeria. This chapter concludes that RJ is an innovative means of returning to and modernizing Africa's history of social healing to ease access of Nigerians to justice, regardless of gender.

INTRODUCTION

The pre-colonial people of Africa regulated their behavior using the home-grown normative order, which got its values from an exclusively African ontological metaphysics strengthened by an African belief system (Juma, 2007). At that time, African communities were not under the pressure of intense insecurity. However, to maintain the expansionist passion of Europe to establish legitimacy by coercion, through its colonial policy, it demonized the subsisting indigenous judicial practices of the African people and forcibly replaced them with their retribution-oriented justice option. Using the combined power of the dead and the gods who simultaneously approved the decisions of the living, African elders, men, women, and the youths created a metaphysical environment in which their efforts to resolve social issues make meaning only within the African context (Mqhayi, 1914). In a purely traditional understanding, gender-based violence (GBV) was not a phenomenon that threatened harmonious co-existence and productive interactions between men and women in Africa's pre-colonial epoch.

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In most traditional communities of the world, women have lopsidedly become victims of various forms of violence which are often strengthened by vibrant socio-cultural norms. Such violence often impacts women twice as men by the experience of violence and its aftermath. Also, this disproportionate effect occurs through the reactions of their families, particularly the men, to their status as survivors of sexual crime (UNIFEM, 2002). Although, gender-based violence is commonly assumed to be limited to domestic violence, Minnesota Advocates for Human Rights (2003) debunked this assumption. It classified gender-based violence into four broad categories. These classes are: (i) Overt physical abuse (includes battering, sexual assault, at home or in the workplace); (ii) Psychological abuse (includes deprivation of liberty, forced marriage, sexual harassment, at home or in the workplace); (iii) Deprivation of resources needed for physical and psychological well-being (including health care, nutrition, education, means of livelihood) and (iv) Treatment of women as commodities (includes trafficking in women and girls for sexual exploitation) (Minnesota Advocates for Human Rights, 2003).

The World Health Organization (2002) defines violence as the 'deliberate use of physical force or power, threatened or actual, against oneself, another person, or against a group or community that either results in or has a high likelihood of resulting in injury, death, psychological harm, mal-development or deprivation'. But, gender-based violence (GBV) is the 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 (World Health Organization, 2002). Since violence is a serious social and public health issue, the United Kingdom aid agency, DFID, and the British Council, developed a report which indicated that in Nigeria, young women between the ages of 15 and 24 were most likely to have experienced physical violence (The Gender in Nigeria, 2012).

About 28 percent of all women, almost a third of all women in Nigeria, have experienced physical violence, a significant number in a country of almost 160 million, where almost half are women. Within Nigeria, GBV transcends region, religion and ethnicity, with physical and sexual abuse affecting as many as 35.1% of Igbo women and 34.3% of Hausa-Fulani women (Oladepo et al., 2011). Onyeukwu (2004) identified female genital mutilation, child marriage, ritualistic widowhood practices, nutritional taboos, cult prostitution, domestic violence, traditional land tenure systems, patterns of inheritance, lack of access to credit, family preference for sons, lack of participation in public decision-making, discrimination in housing and employment, discriminatory legislation, and discriminatory religious practices as some of the Harmful Traditional Practices (HTPs) against women and female children in Nigeria. However, gender inequality is the acutest violence against women in Nigeria (Onyeukwu, 2004).

1. INSTANCES OF GENDER VIOLENCE AGAINST WOMEN IN NIGERIA

There is a need to discuss some of the instances of Gender based Violence (GBV) against women in Nigeria to lay the foundational plank for a profound discussion of the problem of justice for women in post-colonial Nigeria. The natural gender role distinction all over the world appears to have created gap in opportunities between men and women (Nwajiuba, 2011), for which humanity is yet to find telling solutions. As the cycle of gender-based abduction and detention and increased violence in Nigeria continues to evolve, researchers have revealed a picture of violence and intimidation, with women increasingly targeted with kidnap, forced marriage and compulsory conversion to Islam with over 45% of the victims of *Boko Haram* being women and children (Barkindo et al., 2013). Today, GBV constitutes a life-long threat to hundreds of millions of women and girls across the globe (United Nations, 2000). In

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