

Flygtningenævnets baggrundsmateriale

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NIGERIA: RITUAL IN WHICH A WIDOW MUST DRINK THE WATER USED TO CLEAN HER LATE HUSBAND'S CORPSE; CONSEQUENCES FOR REFUSAL TO DRINK THIS WATER; WHETHER A WIDOW'S REFUSAL IS INTERPRETED AS RESPONSIBILITY FOR HER HUSBAND'S DEATH; STATE PROTECTION AVAILABLE (2016-NOVEMBER 2018)

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1. The Ritual

Sources report that widows in Nigeria are subjected to various “dehumanizing” treatments or rituals following the death of their husband (*The Sun* 24 Sept. 2016; Akinbi Apr. 2015, 67; Nwogu Mar. 2015, 79). Sources indicate that, among these rituals, some widows are forced to drink the water used to clean their late husband's corpse (*The Sun* 4 July 2018; Akinbi Apr. 2015, 69, 71; Nwogu Mar. 2015, 80). According to some sources, the purpose of this act is to prove that the wives are not responsible for their husband's death (US 20 Apr. 2018, 34; *The Sun* 24 Sept. 2016).

Since 2013, various media sources have referred to an article about a widow from southeastern Nigeria who was forced, by her in-laws who suspected her of being responsible for her husband's death, to drink the water used to wash her late husband's body (*Divulge Magazine* 30 Jan. 2018; *The Sun* 24 Sept. 2016; *The Africa Report* 27 Nov. 2013). Sources report the case of a widow who was allegedly forced to do the same by her in-laws in May 2017 (Classic 105 23 Sept. 2017; *Vanguard* 16 Sept. 2017) in Delta state (*Vanguard* 16 Sept. 2017).

Sources indicate that mourning and widowhood rites differ among the upwards of 200 ethnic identities in Nigeria (WPD 16 Oct. 2018; *The Sun* 24 Sept. 2016).

The information in the following paragraph was provided by the Director of Widows for Peace Through Democracy (WPD) [1] in correspondence with the Research Directorate:

This ritual cannot be seen as a general practice in Nigeria, nor is it possible to determine which ethnic group is most likely to perpetuate it. The application and the severity of these practices can vary depending on whether the family in question is urban or rural, educated or illiterate, professional or working in the informal sector, religious or secular, and also depending on their “family dynamics.” In regards to different communities, there is evidence that shows that this practice is dying out in some places, notably in urban areas. However, it is important to note that most widows living in urban areas have rural roots, and that funerals usually take place in villages, where tradition and custom take precedence over modern laws. It is also important to note that there are four distinct types of marriages in Nigeria and that in rural regions, native law and customs dominate. Ultimately, poverty is what makes peoples greedy for land and property, and is also the reason a widow may be at risk of being chased off and deprived of her inheritance (WPD 16 Oct. 2018). For further information about the ritual which consists of drinking the water used to wash the late husband's corpse, its frequency, its purpose, and the consequences of refusing to participate, see Response to Information Requests NGA43282 of January 2005 and NGA104217 of November 2012.

2. Consequences of Refusal

In a 2015 study that was conducted on widowhood practices in certain regions of Nigeria (namely among the Yorubas, the Igbos, the Ikwerre, and the people of the Akwa Ibom State), Joseph Olukayode Akinbi [2] refers to a 1981 study on widowhood practices in the Imo State [3], which describes the ritual as well as the consequences of refusing to participate in the ritual:

Once a man dies, the in-laws immediately accuse the wife and ask her to confess to the killing, and to prove her innocence, she must be made to drink the water used in bathing the corpse of the late husband. If she refuses, obviously, she killed the husband. Therefore, she must be punished; or the widow crosses the husband's coffin three times, if she dies before the mourning period is over, she will be thrown into the evil forest because her death confirms her a murderer. (Akinbi Apr. 2015, 71)

The information contained in the following paragraph was provided by the WPD Director in correspondence sent to the Research Directorate:

This "harmful traditional practic[e]," among other things, originates from the belief that a widow must prove her innocence by enduring this ordeal following the death of her husband. "[I]n the past," the widow who refused to perform the ritual was seen as "complicit in her husband's death," for example, by using witchcraft; but, these "attitudes" are rarer today. However, a widow who refuses the ritual will nonetheless face stigma from her community and her family. She will be at risk of being assaulted, disinherited, chased off, abandoned, deprived of her children, regarded as a "witch" or as not being a proper wife, or even accused of disobeying the prevailing patriarchy customs (WPD 16 Oct. 2018).

3. State Protection Available

For information on the actions taken by the state and by police in southern Nigeria to protect those who refuse to partake in ritual practices, see Response to Information Request NGA105659 of November 2016.

Sources report that legislation prohibiting violence against individuals (*Violence Against Persons [Prohibition] Act - VAPP*), including "harmful widowhood practices" or "harmful traditional practices," has been in effect in Nigeria since 2015 (News Deeply 25 Apr. 2018; WILPF, et al. July 2017, para. 20). However, the provisions of this legislation, according to sources, are only applicable in the Federal Capital Region (FCT) until they are adopted by the different states of Nigeria (US 20 Apr. 2018, 32; WILPF, et al. July 2017, para. 21). In a January 2016 report submitted by the UN Committee on the Elimination of Discrimination against Women (CEDAW), Nigeria lists legislation designed to protect widows in the following four states: Anambra, Edo, Enugu, and Imo (Nigeria 11 Jan. 2016, 11).

According to sources, the enforcement of the *VAPP* Act is "weak" (News Deeply 25 Apr. 2018; WILPF, et al. July 2017, para. 21). A joint report written by various Nigerian NGOs advocating for women's rights further points out that the *VAPP* is not well-known among most institutions and organizations (WILPF, et al. July 2017, para. 21). The WPD Director reported that Nigeria has passed many laws that criminalize violence against women, including widows, but that, this legislation exists only "on paper" and there is "very little evidence to show that these laws, where widows are concerned, are implemented" (WPD 16 Oct. 2018). The same source indicated that access to justice, whether it be before modern courts or before the traditional customary religious courts, is fraught with the following obstacles: corruption, bias, costs, bureaucracy and fear of violence from family members should the widow be caught with the intent of bringing charges against them (WPD 16 Oct. 2018). An article from the Nigerian newspaper *The Sun* indicates that paper rights are difficult to realize in societies where inequality between men and women is a long-standing tradition, where the woman's assets are ceded to the husband on marriage and where institutions responsible for justice regarding inheritance issues are "scenes of contention on paper rights (as enshrined by law) and 'living laws' (internalised by culture)" (*The Sun News* 24 Sept. 2016).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Widows for Peace Through Democracy (WPD) is an organization for the defence of widow's rights which brings together various widow associations and organizations, in their respective countries, as well as establishes networks to exchange information and practices (WPD n.d.).

[2] Professor of History in Nigeria (US n.d.). He is also the author of socio-political works on Nigeria (WorldCat Identities n.d.).

[3] This study by D. Nzewi, published in 1981, was titled “Widowhood Practices: A Female Perspective,” and was presented at a workshop about widowhood practices in the Imo State (Akinbi Apr. 2015, 74).