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Human Rights Committee

Communication No. 2288/2013

Views adopted by the by the Committee at its 114th session (29 June–24 July 2015)

<i>Submitted by:</i>	[O] (represented by counsel, Jens Rye-Andersen)
<i>Alleged victim:</i>	The author and her minor child
<i>State Party:</i>	Denmark
<i>Date of communication:</i>	25 September 2013 (initial submission)
<i>Document references:</i>	Special Rapporteur's rule 97 decision, transmitted to the State party on 2 October 2013 (not issued in document form)
<i>Date of adoption of Views:</i>	23 July 2015
<i>Subject matter:</i>	Deportation to Nigeria of victim of human trafficking
<i>Procedural issues:</i>	Failure to sufficiently substantiate allegations; competence <i>ratione materiae</i>
<i>Substantive issues:</i>	Expulsion of aliens; risk of irreparable harm in country of origin Right to an effective remedy; right to life; prohibition of torture or cruel, inhuman or degrading treatment; expulsion of non-citizen; fair trial; right to freedom of religion; right to equal protection of the law ;
<i>Articles of the Covenant:</i>	2, 3, 6, 7, 13, 14, 18, 26 and 27
<i>Articles of the Optional Protocol:</i>	2; 3

Annex

Views of the Human Rights Committee under article 5, paragraph 4, the Optional Protocol to the International Covenant on Civil and Political Rights (114th session)

concerning

Communication No. 2288/2013*

Submitted by: [O] (represented by counsel, Jens Rye-Andersen)

Alleged victim: The author and her minor child

State Party: Denmark

Date of communication: 25 September 2013 (initial submission)

The Human Rights Committee, established under article 28 of the International Covenant on Civil and Political Rights,

Meeting on 23 July 2015,

Having concluded its consideration of communication No. 2288/2013, submitted to the Human Rights Committee on behalf of [O] under the Optional Protocol to the International Covenant on Civil and Political Rights,

Having taken into account all written information made available to it by the author of the communication, and the State party,

Adopts the following:

Views under article 5, paragraph 4, of the Optional Protocol

1.1 The author of the communication is [O], a Nigerian national born on [...] 1990. She submits the communication on her behalf and on her minor child. She claims that the State party would violate her rights under articles 6 and 7 of the Covenant were she to be deported to Nigeria. She also claims that her rights under articles 2, 18, 26 and 27, read in conjunction with articles 6 and 7; and 3, 13 and 14, of the Covenant, are violated by the State party. She is represented by counsel, Mr Jens Rye-Andersen.

1.2 On 2 October 2013, pursuant to rule 92 of the Committee's rules of procedure, the Committee, acting through its Special Rapporteur on new communications and interim measures, requested the State party to refrain from deporting the author to Nigeria while the communication was being examined. On [...] the Refugee Appeals Board suspended the time limit for the author's departure from the State party, in accordance to the Committee's request.

* The following members of the Committee participated in the examination of the present communication: Yadh Ben Achour, Sarah Cleveland, Olivier de Frouville, Ahmed Amin Fathalla, Yuji Iwasawa, Ivana Jelic, Duncan Muhumuza Laki, Photini Pazartzis, Mauro Politi, Sir Nigel Rodley, Victor Manuel Rodríguez-Rescia, Fabián Omar Salvioli, Dheerujlall Seetulsingh, Anja Seibert-Fohr, Yuval Shany, Konstantine Vardzelashvili and Margo Waterval.

Factual background

2.1 The author has [...] ethnicity and professes Christian faith. She claims that she used to live in [...], Nigeria until 2007. She went to primary and secondary school for 12 years. When she was 17 years old, her mother was killed by militant extremists and the family house, together with other houses of the area, was burnt down. The author submits that she does not know why her mother was killed; that she had no contact with her father; and that she has no relatives in Nigeria. After her mother's death she moved to Lagos, where she lived on the street with other homeless people. She used to sell snacks at the airport and got just enough money to survive. In connection with this, one day in [the fall of] 2009, she met a married couple Mr P.B and Ms B.O. Since they offered her help to get a good education and have a better life, she gave them her telephone number.

2.2 The author submits that three months later Mr P.B. called her and asked her to pick up some documents and money at his brother's house, Mr I, in Benin City and to leave them in the Danish Embassy in Nigeria. She alleges that the papers were filled out in English and Danish, and that she did not know their content. At the Embassy the author filled in her name and address and paid a sum of money in the local currency. [In the spring of] 2010, she received a phone call in which she was informed that her visa was ready. She alleges that only at that moment she first learnt that she had obtained a residence permit for the purpose of working as au-pair. Afterwards, she contacted Mr P.B.'s brother who gave her a flight ticket paid by Mr P.B. to travel to Denmark.

2.3 [In the spring of] 2010, the author arrived in the State party, with a genuine Nigerian passport. The author argues that after her arrival she was raped by Mr P.B, who also threatened to kill her should she tell his wife about the rape. After a month, she was told by Ms B.O that she would not look after their children, but work and make money to pay them since she owed them 50,000€ for bringing her to Denmark. The author further alleges that she was forced to work as a prostitute in different brothels in Jutland; that she surrendered DKKK 118,000 to Ms B.O., and that Ms B.O. beat her with a stick several times and threatened to kill her should she reveal in Nigeria what Ms B.O made her to do in the State party.

2.4 [In the summer of] 2010, the author reported B.O. and P.B. to the police in [...]. They were prosecuted and detained. Within the criminal proceedings, she appeared as witness against them. The author alleged that at the beginning, she did not contact the police because she was afraid that Ms B.O. would have her arrested and sent back to Nigeria.

2.5 The author claims that [in the fall of] 2010 she received a phone call from Mr P.B.'s brother (Mr I.), who lived in Nigeria. He referred to the imprisonment of Mr P.B. and told her that she would be killed, should she come back to Nigeria. Afterwards, she decided to change her phone number to avoid receiving further threats.

2.6 [In the end of] 2010, the author applied for asylum to the Danish Immigration Service (at the Sandhom Asylum Centre). She referred to the events she went through after her arrival in the State party and claimed that she feared to be killed by Mr P.B. and Ms B.O. or their relatives in Nigeria. During the asylum proceeding, she claimed inter alia that she was threatened several times by Mr P.B.; that Ms B.O. threatened to kill her and to send people after her in both in Europe and Nigeria if she did not pay 50,000 euro. She also upheld that she still felt persecuted by them because her complaint to the Danish police and her testimony against them resulted in their imprisonment for seven months; that they had all her personal data, including photos of her; that Mr P.B.'s brother had threatened her after they were imprisoned; that she did not receive other threats from this person because she changed her phone number; and that they had relatives in Lagos and Benin city that the author met several times prior to her departure from Nigeria. Further, in Nigeria she could

not report any threats to the authorities since they were corrupt and could be bribed to look for her. Finally, she argued that she could not live in any other part of Nigeria other than Lagos and Benin City due to ongoing fight between Christian and Muslims.

2.7 On [...] 2011, the Danish Immigration Service rejected the author's application for asylum, pursuant to section 7 of the Aliens Act. The author appealed the decision before the Danish Refugee Appeals Board (RAB)

2.8 On [...] 2011, the author gave birth to a baby. Her baby's father is also a former asylum-seeker in the State party.

2.9 On [...] 2012 the RAB upheld the Immigration Service's decision of [...] 2011. The RAB reviewed the author's accounts and found that she was not at real risk of persecution in Nigeria. It pointed out that although she received a death threat from Mr P.B.'s brother on one occasion, she had not provided detailed information and had failed to render probable that he wanted to or was able to carry out his threat. The RAB pointed out that States' reports on the human rights situation in Nigeria indicated that Nigerian authorities were actively fighting against human trafficking and its consequences, and provided the author with a list of organizations in Nigeria that assisted victims of human trafficking and prostitution¹. In addition, the RAB noted that the author declared that she had never had any conflicts with the authorities in Nigeria; been detained, arrested, charged or sentenced; experienced any house searches; or been of a political party or religious-related party or organization nor had she participated in activities or demonstration organized by them.

2.10 On [...] 2012, the author requested the RAB to reopen her asylum proceedings. She claimed that she had become highly profiled since a Danish television channel had discussed her asylum proceedings in a television broadcast [in the end of] 2012; that she would be at risk of persecution by human traffickers' network in Nigeria; and that the RAB's decision of [...] 2012 failed to examine the protection she needed as a witness in a case of human trafficking before the judicial authority of the State party. She further submitted that other victims of human trafficking were granted international protection in other Nordic countries.

2.11 On [...] 2013, the RAB refused to reopen the author's case and ordered her to leave the State party voluntarily within the deadline established by its decision of [...] 2012. The RBA considered that her request did not provide significant new information to re-examine her case. It pointed out that her allegation about a human traffickers' network in Nigeria lacked details and was vague; that she was threatened on one occasion by phone by Mr P.B.'s brother; that there was no information about any reprisals made against the author's family; and that there was no information that she was threatened even after Mr P.B. and Ms B.O were released in [the spring of] 2011 or about how the author would afterwards be threatened by human traffickers either in Nigeria or Denmark. The RAB also noted that according to different reports, the Nigerian authorities set up measures to fight against human trafficking and that the National Agency for Prohibition of Trafficking in Persons-NAPTIP and NGOs had made substantial efforts to help female victims of human trafficking who resumed their residence in Nigeria.² Against this, the RAB concluded that the fact that the author was mentioned in two television broadcasts could not lead to a different conclusion on her request for asylum.

¹ The authorities referred to the US Department of State "Trafficking in persons report" (14 June 2010) and the report of Danish Immigration Service on its Fact Finding Mission to Nigeria (7 April 2009).

² The authorities referred to the UK Home Office, Operational Guidance Note: Nigeria (9 January 2013), and the Freedom House's report, Countries at the Crossroads 2012: Nigeria (20 September 2012).

2.12 On [...] 2013, the author filed a new application for reconsideration of her asylum request before the RAB. On [...] 2013, the RAB decided not to consider the author's application for reconsideration in accordance to section 33(8) of the Aliens Act, since her place of residence was unknown. It pointed out that according to the Danish Immigration Service's accommodation database; she was recorded as having disappeared from [an Asylum centre] [in the summer of] 2013 and subsequently as "wanted" in the system of the Immigration Centre of the National Police Force.

The complaint

3.1 The author alleges that the State party would violate her rights under articles 6 and 7 of the Covenant were she to be returned to Nigeria. She also claims that her rights under articles 2, 18, 26 and 27, in conjunction with articles 6 and 7; and 3, 13 and 14, of the Covenant, are violated by the State party.

3.2 The author claims that if returned to Nigeria she would be at risk of being killed and tortured in violation of articles 6 and 7 of the Covenant. She points out that Mr P.B. and Ms B.O. were imprisoned and sentenced because she reported them to the Danish police and produced testimony against them before court, and that she was threatened with death before and after their trial. Further, she submits that the State party is obliged to provide full protection to her as witness and a person who reported a case of human trafficking.

3.3 After the RAB's decision, several news broadcasts from a Danish television station mentioned her story, showing her face and naming her by her real name. Thus she has become highly profiled and is at higher risk of being killed by Mr P.B. or Ms B.O. or by persons linked to the human trafficking network in Nigeria.

3.4 She contends that shelters for victims of human trafficking in Nigeria are not safe; that persons involved in human trafficking have means and powers to reach her; and that bribery is a common practice. Against this background, she argues that she will receive no protection from the Nigerian authorities if needed.

3.5 The author maintains that her right under article 14 of the Covenant was violated since the RAB's decisions cannot be appealed to Danish courts.

State party's observations on the admissibility and the merits

4.1 On 2 April 2014, the State party provided observations on the admissibility and merits of the communication. It maintains that the communication should be declared inadmissible for non-substantiation and for lack of competence *ratione materiae*. Should the Committee declare the communication admissible, the State party maintains that the Covenant has not and would not be violated if the author and her child are returned to Nigeria.

4.2 The State party informs the Committee that on [...] 2013, the author filed a new application for reconsideration of her asylum request to the RAB. She claimed that several news broadcasts from a Danish television station mentioned her story, showing her face and naming her by her real name, and that, therefore, she had become highly profiled. She also informed the authorities that her new place of residence was the [...]. On [...] 2014, the RAB refused to reopen the asylum proceedings.

4.3 There are not substantial grounds for believing that the author is in danger of being deprived of her life or being subjected to torture or to other cruel, inhuman or degrading treatment if she is returned to Nigeria. The State party maintains that the author is in fact trying to use the Committee as an appellate body to have the factual circumstances advocated in support of her claim for asylum reassessed. The State party submits that the

Committee must give considerable weight to the findings of the RAB, which is better placed to assess the findings of fact in the author's case.

4.4 The RAB's decisions rejecting her asylum request were based on a comprehensive and thorough examination of her case. It found that even though it might be correct that the author had received a phone threat, she had failed to render probable that she would be at a real risk of persecution as required by section 7(1) of the Aliens Act or abuse as required by section 7(2) of the Aliens Act if returned to Nigeria. She was threatened by phone one single time; her allegations about the human traffickers' network in Nigeria were vague and lacked details; and the fact that her case was mentioned by television broadcasts in Denmark does not lead to the conclusion that she would be at real risk of persecution in Nigeria. Further, according to States' reports,³ the Nigerian authorities are endeavouring to combat human trafficking and its consequences and that several organisations in Nigeria make substantial efforts to help victims of human trafficking and prostitution.

4.5 Victims of human trafficking who fear persecution in their country of origin may apply for asylum. However, the fact that a person was victim of human trafficking does not in itself justify asylum. Nor does the victim's cooperation with the police or other authorities to find and prosecute the human traffickers in itself make the victim eligible for residence. The asylum authorities thus assess, as in all other asylum cases, whether there is basis for granting residence under the Danish rules on asylum in force.

4.6 The author's right to a fair trial has not been infringed because the decision of the RAB cannot be appealed to the national courts. The State party refers to the Committee's General Comment no 32⁴ and maintains that asylum proceedings do not constitute a suit at law determining civil rights and obligations and therefore fall outside the scope of article 14. It notes that the European Court of Human Rights has consistently excluded asylum and expulsion proceedings from the scope of application of the similarly-phrased article 6 of the European Convention on Human Rights.

4.7 The State party provides a detailed description of the asylum proceedings under the Aliens Act and in particular as to the organization and competence of the RAB. It points out that the RAB is an independent and quasi-judicial body and that it is considered a court within the meaning of article 39 of the Council of the European Union's *Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status* (2005/85/EC). Pursuant to section 56(8) of the Aliens Act, decisions of the RAB are final, which means that there is no avenue for appeal against the Board's decisions. Aliens may, however, by virtue of the Danish Constitution, bring an appeal before the ordinary courts, which have the authority to adjudicate any matter concerning the limits to the competence of a public authority. As established by the Supreme Court, the ordinary courts' review of decisions made by the RAB is limited to a review of points of law, including any inadequacy in the basis for the relevant decision and the illegal exercise of discretion, whereas the Board's assessment of evidence is not subject to review.

4.8 The RAB may assign legal counsel to asylum-seekers and in practice it assigns counsel in all asylum cases. Counsel can meet with the asylum-seeker and study the case file and the existing background material before the individual Board hearing. Asylum proceedings before the RAB are oral. The hearing is attended by the asylum-seeker and counsel as well as an interpreter and a representative of the Danish Immigration Service. During the hearing, the asylum-seeker is allowed to make a statement and answer questions. Then counsel and the representative of the Danish Immigration Service are

³ See for instance *supra* notes 1 and 2.

⁴ The State party refers to paras. 16-17.

allowed to make closing speeches, whereupon the asylum-seeker can make a final statement. Against that background, the State party submits that, should the Committee find that article 14 of the Covenant applies to asylum proceedings, the author has not sufficiently established that this provision has been breached.

4.9 As to the author's claims under articles 2, 3, 13, 18, 26 and 27, of the Covenant, the State party submits that they are manifestly ill-founded and points out that the author has failed to elaborate in any way on the circumstances on which these allegations are based on. Accordingly, there are not substantial grounds for believing that her rights under those provisions would be violated if returned to Nigeria.

4.10 Further, the State party points out that the RAB has particular focus on human trafficking. It has drafted a memorandum in which it has given an account of its case-law relating to human trafficking. The memorandum has been sent to all members of the Board and is thus included in the basis for the examination of similar cases. Victims of human trafficking not lawfully resident in Denmark are granted a so-called reflection period, that is, a period for departing from Denmark longer than for other aliens. The purpose of the reflection period is to give the individual a possibility of recovery and empowerment and thereby to free the individual of the victimisation caused by human trafficking. The reflection period may be extended for medical considerations or because the victim has to participate in the investigation or trial of the human traffickers in Denmark. The return preparations are planned individually depending on the circumstances and wishes of the individual and consist in activities in Denmark, such as psychological assistance and training courses or tuition to give the victim a chance of establishing an income base following her return, and activities in the country of origin in the form of reception and reintegration.⁵

Author's comments on the State party's observations

5. On 1 October 2014, the author submitted her comments on the State party's observations on admissibility and merits. The author argues that she had sufficiently substantiated her allegations in her initial communication and points out that she has been a victim of human trafficking and has received threats in connection with it and with the fact that she produced testimony before State party's judicial authorities against her perpetrators.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before considering any claims contained in a communication, the Human Rights Committee must decide, in accordance with rule 93 of its rules of procedure, whether the communication is admissible under the Optional Protocol to the Covenant.

6.2 The Committee notes, as required under article 5, paragraph 2 (a), of the Optional Protocol, that the same matter is not being examined under any other procedure of international investigation or settlement.

6.3 The Committee recalls its jurisprudence to the effect that authors must avail themselves of all domestic remedies in order to fulfil the requirement of article 5, paragraph 2 (b), of the Optional Protocol, insofar as such remedies appear to be effective in the given

⁵ The State party does not explain whether this was applied to the author's case.

case and are de facto available to the author.⁶ The Committee has noted that the author unsuccessfully appealed the negative asylum decision to the Danish Appeals Board and that the State party does not challenge the exhaustion of domestic remedies by the author. The Committee, therefore, considers that it is not prevented from considering the present communication under article 5, paragraph 2 (b), of the Optional Protocol.

6.4 The Committee notes the author's claim that the decisions of the Refugee Appeals Board are the only ones that become final without a possibility of being appealed to courts and that the State party thus violates article 14 of the Covenant. In this regard, the Committee refers to its jurisprudence that proceedings relating to the expulsion of aliens do not fall within the ambit of a determination of "rights and obligations in a suit at law" within the meaning of article 14, paragraph 1, but are governed by article 13 of the Covenant.⁷ Article 13 of the Covenant offers some of protection afforded by article 14, paragraph 1, of the Covenant but not the right of appeal.⁸ The Committee therefore considers that the author's claim under article 14 is inadmissible *ratione materiae* pursuant to article 3 of the Optional Protocol.

6.5 The Committee notes the author's claims under articles 6 and 7 of the Covenant that if returned to Nigeria she would be at risk of being killed or tortured. The Committee also takes note of the State party's argument that the author's claims under articles 6 and 7 are unsubstantiated. However, the Committee considers that, for the purpose of admissibility, the author has provided sufficient substantiation regarding these claims and considered them admissible.

6.6 The Committee notes that the author invokes a violation of her rights under articles 2, 18, 26 and 27, in conjunction with articles 6 and 7; as well as of her rights under articles 3 and 13, of the Covenant. The Committee observes that the author has provided no substantiation concerning these claims and that she has failed to provide sufficient information to consider that the facts of the communication raise issues under these articles. Accordingly, the Committee concludes that the author has failed to sufficiently substantiate her claims of violation of articles 2, 18, 26 and 27, in conjunction with articles 6 and 7; as well as of her rights under articles 3 and 13, of the Covenant, for purposes of admissibility and concludes that they are them inadmissible pursuant to article 2 of the Optional Protocol.

6.7 The Committee declares the communication admissible in so far as it appears to raise issues under articles 6, paragraph 1; and 7, of the Covenant, and proceeds to their consideration on the merits.

Consideration of the merits

7.1 The Human Rights Committee has considered this communication in the light of all the information received, in accordance with article 5, paragraph 1, of the Optional Protocol.

7.2 The Committee recalls its general comment No. 31 in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk

⁶ See communications No. 1959/2010, *Warsame v. Canada*, Views adopted on 21 July 2011, para. 7.4; and No. 1003/2001, *P.L. v. Germany*, inadmissibility decision adopted on 22 October 2003, para. 6.5.

⁷ See, communications No. 2186/2012, *X and X v. Denmark*, Views adopted on 22 October 2014, para. 6.3; No. 1494/2006, *A.C. and her children, S., M. and E.B. v. The Netherlands*, inadmissibility decision adopted on 22 July 2008, para 8.4 ; and No. 1234/2003, *P.K. v. Canada*, inadmissibility decision of 20 March 2007, paras. 7.4 and 7.5.

⁸ See general comment No. 32 (2007) on article 14: right to equality before courts and tribunals and to a fair trial, paras. 17 and 62.

of irreparable harm such as that contemplated by articles 6 and 7 of the Covenant.⁹ The Committee has also indicated that the risk must be personal¹⁰ and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists.¹¹ Thus, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin.¹²

7.3 The Committee notes the author's claims under article 6 and 7 of the Covenant, that if returned to Nigeria she would be at risk of being killed or tortured by Mr P.B., Ms B.O., their relatives or persons linked to human trafficking network in Nigeria. To substantiate her allegations the author refers to the fact that she was victim of human trafficking and forced to work as a prostitute in the State party; that she produced testimony against her aggressors within the criminal proceedings against them in Denmark, and that she was allegedly threatened by her aggressors and a close relative of one of them. The Committee also takes note of the State party's arguments that even if it is correct that the author was threatened by Mr P.B.'s brother, it occurred one single time; that there is no indication of any ulterior threat even after the release of Mr P.B. and Ms B.O. from prison in [the spring of] 2011; that the author's allegations about an alleged risk by persons linked to human trafficking network is vague and lacked details, and that States' and NGO's reports indicate that the Nigerian authorities are actively fighting against human trafficking and its consequences, including for female victims of human trafficking who resumed their residence in Nigeria.

7.4 The Committee recalls its jurisprudence that important weight should be given to the assessment conducted by the State party, and that it is generally for the organs of States parties to the Covenant to review or evaluate facts and evidence in order to determine whether such a risk exists, unless it is found that the evaluation was clearly arbitrary or amounted to a denial of justice.¹³

7.5 In the present case, the Committee observes that the State party has not challenged the fact that the author was victim of human trafficking by Mr P.B. and Ms B.O., and that they were tried and imprisoned after the author reported them to the police and produced testimony before court. It also observes that the refusals of her asylum request by the Refugee Appeals Board focused mainly on the lack of concrete details of the author's allegations about the risk that her aggressors' relatives and persons related to human trafficking in Nigeria represents to her safety. In making this assessment, the Board referred in general fashion to measures undertaken by the Nigerian authorities to fight against human trafficking and to provide assistance to the victims. The Committee, however, is of the view that, in the particular case of the author, the State party has failed to take into due consideration the special vulnerability of persons that have been subjected to human trafficking, that often lasts several years after they are rescued or able to liberate themselves from their aggressors, and the author's particular status as witness in the criminal

⁹ See general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, para. 12.

¹⁰ Communications No. 2007/2010, *X v. Denmark*, Views adopted on 26 March 2014, para. 9.2; No. 282/2005, *S.P.A. v. Canada*, decision adopted on 7 November 2006; No. 333/2007, *T.I. v. Canada*, decision adopted on 15 November 2010; and No. 344/2008, *A.M.A. v. Switzerland*, decision adopted on 12 November 2010; and No. 692/1996, *A.R.J. v. Australia*, Views adopted on 28 July 1997, para. 6.6.

¹¹ Communications No. 2007/2010, *X v. Denmark*, para. 9.2; and No. 1833/2008, *X v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

¹² *Ibid.*

¹³ See communications No. 1763/2008, *Pillai et al. v. Canada*, Views adopted on 25 March 2011, para. 11.4 and No. 1957/2010, *Lin v. Australia*, Views adopted on 21 March 2013, para. 9.3.

proceedings against her traffickers. Nor has it taken into due consideration the specific capacity of the authorities in Nigeria to provide the author in her particular circumstances with protection so as to guarantee that her life and physical and mental integrity are not at serious risk.¹⁴ Accordingly, in the circumstances, the Committee considers that the author's deportation to Nigeria would constitute a violation of her rights under articles 6 and 7 of the Covenant.

8. The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is therefore of the view that the deportation of the author to Nigeria would, if implemented, violate her rights under articles 6 and 7 of the Covenant.

9. In accordance with article 2, paragraph 3(a), of the Covenant, the State party is under an obligation to provide the author with an effective remedy, including a full reconsideration of the author's claim regarding the risk of treatment contrary to articles 6 and 7, should she be returned to Nigeria, taking into account the State party's obligations under the Covenant and the present Committee's Views. The State party is also requested to refrain from expelling the author and her minor child to Nigeria while her request for asylum is under reconsideration. The State party should also review its policy of not granting special consideration to request of asylum from victims of human trafficking who cooperate with its law-enforcement authorities (see para. 4.5 above).

10. Bearing in mind that, by becoming a State party to the Optional Protocol, the State party has recognized the competence of the Committee to determine whether there has been a violation of the Covenant or not and that, pursuant to article 2 of the Covenant, the State party has undertaken to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the Covenant, the Committee wishes to receive from the State party, within 180 days, information about the measures taken to give effect to its Views. The State party is also requested to publish the Committee's Views and to have them translated in the official language of the State party and widely distributed.

¹⁴ See U.S. Department of State's Trafficking in Persons Report 2012, p. 270. See also U.S. Department of State's Trafficking in Persons Report 2014, p. 297.