

Intimate Partner Violence as a Private Law Wrong in Nigeria: Rethinking Civil Remedies and Doctrinal Boundaries

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Abstract

Intimate partner violence in Nigeria has traditionally been addressed through criminal law, human rights discourse, and social welfare interventions, with limited attention paid to the remedial potential of private law. This article argues that such an orientation understates the capacity of Nigerian private law to provide meaningful civil redress to victims. Adopting a doctrinal and analytical methodology, the article examines the extent to which tort law, equitable relief, family law principles, and statutory civil protections can be deployed to recognize intimate partner violence as a cognizable private law wrong. It demonstrates relating assault, battery, injunctions, maintenance, custody, occupation rights, and proprietary adjustment are capable of responding to intimate partner violence without requiring radical doctrinal reconstruction. The article further shows that procedural formalism, judicial caution, and weak integration of civil remedies have constrained access to justice for victims. It also considers the interaction between formal private law remedies and customary law practices, which frequently shape family relations and dispute resolution in Nigeria. The article concludes that strengthening private law responses to intimate partner violence would enhance victim autonomy, widen remedial choice, and reinforce the protective function of Nigerian private law within a constitutional democracy.

Keywords: *Intimate Partner Violence, Private Law Remedies, Tort Law, Equitable Relief, Nigerian Family Law, Civil Redress.*

1. Introduction

Intimate Partner (IPV) remains one of the most pervasive forms of abuse within domestic and intimate relationships in Nigeria.¹ It manifests in physical, sexual, psychological, emotional, and economic forms, often producing consequences that extend far beyond immediate bodily harm. Yet, despite its pervasive nature, Nigerian legal responses to IPV have been framed predominantly through the language of criminal prohibition, prosecution, and punishment. While criminal law remains an essential mechanism of social control, its dominance has tended to obscure a parallel and equally important dimension of IPV: its character as a violation of private rights capable of attracting civil redress.

Private law is centrally concerned with the regulation of interpersonal relations and the protection of individuals interests, including bodily integrity, emotional security, proprietary entitlement, and relational autonomy. From that perspective, IPV is not merely a public wrong against social order; it is also a private law wrong committed by one individual against another within a legally significant relationship. Acts of assault, coercive intimidation, exclusion from the matrimonial home, economic deprivation, and emotional degradation each implicate rights and interests traditionally protected by tort, equity, and family law. Yet these private law dimensions remain under-

¹ National Population Commission (NPC) and ICF, *Nigeria Demographic and Health Survey 2018* (NPC and ICF 2019) 483-495.

theorized and under-utilized within Nigerian legal discourse.² This article argues that Nigerian private law already contains doctrinal resources capable of addressing many of the civil injuries associated with intimate partner violence. The problem lies not in the total absence of remedies, but in their fragmentation, underdevelopment, and marginalization within legal practice and scholarship. The article therefore rethinks IPV as a private law wrong and examines how tortious liability, equitable intervention, family law reliefs, and statutory civil protections may be better integrated to provide meaningful remedies for victims.

The dominance of the criminal paradigm has had practical consequences for access to justice. Criminal proceedings are often slow, state-controlled, and poorly adapted to the immediate protective and compensatory needs of victims. High evidentiary thresholds, police reluctance, fear of retaliation, and social stigma further limit effectiveness. By contrast, private law remedies may offer flexible, victim-initiated, and forward-looking relief. A victim may seek damages for personal injury, injunctions against continued harassment, maintenance, occupation orders, custody protection, or proprietary relief. These remedies respond directly to the lived consequences of violence in a way criminal punishment often does not.

² Adekunle A. Oba, 'Domestic Violence and Legal Reform in Nigeria; (2013) 57 (2) *Journal of African Law* 173, 175-180.

This article interrogates the extent to which Nigerian private law recognizes and remedies intimate partner violence as a private wrong. It analyses tort law, equitable relief, family law principles, and statutory civil protections relevant to IPV. It argues that existing responses are doctrinally fragmented and insufficiently harmonized, thereby limiting meaningful civil redress for victims.

Drawing on selected comparative common law insights, the article proposes reforms aimed at repositioning private law as a central mechanism, rather than a peripheral supplement for addressing intimate partner violence in Nigeria.

2. Methodology

This article adopts a doctrinal and analytical methodology grounded primarily in Nigerian Private law.³ The research relies on close textual analysis of statutes, judicial decisions, and established principles of tort, equity, and family law as applied within the Nigerian legal system. Primary sources include Nigerian legislation, reported decisions of superior courts of record, and relevant subsidiary instruments, while secondary sources consist of peer-reviewed Nigerian scholarship and authoritative textbooks.

The doctrinal method is complemented by a contextual analysis that situates private law rules within the socio-legal realities of intimate partner violence in Nigeria. This approach recognizes that intimate partner violence is not merely a matter of abstract legal classification but a lived phenomenon shaped by power imbalance, economic

³ Terry Hutchinson, 'Doctrinal Research: Researching the Jury' in Dawn Watkins and Mandy Burton (eds), *Research Methods in Law* (Routledge 2013) 7-15

dependency, and social norms. Accordingly, the article interrogates how formal private law doctrines operate in practice, particularly in relation to access to remedies, judicial discretion, and procedural barriers faced by victims.

A limited comparative dimension is employed for reform-oriented purposes. Comparative references are restricted to selected common law jurisdictions with analogous private law traditions, and are used not as prescriptive models but as heuristic tools to illuminate doctrinal gaps and unrealized possibilities within Nigerian law. This retrained comparative approach ensures that the analysis remains firmly anchored in Nigerian legal doctrine while benefitting from broader common law insights.

This article does not rely on empirical fieldwork. Instead, it advances a normative and doctrinal critique aimed at re-conceptualising intimate partner violence as a private law wrong deserving of civil redress alongside criminal sanction. By integrating tort law, equitable relief, family law principles, and statutory civil protections, the methodology facilitates a holistic assessment of Nigeria's private law response to intimate partner violence and supports the reform proposals advanced in the concluding sections.

3. Reconceptualising Intimate Partner Violence Within Private Law

Intimate partner violence is commonly understood as a pattern of abusive behaviour occurring within intimate or domestic relationships, encompassing physical, sexual, psychological,

emotional, and economic abuse. In Nigeria, this understanding finds statutory expression in the Violence Against Persons (Prohibition) Act, 2015,⁴ which defines violence broadly to include acts or omissions that cause physical, sexual, psychological, verbal, emotional, or economic harm to a person within private or public life. Although the Act adopts a predominantly criminal justice orientation, its definition of violence underscores the fundamentally interpersonal and relational nature of intimate partner violence, thereby revealing its inherent relevance to private law.

Private law is principally concerned with the regulation of relationships between individuals and the protection of private rights, including bodily integrity, dignity, property, consortium, and economic interests. From this perspective intimate partner violence may be conceptualized not merely as a public wrong attracting penal sanction, but a composite of private law violations giving rise to civil liability. Acts of physical assault infringe the victim's right to bodily integrity; emotional and psychological abuse implicate dignity and mental well-being; economic control and deprivation affect proprietary and financial interests; while forced displacement from the matrimonial home interferes with occupation and possessory claims. These interests fail squarely within the traditional domain of private law.

Nigerian legal discourse has, however, tended to prioritise the criminal character of intimate partner violence at the expense of its civil dimensions. This orientation reflects a broader tendency within

⁴ Violence Against Persons (Prohibition) Act 2015, s 46

Nigerian jurisprudence to frame domestic violence as a matter of public order and moral wrongdoing rather than a violation of enforceable private rights.⁵ The result is a legal culture in which victims are encouraged to seek criminal prosecution or informal settlement, while private law avenues remain marginalised.

Conceptualising intimate partner violence within private law does not deny its criminality; rather, it recognizes the plurality of legal responses available to address the same harmful conduct. Private law offers distinct advantages in this regard. Unlike criminal law, which is state-driven and punishment-oriented, private law prioritises victim agency, compensation, prevention, and the restoration of violated interests. Through tortious claims, victims may seek damages for personal injury and emotional harm; through equity, they may obtain injunctions restraining further abuse; and through family law, they may secure protective orders, maintenance, custody, and occupation respond directly to the lived consequences of intimate partner violence.

The conceptual repositioning of intimate partner violence as a private law wrong is also consistent with constitutional values. The Nigerian constitution⁶ guarantees the security of the individual, rights that are routinely undermined by intimate partner violence. While constitutional enforcement is typically vertical, private law provides horizontal mechanisms through which these values may be

⁵ I.E. Sagay, *Nigerian Family Law: Principles, Cases and Materials* (Malthouse Press 1999) 210-215

⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 33, 34.

operationalized in interpersonal relationships. Tort law, equity, and family law thus function as practical conduits for the protection of constitutionally recognized interests within private life.

Accordingly, a private law conception of intimate partner violence foregrounds the relational context in which harm occurs and emphasizes remedies tailored to protection, compensation, and prevention. This conceptual framework provides the foundation for analysing the adequacy of existing Nigerian private law remedies and for identifying the doctrinal and structural gaps that impede their effective use.

4. Tortious Remedies For Intimate Partner Violence In Nigeria

Tort law constitutes one of the most direct private law mechanisms through which victims of intimate partner violence may seek redress for harm suffered. At its core, tort law is concerned with the protection of personal security and bodily integrity, interests that are routinely violated in abusive intimate relationships. Nigerian tort law, largely derived from English common law and adapted through judicial reception, recognizes causes of action capable of addressing many forms of intimate partner and psychological harm.⁷

⁷ Gibert Kodilinye and Olayiwola Aluko, *The Nigerian Law of Torts* (Spectrum Books 2003) 36-50.

The torts of assault and battery provide the most immediate civil remedies for physical violence within intimate relationships.⁸ Battery consists in the intentional and direct application of unlawful force to another person without consent, while assault arises where the defendant intentionally creates in the claimant a reasonable apprehension of an imminent battery.⁹ These definitions, firmly established at common law, have long been received into Nigerian tort jurisprudence and are fully capable of application in cases of IPV. Acts of physical abuse between intimate partner, such as hitting, slapping, pushing, choking, or throwing objects fall squarely within the scope of battery. Threatening conduct that places a victim in reasonable fear or imminent of violence may equally ground an action in assault, even where no physical contact ultimately occurs. The intimate or marital relationship between the parties does not negate liability, because consent to marriage or cohabitation does not amount to consent to violence.

Despite their doctrinal suitability, actions in assault and battery are rarely pursued by victims of intimate partner violence in Nigeria. This underutilisation may be attributed to limited awareness, social pressure. Economic dependency, and the common assumption that abuse within intimate relationships is primarily a criminal or domestic matter rather than a private wrong actionable in damages.

⁸ Ibid 36-45.

⁹ See *Letang v Cooper* [1965] 1QB 232; applied in Nigeria in *Lawal v Yunan* (1961) 1 All NLR 245.

4.2 Negligence and Duty of Care in Intimate Relationships

Although intimate partner violence is often intentional rather than accidental, there may be circumstances in which negligence provides a supplementary cause of action. Nigerian law recognises that a duty of care may arise where there is proximity and reasonably foreseeable harm.¹⁰ Intimate partners, by virtue of close cohabitation and mutual dependence, may owe one another duties relating to physical safety and protection from foreseeable risk.

In principle, persist reckless behaviour exposing a partner to injury, or failure to prevent foreseeable harm in a setting of known volatility, may support liability in negligence. Yet Nigerian courts have been cautious in extending negligence analysis into domestic violence contexts, preferring to classify such conduct as intentional wrongdoing. Negligence therefore remains a secondary and underdeveloped route for civil redress in IPV cases.

4.3 Psychological Harm and Emotional Distress

A substantial proportion of intimate partner violence manifests not in visible physical injury, but in psychological and emotional harm. This includes coercive control, verbal degradation, humiliation, threats, surveillance, and sustained emotional manipulation. Nigerian tort law, however, has historically been reluctant to recognize standalone claims for emotional distress in the absence of physical injury or medically recognized psychiatric harm.¹¹

¹⁰ See *Donoghue v Stevenson* [1932] AC 562 (HL), applied in Nigeria in *ACB Ltd v Zubairu* (1999) 13 NWLR (Pt 635) 1.

¹¹ See *Alcock v Chief Constable of South Yorkshire Police* [1992] 1 AC 310 (HL) (restrictive approach to psychiatric harm)

This doctrinal restraint poses a serious difficulty for victims whose most profound injuries are emotional or psychological. The law's traditional insistence on physical injury or formally diagnosed psychiatric damage inadequately reflects the realities of abusive intimate relationships, where control and degradation may cause grave harm without immediate bodily manifestation. The underdevelopment of a distinct action for intentional infliction of emotional distress therefore leaves an important remedial gap in Nigerian private law.

4.4 Damages and Practical Barriers

Where tortious liability is established, Nigerian courts possess broad discretion to award compensatory, aggravated, or exemplary damages depending on the circumstances.¹² In intimate partner violence cases, aggravated damages may be especially appropriate given the abuse of trust, vulnerability, and emotional injury associated with violence within a close relationship.

In practice, however, several barriers limit the effectiveness of tort remedies. These include difficulties in gathering evidence, fear of retaliation, costs of litigation, delays in civil proceedings, and social reluctance to sue a spouse or partner. These obstacles mean that tort law remains doctrinally available but practically underused.

¹² See *Rookes v Barnard* [1964] AC 1129 (HL); Nigerian approach in *Jegede v Odusote* (2000) 5 NWLR (Pt 655) 690.

4.5 Evaluation

Tort law offers a theoretically robust framework for addressing the physical and some psychological harms associated with intimate partner violence. Assault and battery are doctrinally clear, and damages can provide meaningful compensation. However, the narrow treatment of emotional harm, the underdevelopment of negligence in domestic settings, and the practical barriers to civil litigation restrict the full protective potential of tort law.

These limitations make it necessary to examine additional private law remedies, particularly equitable and injunctive reliefs, which may provide more immediate and preventative protection.

5. Equitable and Injunctive Reliefs

Equitable and injunctive reliefs occupy a critical, though often underappreciated, position in private law responses to intimate partner violence. Unlike tort remedies, which are often retrospective and compensatory, equity is fundamentally concerned with prevention and the avoidance of irreparable harm. In the context of intimate partner violence, this makes equitable remedies especially valuable, since many victims require immediate protection rather than post hoc compensation.

5.1 Injunctions as Preventative Private Law Remedies

An injunction is an equitable order restraining a person from engaging in specified conduct or compelling the performance of a particular act.¹³ Nigerian courts possess inherent jurisdiction to grant injunctions where there is a real risk of irreparable harm and where damages would be inadequate.¹⁴ In intimate partner violence cases, injunctions may be used to restrain further acts of violence, threats, harassment, intimidation, stalking, or unlawful interference with the victim's occupation of a residence.

The preventative orientation of injunctions aligns closely with the protective needs of IPV victims. Unlike criminal sanctions, which depend on state prosecution and are often delayed, civil injunctions may be pursued directly by the victim and tailored to the specific danger faced. In doctrinal terms, there is no reason why Nigerian equity should not intervene to restrain serious and continuing threats to personal safety or domestic security.

5.2 Interim and Interlocutory Injunctions

Interim and interlocutory injunctions are especially important in this field because they can provide urgent relief before the determination of the substantive claim. Nigerian courts generally consider whether there is a serious question to be tried, whether damages would be inadequate, and where the balance of convenience lies.¹⁵ In intimate

¹³ See *American Cyanamid Co v Ethicon Ltd* [1975] AC 396 (HL)

¹⁴ *Kotoye v Central Bank of Nigeria* (1989) 1 NWLR (Pt 98) 419; *Obeya Memorial Hospital v A-G Federation* (1987) 3 NWLR (Pt 60) 325.

¹⁵ *Okafor v Nnaemeka-Agu* (1992) 7 NWLR (Pt 252) 1.

partner violence cases, these criteria may frequently be satisfied where repeated abuse, intimidation, or threatened violence is shown. Yet in practice, victims may face significant barriers in obtaining such relief. These include the cost of filing, the technicality of affidavits, procedural delay, and judicial hesitation where the dispute is framed as a domestic quarrel rather than a legal wrong. Such obstacles weaken the practical utility of injunctions even where the doctrinal basis is found.

5.3 Equity, Personal Rights, and Domestic Relationships

Equity has long intervened where the rigid application of common law would produce injustice. Nigerian courts have recognized that equitable remedies are not limited to personal and domestic relationships where justice requires intervention. In intimate partner violence cases, this means that the absence of a purely proprietary dispute should not prevent equitable relief where personal safety, dignity, or continued occupation are threatened.

The discretionary nature of equitable relief should not operate as a hidden barrier in favour of abusers. The fact that parties are spouses or intimate partners does not justify judicial reluctance where there is evidence of serious harm or risk. The exercise of equitable discretion must be guided by the protective function of the court, especially where vulnerability and continuing danger are shown.

5.4 Statutory Reinforcement: Protection Orders and Civil Injunctions

The Violence Against Persons (Prohibition) Act 2015¹⁶ reinforces the role of injunctive relief by empowering courts to grant protection orders restraining violence, harassment, or intimidation. Although statutory in origin, these orders are civil in character and closely resemble equitable injunctions in substance. They are victim-initiated, preventive, and tailored to specific risk.

However, their effectiveness is constrained by uneven state domestication, procedural inconsistency, and weak enforcement. Moreover, Nigerian courts have not yet developed a coherent jurisprudence clarifying how statutory protection orders relate to traditional equitable injunctions. This lack of doctrinal integration limits the preventive power of both.

5.5 Family Law Remedies

Equitable and injunctive reliefs hold significant promise as private law responses to initiate partner violence because of their preventative character and flexibility. Nonetheless, their impact in Nigeria remains constrained by procedural barriers, inconsistent judicial practice, and fragmentation between equity and statutory protection orders. Greater doctrinal clarity and more purposive judicial use of injunctions would substantially strengthen private law protection for victims.

¹⁶ Violence Against Persons (Prohibition) Act 2015, ss 36-38.

6. Family Law Remedies and Matrimonial Reliefs

Family law constitutes a central pillar of private law responses to intimate partner violence, particularly where abuse occurs within marriage or other legally recognized domestic relationships. Unlike tort law, which focuses primarily on compensatory justice, family law remedies are relational and forward-looking, aimed at protection, support, and the reorganization of domestic life abuse.

6.1 Maintenance and Financial Relief

Maintenance is one of the most important family law remedies available to victims of intimate partner violence.¹⁷ Nigerian courts possess statutory powers to order maintenance for spouses and children, particularly where one party is economically dependent on the other. In abusive relationships, financial control and deprivation are often used as tools of domination, making maintenance especially significant as a protective mechanism.

Maintenance can provide immediate economic stability and reduce the victim's dependence on the abuser. However, discretionary inconsistency and weak enforcement have limited its practical value. Courts have sometimes prioritized reconciliation or formal marital preservation over meaningful protective relief.

¹⁷ Matrimonial Causes Act, Cap M7, Laws of the Federation of Nigeria 2004, ss 70-74.

6.2 Custody and Welfare of Children

Where intimate partner violence occurs in households with children, custody and access arrangements become critically important. Nigerian family law is rooted in the welfare principle, requiring courts to treat the child's best interests as paramount.¹⁸ Exposure to domestic violence, whether direct or indirect, is plainly relevant to child welfare, emotional development, and home stability.

In principle, evidence of IPV should significantly affect custody determinations and may justify restricting or supervising contact with an abusive parent. Yet Nigerian jurisprudence remains insufficiently explicit in linking domestic violence to custody outcomes, resulting in uneven judicial responses.

6.3 Occupation of the Matrimonial Home

Occupation of the matrimonial home is often one of the most urgent issues facing victims of intimate partner violence. Abusers frequently use control over residence as a means of coercion, and forced exclusion from the home can deepen victim insecurity. Nigerian courts may, in appropriate circumstances, grant occupation-related relief or restrain unlawful exclusion.

However, occupation claims are often treated as secondary to strict proprietary entitlement. This disadvantages victims particularly women who may have substantial domestic and relational claims to the home but lack formal title. A more protective approach is needed,

¹⁸ Ibid s 71; *Williams v Williams* (1987) 2 NWLR (Pt 54) 66.

recognizing occupation not merely as an incident of ownership but as a practical necessity linked to dignity, safety, and family welfare.

6.4 Property Adjustment and Economic Justice

Property disputes often arise after abusive relationships break down. Nigerian courts have generally adhered to strict proof of ownership or financial contribution before granting proprietary relief. While this promotes certainty, it may operate harshly in domestic relationships where one partner's contributions are primarily non-financial, such as caregiving and household labour.

In the context of intimate partner violence rigid proprietary formalism may entrench economic injustice by leaving victims without access to assets necessary for rebuilding independent lives. Family law would better serve protective justice if courts were more willing to interpret contribution and equitable entitlement in a way that reflects domestic realities.

6.5 Evaluation

Family law offers a broad framework for addressing the relational and economic consequences of intimate partner violence. Maintenance, custody, occupation, and proprietary relief can collectively support victim safety and long-term autonomy. Yet the effectiveness of these remedies is constrained by judicial conservatism, inconsistent discretion, and the persistence of reconciliation-oriented attitudes in cases where protection should be paramount.

6.6 Customary Law, Domestic Relations, and the Limits of Private Law Remedies

Any serious examination of private law remedies for intimate partner violence in Nigeria must also account for the continuing influence of customary law in family relations.¹⁹ Although the formal legal system provides tortious, equitable, and family law remedies, the lived reality of many intimate relationships is shaped by customary norms governing marriage, residence, child custody, maintenance, and dispute resolution. In practice, these norms often mediate whether victims seek formal legal remedies at all, and they may significantly affect the extent to which private law protections are accessible or effective.

In many Nigerian communities, family disputes are still treated primarily as matters for internal resolution by elders, religious leaders, or community institutions rather than as legally actionable wrongs. This tendency may be particularly strong where intimate partner violence is perceived as a domestic disagreement rather than a violation of enforceable individual rights. As a result, victims are often pressured toward reconciliation, silence, or informal settlement. Even where the conduct complained of clearly falls within recognized tortious, equitable, or family law doctrines. The practical effect is that private law remedies may exist in theory but remain socially inaccessible in fact.

¹⁹ T.O. Elias, *The Nature of African Customary Law* (Manchester University Press 1956) 50-58.

Customary norms may also affect specific areas of family law relief. Questions concerning occupation of the matrimonial home, custody of children, and financial support frequently arise against a background of generated assumptions about ownership, authority, and marital obligation. In some customary settings, proprietary entitlement is strongly tied to formal title or male lineage, thereby weakening claims by women to remain in or return to the matrimonial home after abuse. Similarly, non-financial contributions within marriage may be undervalued where customary understandings of household labour do not easily translate into recognised proprietary interests. These dynamics can frustrate the practical operation of occupation orders, maintenance claims, or proprietary adjustment.

At the same time, customary law does not exist outside constitutional scrutiny. Nigerian courts have repeatedly affirmed that customary rules which offend principles of natural justice, equity, good conscience, or constitutional guarantees of dignity and non-discrimination cannot be sustained.²⁰ The significance of this for intimate partner violence is considerable. To the extent that customary expectations normalize coercion, undermine women's access to remedies, or subordinate victim safety to family reputation, such norms should not displace private law protections grounded in constitutional values.

²⁰ *Mojekwu v Mojekwu* (1997) 7 NWLR (Pt 512) 283; Constitution of the Federal Republic of Nigeria (as amended), s 42.

The interaction between private law and customary law therefore reveals a central challenge: formal remedies must also be socially and institutionally reachable. Strengthening private law responses to intimate partner violence in Nigeria consequently requires more than judicial recognition of civil claims. It also requires a legal culture willing to insist that private rights to dignity, bodily integrity, residence, maintenance, and child welfare cannot be overridden by customary practices that perpetuate abuse or impede redress.

7. Statutory Civil Remedies and Their Limits

Statutory intervention has increasingly shaped the legal landscape governing intimate partner violence in Nigeria, particularly through the introduction of civil protection mechanisms designed to complement existing private law remedies. While much statutory attention has been directed towards criminalization, certain legislative instruments most notably the Violence Against Persons (Prohibition) Act 2015 incorporate civil remedies that function within a private law framework.

7.1 Civil Protection Orders under the VAPP

The VAPP Act²¹ empowers courts to grant civil protection orders restraining perpetrators from further violence, harassment, intimidation, or unlawful contact. These orders may include directives relating to residence, access, and other conditions necessary to secure the victim's safety. In substance, they resemble equitable injunctions:

²¹ Violence Against Persons (Prohibition) Act 2015, ss 36-38.

they are preventive, victim-initiated, and aimed at immediate protection rather than punishment.

A major strength of protection orders is that they do not depend on criminal conviction. This lowers procedural barriers and gives victims more direct control over the pursuit of relief. In that respect, they operate within a recognizably private law logic even though they are statutorily created.

7.2 Jurisdictional and Federalism Challenges

The effectiveness of these remedies is significantly constrained by Nigeria's federal structure. The VAPP Act applies directly only in the Federal Capital Territory unless domesticated by states. This has produced a fragmented protection regime in which access to civil remedies varies depending on territorial location.

This inconsistency undermines equality of protection and weakens the coherence of the private law response to intimate partner violence. Victims in states without equivalent legislation may be deprived of access to statutory civil protection even where the harms they suffer are identical.

7.3 Procedural and Enforcement Limitations

Procedural barriers also affect the utility of statutory civil remedies. Application for orders may require affidavits, court appearances, and legal assistance that many victims cannot easily secure. Delays in hearing applications, uneven judicial familiarity, and weak enforcement structures further reduce effectiveness.

Where protection orders are breached, under-reporting and weak policing often undermine deterrence. Without reliable enforcement, statutory civil relief may exist only nominally.

7.4 Relationship with Existing Private Law Remedies

Another difficulty lies in the poor integration of statutory civil remedies with traditional private law mechanisms such as tort claims, injunctions, and family law reliefs. Nigerian courts have not yet developed a coherent approach to how protection orders interact with damages claims. Occupation rights, or maintenance proceedings. This uncertainty may discourage victims from pursuing multiple complementary remedies and contributes to doctrinal fragmentation.

7.5 Evaluation

Statutory civil remedies represent an important development in Nigeria's legal response to intimate partner violence. However, their impact is constrained by jurisdictional fragmentation, procedural barriers, weak enforcement, and insufficient doctrinal integration with existing private law remedies. A more coherent remedial architecture is therefore necessary.

8. Reforms Pathways for Strengthening Private Law Responses to Intimate Partner Violence in Nigeria

The preceding analysis demonstrates that Nigerian private law already contains doctrinal tools capable of responding to intimate partner violence. What is required is not a wholesale reconstruction of private law, but a clearer doctrinal orientation, stronger remedial integration, and more purposive judicial use of existing principles. In

light of the foregoing discussion, the following reforms are recommended:

i. Nigerian courts should expressly recognize intimate partner violence as a complete private law wrong

Acts constituting intimate partner violence frequently involve overlapping infringement of bodily integrity, dignity, mental well-being, proprietary interests, and domestic security.

Judicial acknowledgement of IPV as a legally cognizable private law wrong would help unify currently fragmented remedies across tort, equity, and family law.

ii. Tort law should be developed to provide fuller civil redress for both physical and non-physical abuse

While assault and battery already offer clear doctrinal grounds for civil liability, Nigerian courts should move toward recognition of severe psychological and emotional harm arising from intimate partner violence. This includes a more purposive engagement with claims involving coercive control, intimidation, and sustained emotional abuse.

iii. Nigerian courts should adopt a more robust and flexible use of equitable and injunctive reliefs

Interim and interlocutory injunctions should be more readily deployed to prevent further abuse, restrain harassment, and secure immediate protection. Procedural rules should be simplified to permit urgent applications in appropriate cases, especially where damages would be inadequate.

iv. Family law adjudication should treat intimate partner violence as a central consideration in reliefs.

Questions of maintenance, custody, access. Occupation of the matrimonial home, and related reliefs should be approached on the basis that violence is directly relevant to safety, welfare, and fairness. Courts should resist the tendency to subordinate protection to reconciliation where abuse is established or credibly alleged.

v. The civil dimensions of the Violence Against Persons (Prohibition) Act 2015 should be better integrated with private law remedies.

Protection orders and related civil mechanisms under the VAPP Act should not operate in isolation. Nigerian courts should develop clearer jurisprudence showing how these remedies interact with tort claims, equitable relief, maintenance applications, and occupation disputes.

vi. Domestication of statutory civil protections should be prioritized across all states of the Federation

The uneven adoption of VAPP-type legislation has produced a fragmented geography of protection. Wider domestication would improve legal certainty and ensure that victims are not denied civil protection because of territorial happenstance.

vii. Judicial training and practice directions should encourage victim-sensitive use of private law remedies.

Judicial officers should receive targeted training on the private law dimensions of intimate partner violence, including tort liability, interim protection, and the relevance of abuse in custody and

maintenance proceedings. Practice directions may also help reduce procedural hesitation in granting urgent relief.

viii. Legal aid and procedural access to civil remedies should be expanded

Because financial dependency is often central to abusive intimate relationships, many victims cannot meaningfully pursue private law claims without institutional support. Expanding legal aid to cover civil claims arising from intimate partner violence would improve access to justice and make existing remedies more than merely theoretical.

ix. The relationship between customary law and private law protections should be clarified in favour of constitutional rights and victim protection.

Where customary norms undermine access to private law remedies or prioritise reconciliation over safety, courts should affirm that constitutional values of dignity, equality, and personal security prevail. This is essential if private law is to function effectively within the social realities of Nigerian family life.

Taken together, these reforms would reposition private law as a meaningful and coherent component of Nigeria's response to intimate partner violence. They would not displace criminal law, but would complement it by offering protection, compensation, flexibility, and victim agency in ways the criminal process cannot always provide.

9. Conclusion

This article has argued that intimates partner violence in Nigeria should not be conceptualized exclusively through the lens of criminal law, human rights enforcement, or welfare intervention. While criminal sanctions remain indispensable, their limitations in timeliness, accessibility, and victim-centred relief underscore the importance of a complementary private law response. By rethinking intimate partner violence as a cognizable private law wrong, the article has shown that Nigerian law already contains doctrinal resources capable of supporting meaningful civil remedies.

Through analysis of tort, equity, family law, and statutory civil protections, the article has demonstrated that remedies such as damages, injunctions, maintenance, custody adjustment, occupation rights, and protection orders are not alien to Nigerian law. Rather, their limited use reflects doctrinal fragmentation, procedural constraint, and an entrenched tendency to treat IPV as a matter belonging principally to criminal law or informal family resolution. The problem, therefore, is less the absence of legal tools than the narrowness of the legal imagination through which they have been approached.

This article has further shown that any meaningful strengthening of private law responses must take account of the broader social and legal environment in which intimate relationships are regulated. In particular, the continued influence of customary law and community-based dispute practices means that civil remedies must be understood

not only in doctrinal terms but also in relation to the practical barriers victims face in seeking formal redress.

Ultimately, strengthening private law responses to intimate partner violence would expand remedial choice, enhance victim autonomy, and reinforce the protective function of Nigerian private law framework would work alongside it to ensure that victims of intimate partner violence have access to protection, compensation, and civil justice in forms that respond more directly to the realities of abuse.