

**LEGAL PROTECTION OF MEN AND OLDER PERSONS
AGAINST DOMESTIC VIOLENCE IN NIGERIA: A CRITICAL
APPRAISAL OF THE NATIONAL AND INTERNATIONAL
LEGAL FRAMEWORK**

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Abstract

Domestic violence is commonly examined through the experiences of women and children, particularly because women experience intimate-partner violence disproportionately. However, restricting the legal discourse to these groups risks obscuring the experiences of male victims and older persons who may also suffer physical, psychological, sexual, economic and emotional abuse within domestic relationships. This article examines the legal protection available to men and older persons against domestic violence in Nigeria within the context of national, regional and international human-rights law. It considers the Constitution of the Federal Republic of Nigeria 1999, the Violence Against Persons (Prohibition) Act 2015, the Criminal Code Act, the Penal Code, the Child Rights Act where relevant to elderly caregivers and family settings, and State-level domestic violence legislation. The article further examines Nigeria's obligations under the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and relevant African instruments concerning older persons. Particular attention is given to the proposed Older Persons Rights Bill 2025 and the extent to which it could strengthen protection against elder abuse if enacted. The article argues that Nigerian law

is substantially gender-neutral in its general prohibition of violence against persons, but significant practical, social and institutional barriers continue to prevent male and elderly victims from obtaining effective protection. It recommends stronger implementation of existing legislation, gender-neutral access to protection orders, specialized mechanisms for elder abuse, public awareness, improved reporting systems and comprehensive legislation specifically protecting older persons.

Keywords: Domestic violence, male victims, older persons, human rights, dignity, gender neutrality.

1.0 INTRODUCTION

Domestic violence constitutes one of the most persistent forms of interpersonal violence in contemporary society. It occurs principally within relationships characterized by intimacy, family ties, dependency or domestic association. Although domestic violence is frequently associated with violence against women, the phenomenon is not legally or conceptually confined to women. Men may be victims of physical assault, psychological abuse, coercive control, economic abuse, sexual violence and other forms of mistreatment within intimate or family relationships. Similarly, older persons may be subjected to abuse by spouses, adult children, relatives, caregivers or other persons upon whom they depend. The emphasis on women in domestic violence scholarship has an important justification. International and national research has consistently demonstrated the disproportionate impact of intimate-partner violence on women. The gendered nature of domestic violence has consequently influenced the development of specialized laws, policies and institutional responses. However, recognition of the disproportionate vulnerability of women should not result in the legal invisibility of other victims.

The central legal principle should be that every person possesses inherent dignity and is entitled to protection against violence, while the law may simultaneously recognize that particular categories of persons face distinctive forms of vulnerability. The Nigerian Constitution adopts this broad conception of human rights. Section 34 provides that every individual is entitled to respect for the dignity of his or her person and prohibits torture and inhuman or degrading treatment. Section 33 protects the right to life, while section 35 protects personal liberty. Section 42 also provides protection against discrimination. These protections are framed in terms of persons and individuals rather than women alone.¹ The constitutional framework therefore provides a foundation upon which men and older persons can claim protection against abusive conduct.

The enactment of the Violence Against Persons (Prohibition) Act 2015 represented an important development in Nigerian domestic violence law. Its explanatory memorandum states that the legislation prohibits forms of violence against persons in both private and public life and provides protection and remedies for victims.² The language of the Act is consequently broader than a legal framework directed exclusively at violence against women. Nevertheless, the existence of legislation does not necessarily guarantee effective protection. Male victims may be reluctant to report abuse because of social expectations concerning masculinity, fear of ridicule, economic dependence, concern about

¹ Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 33–35 and 42. The Constitution is the supreme law of Nigeria and provides the fundamental-rights framework applicable to all persons.

² Violence Against Persons (Prohibition) Act 2015, Explanatory Memorandum. The Act describes its purpose as prohibiting forms of violence against persons in private and public life and providing protection and remedies for victims.

losing access to children or fear that the police will not take their complaints seriously. Older persons may face different obstacles, including physical dependency, financial dependence, social isolation, cognitive vulnerability and fear of abandonment.

The problem is therefore not merely whether Nigerian law technically protects these groups. The more important question is whether the legal system provides effective, accessible and practically enforceable protection. This article examines that question. It argues that Nigerian law contains a foundation for protecting both men and older persons from domestic violence but that the framework remains fragmented. Protection of male victims is largely derived from general and gender-neutral provisions, while protection of older persons is dispersed across constitutional, criminal and human-rights provisions without a comprehensive federal statute specifically addressing elder abuse. The proposed Older Persons Rights Bill 2025 represents a potentially important development, but it should not be treated as an enacted law.³

2.0 CONCEPTUALIZING DOMESTIC VIOLENCE AGAINST MEN AND OLDER PERSONS

2.1 Meaning of domestic violence

Domestic violence is not limited to physical assault. Contemporary legal approaches recognize that violence may occur through physical, sexual, psychological, emotional, economic and other coercive conduct. The VAPP Act adopts a broad understanding of violence. Its provisions include offences involving physical injury, coercion, placing a person in fear of physical injury and other forms of harmful

³ National Assembly, *Older Persons Rights Bill 2025*, HB 2098, particularly the provisions concerning abuse of older persons. The Bill proposes specific protection against physical, sexual, psychological, emotional and economic abuse.

conduct.⁴ The legislation also provides a framework for protection orders where domestic violence has occurred or is likely to occur.

Domestic violence may therefore be understood as a pattern or incident of unlawful conduct occurring within a domestic or intimate relationship which causes, or threatens to cause, physical, sexual, psychological, emotional or economic harm. This definition is particularly relevant to male and elderly victims because some forms of abuse experienced by these groups may be overlooked where domestic violence is narrowly understood as physical assault.

2.2 Domestic violence against men

Domestic violence against men may occur in heterosexual or same-sex relationships, although the legal and social circumstances vary depending upon the relationship and applicable law. Male victims may experience physical assault, psychological or emotional abuse, sexual violence, economic abuse, threats and intimidation, coercive behavior, stalking, destruction of property, social isolation and violence by spouses, intimate partners, relatives or other persons within a domestic relationship.

A major difficulty is that social expectations concerning masculinity may discourage male victims from identifying themselves as victims. The belief that men should be physically strong, emotionally resilient and capable of protecting themselves can produce significant under-reporting. The problem is compounded where institutions implicitly assume that domestic violence is necessarily perpetrated by men against women. Such assumptions may influence the manner in which

⁴ Violence Against Persons (Prohibition) Act 2015, ss 2–5.

complaints are received and investigated. The law should instead distinguish between recognizing gendered patterns of violence and denying protection to victims who fall outside the dominant pattern.

2.3 Domestic violence and elder abuse

Older persons may experience domestic violence in several settings. The perpetrator may be a spouse, adult child, relative, caregiver or another person in a position of trust. Elder abuse may include physical assault, neglect, psychological abuse, sexual abuse, financial exploitation, abandonment and deprivation of necessities. Financial abuse is particularly significant. An older person may depend upon relatives or caregivers for access to money, pension benefits, property or healthcare. Such dependency can facilitate exploitation.

Neglect can also constitute serious abuse. An older person who depends on family members for food, medication, shelter or personal care may be exposed to severe harm were those necessities are deliberately withheld. The African Union's Protocol on the Rights of Older Persons defines older persons as persons aged sixty years and above and recognizes the particular vulnerability of older persons to discrimination, abuse, neglect and exploitation.⁵

3.0 CONSTITUTIONAL PROTECTION OF MEN AND OLDER PERSONS

3.1 Right to life

Section 33(1) of the Constitution provides that every person has a right to life.⁶ This protection is not gender-specific and therefore applies equally to men, women and older persons. Domestic violence may

⁵ African Union, *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa* 2016, art 1. The Protocol defines older persons as persons aged 60 years and above.

⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 33(1).

threaten the right to life where repeated assault, strangulation, poisoning, severe physical injury or other violent conduct creates a risk of death.

The significance of the constitutional right to life extends beyond the punishment of perpetrators after a death has occurred. The State also has an obligation to establish legal mechanisms capable of preventing foreseeable violence and protecting individuals from unlawful deprivation of life. For an elderly person, this protection may become particularly important where abuse involves neglect or deliberate deprivation of medication, food or necessary care.

3.2 Right to dignity

Section 34 of the Constitution provides that every individual is entitled to respect for the dignity of his person and prohibits torture and cruel, inhuman or degrading treatment.⁷ The provision is particularly relevant to domestic violence. Domestic violence is frequently accompanied by humiliation, degradation, intimidation and control. A victim may be physically injured while simultaneously being subjected to conduct intended to destroy self-esteem and personal autonomy.

The protection of dignity is therefore capable of covering both physical and non-physical dimensions of abuse. This is especially important for older persons. Abuse that treats an elderly person as an object without autonomy, subjects the person to humiliating treatment or exploits dependency may undermine the constitutional conception of human dignity. Similarly, a man who is repeatedly humiliated,

⁷ Ibid, s 34(1). Section 34 protects every individual against torture and inhuman or degrading treatment.

beaten or threatened by an intimate partner does not lose his constitutional entitlement to dignity merely because he is male.

3.3 Personal liberty

Section 35 protects personal liberty.⁸ Domestic violence may interfere with personal liberty through unlawful confinement, threats, and restrictions on movement or coercive conduct. The provision can therefore complement statutory protections where a domestic relationship involves controlling conduct that substantially restricts the victim's freedom. Older persons may be particularly vulnerable to unlawful restrictions because physical dependency can make it difficult to resist confinement or isolation.

3.4 Freedom from discrimination

Section 42 of the Constitution provides protection against discrimination on specified grounds, including sex.⁹ The provision is important to the protection of male victims because it reinforces the principle that the law should not arbitrarily deny protection based upon gender. It is equally important to older persons, although age is not expressly listed as one of the grounds in section 42.

Section 17 of the Constitution also contains broader principles concerning equality, human dignity and protection of vulnerable groups. Section 17(3)(f) specifically provides that children, young persons and the aged are protected against exploitation and moral and material neglect.¹⁰ Although Chapter II provisions generally raise questions concerning direct justiciability, they remain important constitutional policy principles. The express reference to "the aged"

⁸ Ibid, s 35

⁹ Ibid, s 35

¹⁰ Ibid, s 17(3)(f). The provision directs the State towards protecting children, young persons and the aged against exploitation and moral and material neglect.

demonstrates that the Constitution recognizes older persons as a group requiring protection.

4.0 VIOLENCE AGAINST PERSONS (PROHIBITION) ACT 2015

The VAPP Act is arguably the most significant federal statute for analyzing domestic violence against men and older persons. The explanatory memorandum states that the Act prohibits all forms of violence against persons in private and public life and provides protection and effective remedies for victims.¹¹ The wording is significant because it does not limit the protection to women. The Act therefore provides an important statutory basis for a gender-inclusive approach to domestic violence.

4.1 Physical violence

Section 2 of the Act criminalizes the infliction of physical injury on another person.¹² This protection applies to the victim without requiring the victim to be female. Consequently, where a man is physically assaulted by his wife or intimate partner, the fact that he is male does not remove the conduct from the scope of legal protection.

Similarly, where an older person is beaten by an adult child, relative or caregiver, the conduct may fall within the statutory prohibition. The importance of this approach is that physical violence is often the most visible form of domestic abuse and may be easier for law-enforcement institutions to recognize.

¹¹ Violence Against Persons (Prohibition) Act 2015, Explanatory Memorandum.

¹² Violence Against Persons (Prohibition) Act 2015, s 2.

4.2 Coercion and intimidation

The Act also addresses coercive conduct and placing a person in fear of physical injury.¹³ Such provisions are significant because domestic violence is not always characterized by visible physical injuries. A perpetrator may control a victim through threats, intimidation and fear. For male victims, coercion may involve threats concerning children, property, employment or social reputation for older persons, coercion may involve threats of abandonment, withdrawal of care, loss of access to family members or disposal of property. A legal framework that recognizes coercion therefore provides broader protection than a system concerned only with physical assault.

4.3 Protection orders

One of the most important mechanisms under the VAPP Act is the protection-order regime. The Act permits courts to issue protection orders where there is evidence that domestic violence has been committed, is being committed or is likely to be committed.¹⁴ The legislation also permits interim protection orders in appropriate circumstances.¹⁵

Protection orders are particularly important because domestic violence often involves repeated conduct. A criminal prosecution may punish an offence after it occurs, but a protection order can provide a preventive mechanism aimed at reducing the risk of further violence.

For a male victim, the availability of a protection order is significant because it provides legal protection without requiring him to conform to stereotypes concerning male strength or self-reliance. For an elderly

¹³ Ibid, ss 3 □ 5

¹⁴ Ibid, s 30. The Act provides for a protection order where the court is satisfied that domestic violence has been committed, is being committed or is imminently likely to be committed.

¹⁵ Ibid, s 29.

person, a protection order may provide a means of restraining a violent relative or caregiver before the abuse escalates.

5.0 CRIMINAL CODE AND PENAL CODE PROTECTION

5.1 Criminal Code

The Criminal Code Act contains numerous offences capable of applying to domestic violence. These include offences relating to assault, causing harm, sexual offences, homicide and other unlawful conduct. The importance of the Criminal Code is that the absence of a specific domestic violence charge does not mean that violence occurring inside a family is legally irrelevant.

Where a spouse assaults a husband, the ordinary law of assault may apply. Where a relative causes grievous harm to an elderly parent, relevant criminal provisions may apply. The criminal law therefore provides a general protective foundation. Its limitation, however, is that general criminal legislation may not fully address the distinctive features of domestic violence, including coercive control, repeated abuse, dependency and economic exploitation.

5.2 Penal Code

The Penal Code applicable in the northern parts of Nigeria similarly contains offences capable of addressing violence, assault, causing hurt, intimidation and related conduct. The coexistence of the Criminal Code and Penal Code reflects Nigeria's plural legal structure. However, a victim's practical protection depends upon the applicable territorial law and the willingness and capacity of law-enforcement institutions to investigate and prosecute.

6.0 STATE-LEVEL DOMESTIC VIOLENCE LAWS

Nigeria's federal structure means that State legislation remains important. Several States have enacted laws addressing domestic and gender-based violence. Lagos State, for example, has legislation providing protection against domestic violence and mechanisms for obtaining protective relief. State legislation can supplement the VAPP Act and provide additional institutional mechanisms.

However, variation among States creates concerns regarding consistency. A victim in one State may have access to remedies or institutions that are not readily available in another. This can produce unequal protection. The problem is particularly significant for male victims because some State domestic violence laws were developed within a policy framework primarily focused on violence against women. There is therefore a need for State legislation to ensure that where the law provides a general domestic violence remedy, the remedy is clearly accessible to all victims regardless of gender.

7.0 PROTECTION OF OLDER PERSONS UNDER NIGERIAN LAW

7.1 Constitutional protection: Older persons benefit from the general fundamental rights contained in Chapter IV of the Constitution. They also receive particular recognition under section 17(3) (f), which directs the State to protect "the aged" against exploitation and moral and material neglect.¹⁶

Although section 17 is contained in Chapter II and is generally not directly enforceable in the same manner as Chapter IV rights, its inclusion demonstrates a constitutional commitment to protecting older persons.

¹⁶ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 17(3)(f).

7.2 Criminal law

Older persons can rely on general criminal laws where they are subjected to assault, causing harm, theft, criminal intimidation, sexual violence, homicide or other criminal conduct. The principal difficulty is that elder abuse is broader than criminal assault. A caregiver who deliberately neglects an elderly person, exploits his pension or isolates him may not always fall neatly within a single conventional criminal offence. Consequently, a comprehensive elder-protection statute would strengthen the legal framework.

8.0 OLDER PERSONS RIGHTS BILL 2025

A significant contemporary development is the Older Persons Rights Bill 2025. The Bill proposes a specific legal framework for the rights and welfare of older persons. It defines abuse broadly and includes physical, sexual, psychological, emotional and economic abuse.¹⁷ It also proposes a reporting obligation where a person suspects that an older person has been abused or has suffered an abuse-related injury.¹⁸ These provisions are potentially important because they recognize that elder abuse extends beyond physical assault. The Bill also proposes protections relating to mobility, residence, healthcare, education, social participation and other aspects of older persons' welfare. However, academic writing must distinguish carefully between an enacted Act and a Bill. As at the time of writing, the Older Persons

¹⁷ National Assembly, *Older Persons Rights Bill 2025*, HB 2098, s 25. The proposed provision defines abuse of an older person to include physical, sexual, psychological, emotional and economic abuse.

¹⁸ Ibid. The Bill proposes that a person who suspects that an older person has been abused or has suffered abuse-related injury should notify a local government social worker or police officer.

Rights Bill 2025 should be described as proposed legislation rather than as an existing federal statute. The National Assembly has held public discussions concerning the proposed framework, demonstrating the growing legislative attention to older persons' rights.¹⁹ If enacted, the Bill could substantially strengthen Nigeria's response to elder abuse by providing specific offences, reporting mechanisms and institutional responsibilities.

9.0 INTERNATIONAL HUMAN-RIGHTS PROTECTION

9.1 International Covenant on Civil and Political Rights

Nigeria is a party to the ICCPR, having ratified it in 1993.²⁰ The Covenant protects the right to life, freedom from torture and cruel, inhuman or degrading treatment, personal liberty and equality before the law. Domestic violence may violate several of these rights simultaneously. For example, severe domestic assault may threaten life under article 6. Repeated degrading treatment may engage article 7. Unlawful confinement may implicate article 9. The ICCPR therefore provides a gender-neutral international framework for protecting men and older persons.

9.2 International Covenant on Economic, Social and Cultural Rights

Nigeria also ratified the ICESCR in 1993.²¹ The Covenant protects rights relating to work, health, social security, adequate living conditions and education. These rights are relevant to domestic

¹⁹ National Assembly Library, □National Assembly Library Hosts House Committee for Public Hearing on Elderly Welfare□ (19 November 2025). The public hearing concerned House Bill 2098 and proposed statutory protection for older persons, including protection from abuse and abandonment.

²⁰ Nigeria ratified the International Covenant on Civil and Political Rights on 29 July 1993. See United Nations, *Nigeria*.

²¹ Nigeria ratified the International Covenant on Economic, Social and Cultural Rights on 29 July 1993. See *ibid*.

violence because abuse can have significant socioeconomic consequences. An older person whose pension is appropriated by a relative may experience economic abuse that affects access to food, healthcare and housing.

Similarly, a male victim whose partner prevents him from working or controls his earnings may suffer violations extending beyond physical violence. The ICESCR therefore reinforces the argument that domestic violence should be addressed not merely as a criminal justice issue but also as a social and economic rights issue.

10.0 AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

The African Charter provides important protection for all persons. Article 4 protects the right to life and integrity of the person. Article 5 protects dignity and prohibits torture and cruel, inhuman or degrading punishment and treatment. These provisions apply to men and older persons.

Article 18(4) is particularly significant for older persons because it provides that older persons and persons with disabilities have the right to special measures of protection corresponding to their physical or moral needs. This regional provision provides a stronger basis for recognizing that equality does not always mean treating every person identically. An elderly person may require additional protection because of physical dependency or vulnerability.

11.0 AFRICAN UNION PROTOCOL ON THE RIGHTS OF OLDER PERSONS

The African Union adopted the **Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa** in 2016.²² The Protocol defines older persons as persons aged sixty years and above.²³ It recognizes the need for special measures to protect older persons from discrimination, abuse, neglect and exploitation. Its significance lies in its recognition that older persons require specific legal and institutional safeguards. The Protocol addresses issues including dignity, protection from violence, abuse and harmful practices, access to healthcare, social protection and family support.

However, Nigeria's position under the Protocol must be distinguished from its obligations under the African Charter. The Protocol's adoption does not automatically mean that Nigeria is bound by it as a treaty obligation. Its status in relation to Nigeria must therefore be considered carefully before it is presented as a directly binding Nigerian treaty obligation. Nevertheless, it remains an important regional normative instrument and persuasive source for law reform.

12.0 CEDAW AND THE PROTECTION OF MALE VICTIMS

CEDAW is principally concerned with discrimination against women and gender-based violence against women. It is therefore not the primary international instrument for male victims. However, its importance to this discussion should not be overlooked. The CEDAW framework demonstrates that domestic violence is connected with discriminatory social structures and unequal power relations.

²² Ibid, art 1.

²³ Committee on the Elimination of Discrimination against Women, *General Recommendation No 35 on Gender-Based Violence against Women, Updating General Recommendation No 19* (26 July 2017) UN Doc CEDAW/C/GC/35.

The CEDAW Committee's General Recommendation No 35 recognizes gender-based violence against women as a human-rights violation and calls upon States to exercise due diligence to prevent, investigate, prosecute and punish such violence and provide remedies to victims.²⁴ The relevance to male victims is indirect. The legal system can simultaneously recognize that women experience gender-based domestic violence disproportionately and maintain that male victims are also entitled to protection under gender-neutral human-rights law. The two principles are not contradictory.

13.0 INTERNATIONAL PROTECTION OF OLDER PERSONS

At the international level, older persons benefit from general human-rights instruments including the ICCPR and ICESCR. The United Nations Principles for Older Persons also provide important normative guidance concerning independence, participation, care, self-fulfillment and dignity. The absence of a comprehensive universal treaty specifically devoted to older persons has historically been identified as a weakness in international protection.

The African regional system has attempted to address this gap through the Protocol on the Rights of Older Persons. For Nigeria, the combination of constitutional rights, criminal law, the VAPP Act and international human-rights standards creates a basis for addressing elder abuse even in the absence of a comprehensive federal Elder Abuse Act.

14.0 THE PRINCIPLE OF EQUALITY BEFORE THE LAW

²⁴ National Assembly, *Older Persons Rights Bill 2025*, HB 2098, provisions concerning abuse and reporting.

The protection of men and older persons must be understood within the broader principle of equality. Equality does not require the State to pretend that every victim experiences violence in precisely the same way. Women may experience domestic violence disproportionately, and therefore gender-sensitive laws and policies may be justified. However, gender sensitivity should not become gender exclusivity where the statute itself is framed in gender-neutral terms.

Where a law protects "persons" against violence, its benefits should ordinarily be accessible to male victims unless the legislation expressly provides otherwise. This principle is particularly important under the VAPP Act. A male victim should not have to establish that his experience is identical to that of a female victim before obtaining protection. Similarly, an older person should not have to demonstrate that he or she belongs to another protected category before obtaining protection from abuse.

15.0 CHALLENGES FACING MALE VICTIMS

1. Social stigma: Social stigma is perhaps one of the greatest barriers. Men are frequently expected to be physically strong and emotionally resilient. A man who reports that his wife or intimate partner beats him may fear ridicule. This can discourage reporting and encourage silence.

2. Institutional stereotypes: Law-enforcement personnel may sometimes approach domestic violence through gender stereotypes. A male complainant may be perceived as the aggressor rather than the victim. This possibility creates a significant access-to-justice concern. Police officers and other institutions should therefore receive training on gender-neutral victim identification.

3. Economic considerations: Economic dependence can affect men as well as women. A man may remain in an abusive relationship because of housing concerns, childcare responsibilities, financial dependence or fear of losing access to his children.

4. Under-reporting: The absence of reliable data concerning male victims makes the problem difficult to measure. Under-reporting may create a false impression that male victimization is insignificant. The absence of data should therefore not be interpreted as proof of absence.

16.0 CHALLENGES FACING OLDER PERSONS

1. Dependency: Older persons may depend upon relatives for food, medication, housing and personal care. This dependency can make reporting dangerous because the victim may fear losing the very person upon whom survival depends.

2. Financial exploitation: Financial abuse may involve the unlawful taking of pensions, bank funds, property or other assets. Such conduct can leave an elderly victim economically powerless.

3. Social isolation: An elderly person may have limited social networks and may therefore have few opportunities to disclose abuse.

4. Physical vulnerability: Physical frailty can increase the consequences of violence. A physical assault that might result in a relatively minor injury to a younger person can cause serious or life-threatening injury to an elderly victim.

5. Cultural expectations: Strong family structures can be a source of support, but cultural expectations concerning family privacy may sometimes discourage reporting of abuse. The traditional belief that family disputes should remain within the family may therefore obstruct access to justice.

17.0 DOMESTIC VIOLENCE AS A HUMAN-RIGHTS VIOLATION

The legal framework demonstrates that domestic violence should not be characterized merely as a private dispute. The constitutional protection of dignity, life and liberty establishes that serious domestic abuse may constitute a violation of fundamental rights. The VAPP Act further demonstrates that the Nigerian legislature recognizes violence within private relationships as a matter requiring State intervention. International human-rights law reinforces this position. The concept of State responsibility is particularly important. The State's responsibility does not necessarily mean that the State is responsible for every act committed by a private individual. Rather, it means that where the State knows or ought reasonably to know of serious risks of violence, it should maintain reasonable legal and institutional mechanisms for prevention, protection, investigation and remedy. This approach is consistent with the contemporary human-rights concept of due diligence.

18.0 REMEDIES AVAILABLE TO MEN AND THE ELDERLY

1. Protection Orders and Access to Justice: Protection orders are particularly valuable in domestic violence cases because they are preventive. A criminal prosecution may take considerable time, whereas a victim may require immediate protection. The VAPP Act's protection-order provisions therefore represent an important mechanism. However, access depends upon several factors: awareness of the remedy, geographical access to courts, affordability, availability

of legal assistance, confidence in law-enforcement institutions, speed of judicial intervention, and enforcement of the order after it is issued.

For male victims, awareness campaigns should expressly communicate that protection orders are available to victims regardless of gender where the statutory requirements are satisfied. For older persons, courts should consider accessibility issues, including mobility limitations and the need for assistance in accessing proceedings.

2. Role of the Police: The police are often the first formal institution approached by domestic violence victims. Effective protection therefore requires police officers to recognize domestic violence against all categories of victims. Training should cover the following: identification of domestic violence, risk assessment, evidence preservation, protection-order procedures, referral mechanisms, treatment of male victims, treatment of older victims, and appropriate handling of vulnerable witnesses. Police should avoid treating domestic violence as a merely private family dispute and where the conduct constitutes a criminal offence, appropriate investigation should follow.

3. Role of the Courts: Courts have a central role in translating statutory protection into practical protection. Judicial officers should approach domestic violence cases with sensitivity to the dynamics of coercion, dependency and repeated abuse. Courts should also ensure that male victims are not disadvantaged by gender stereotypes. Similarly, older persons may require reasonable procedural accommodations where physical or cognitive limitations affect participation in proceedings. The judicial process should therefore

balance procedural fairness to the accused with effective protection of victims.

4. Role of Legal Aid: Access to justice is meaningless where victims cannot afford legal assistance. Male and elderly victims who lack financial resources may be unable to obtain protection orders, pursue civil remedies or navigate criminal justice procedures. The Legal Aid Council and other legal service providers therefore have an important role in extending assistance to vulnerable victims. Legal-aid programmes should explicitly recognize that vulnerability is not determined solely by gender. An elderly man who has been abused by his caregiver may be as dependent upon legal assistance as a woman experiencing intimate-partner violence.

19.0 NEED FOR SPECIALIZED ELDER-ABUSE MECHANISMS

The distinctive nature of elder abuse supports the creation of specialized mechanisms. A comprehensive framework should include: a statutory definition of elder abuse, mandatory or carefully regulated reporting mechanisms, protection orders, emergency accommodation where necessary, financial-abuse safeguards, caregiver accountability, health-sector reporting protocols, social welfare intervention, investigation and prosecution, rehabilitation and counselling, and data collection. The Older Persons Rights Bill 2025 moves in this direction by recognizing physical, sexual, psychological, emotional and economic abuse and providing for reporting of suspected abuse.²⁵ Its enactment, subject to appropriate legislative scrutiny, could therefore strengthen the protection of older persons.

²⁵ African Charter on Human and Peoples' Rights 1981, arts 4 and 5.

20.0 THE NEED FOR GENDER-NEUTRAL DOMESTIC VIOLENCE POLICY

Nigeria's domestic violence policy should adopt a dual approach. First, it should maintain gender-sensitive measures addressing the disproportionate impact of violence against women. Second, it should ensure that the general domestic violence framework remains accessible to male victims. This is not a competition between victims. Protecting male victims does not diminish the seriousness of violence against women. Likewise, recognizing that women experience disproportionate violence does not justify ignoring male victims. The appropriate principle is inclusive protection based upon vulnerability and unlawful conduct.

21.0 RECOMMENDATIONS

Flowing from the above, we therefore make the following recommendations.

- i. The first priority should be effective implementation of the existing VAPP Act. The existence of a statute is insufficient if victims cannot obtain protection in practice.
- ii. Second, there should be harmonization of State laws. States should review domestic violence legislation to ensure consistency with the broader protections contained in the VAPP Act.
- iii. Third, there should be gender-neutral protection orders. Courts and relevant agencies should ensure that protection orders are accessible to all qualifying victims, including men.
- iv. Again, specific legislation on older persons should be enacted. Nigeria should enact comprehensive legislation specifically

protecting older persons. The proposed Older Persons Rights Bill provides a useful foundation for legislative development.

- v. Public education should make clear that men can be victims, older persons can be victims, domestic violence is not a private matter, reporting abuse is not a sign of weakness, and legal remedies are available.
- vi. Police officers should receive specialized training concerning male victims and elder abuse.
- vii. Government agencies should collect disaggregated data concerning sex, age, relationship to perpetrator, type of abuse, location, reported cases, protection orders, prosecutions, and outcomes. Without reliable data, policy development remains difficult.
- viii. Social welfare institutions should be strengthened because older victims may require housing, healthcare, financial support and counselling in addition to legal protection. Domestic violence policy should therefore incorporate social welfare mechanisms.
- ix. Legal assistance should be made accessible to vulnerable victims regardless of gender.
- x. Economic exploitation of older persons and economic control within intimate relationships should receive greater attention.

22.0 CONCLUSION

Nigerian law does provide legal protection to men and older persons against domestic violence, although that protection is not equally developed in all respects.

For male victims, the principal strength of the framework is the gender-neutral character of several important legal provisions. The Constitution protects every individual against violations of dignity, life

and personal liberty. The VAPP Act prohibits violence against persons and provides remedies that can apply to male victims. The Criminal Code and Penal Code provide additional protection against assault, harm, intimidation and other offences.

The principal challenge for male victims is therefore not necessarily the complete absence of law but the interaction between law and social attitudes. Masculinity stereotypes, fear of ridicule, institutional assumptions and under-reporting may prevent men from accessing the protections theoretically available to them.

The position of older persons is more complicated. The Constitution expressly recognizes the need to protect the aged against exploitation and neglect, while the VAPP Act and general criminal law provide protection against various forms of violence. Nevertheless, Nigeria lacks a comprehensive federal statutory framework specifically devoted to elder abuse.

The Older Persons Rights Bill 2025 represents a significant potential development because it recognizes physical, sexual, psychological, emotional and economic abuse of older persons and proposes reporting mechanisms. However, it remains important to distinguish the proposed Bill from legislation that has already been enacted.

At the international level, the ICCPR, ICESCR, African Charter and other human-rights instruments provide a broad foundation for the protection of all persons. The African Charter is particularly important because article 18(4) recognizes the right of older persons to special measures of protection. The African Union Protocol on the Rights of

Older Persons further demonstrates the development of a specialized regional framework for older persons.

The central conclusion is that domestic violence should be treated as a violation of human dignity and fundamental rights regardless of the sex or age of the victim. A legal system can recognize that women experience domestic violence disproportionately while simultaneously ensuring that men and older persons are not excluded from protection.

Nigeria should therefore move from a predominantly gender-centered approach to a gender-sensitive but victim-inclusive approach. This means maintaining strong measures against violence against women while ensuring that male and elderly victims have equal access to protection orders, police assistance, legal aid, healthcare, shelters, counselling and judicial remedies.

Ultimately, the effectiveness of the legal framework will depend not merely upon the existence of statutes but upon enforcement, institutional capacity, public awareness, reliable data and the willingness of society to recognize domestic violence as a serious public and human-rights concern rather than a private family matter.