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INTERNATIONAL PROTECTION CONSIDERATIONS WITH REGARD TO PEOPLE FLEEING NORTHEASTERN NIGERIA (THE STATES OF BORNO, YOBE AND ADAMAWA) AND SURROUNDING REGION – UPDATE II

Introduction

1. This document supersedes and replaces UNHCR's International Protection Considerations with regard to people fleeing northeastern Nigeria (Update I) published in October 2014.¹ Since then, violence has continued to affect civilians in the region.² Counterinsurgency military operations have brought a number of Local Government Areas (LGAs) in northeastern Nigeria back under Government control, particularly in Borno State, but insecurity and sustained fighting have continued to lead to displacement of civilians.³ While the insurgents' military capabilities have reportedly been weakened, indiscriminate attacks against civilians have continued both in Nigeria and in neighbouring Cameroon, Chad, and Niger.⁴ 386 civilians have reportedly died as a result of conflict-related violence between January and May 2016, primarily in the States of Borno and Adamawa.⁵

Developments in the Conflict

2. Counterinsurgency efforts are reported to have become more effective following the inauguration in May 2015 of Nigerian President Muhammadu Buhari. By cutting off supply routes and targeting insurgent safe havens, the insurgents were driven from most of the territories they had previously

¹ UNHCR, *International Protection Considerations with Regard to People Fleeing Northeastern Nigeria (the States of Borno, Yobe and Adamawa) and Surrounding Region – Update I*, October 2014, <http://www.refworld.org/docid/5448e0ad4.html>.

² UN Department of Political Affairs, *Security Council Briefing on the Situation in the Lake Chad Basin Region*, Under-Secretary-General Jeffrey Feltman, 27 July 2016, <http://www.un.org/undpa/en/speeches-statements/27072016/lake-chad-basin>; Washington Post, *The Brutal Toll of Boko Haram's Attacks On Civilians*, 3 April 2016, <https://www.washingtonpost.com/graphics/world/nigeria-boko-haram/>.

³ UNHCR, *North East Nigeria Vulnerability Screening Report Round II*, 22 July 2016, <http://data.unhcr.org/SahelSituation/download.php?id=2072>, p. 1; Reuters, *Nigerian Army Says It Freed Over 5,000 People Held By Boko Haram*, 26 June 2016, <http://af.reuters.com/article/nigeriaNews/idAFL8N19I0CQ>; Today, *Don't Return Refugees to Borno, Yobe – UN Warns FG*, 7 June 2016, <https://www.today.ng/news/national/133607/return-refugees-borno-yobe-warns>; UN Secretary-General (UNSG), *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, A/70/836–S/2016/360, <http://www.refworld.org/docid/575535f04.html>, para. 188; New York Times, *Military Victories over Boko Haram Mean Little to Nigerians*, 15 January 2016, <http://www.nytimes.com/2016/01/16/world/africa/boko-haram-nigeria.html>.

⁴ In the activity report for the UN Office for West Africa and the Sahel for the period from 1 January to 30 June 2016, the UN Secretary-General noted, "A total of 78 Boko Haram attacks have been reported since January in Cameroon, Chad, the Niger and Nigeria, resulting in some 700 deaths, compared with 1,200 during the same period in 2015. Kano, Jigawa and Bauchi States in Nigeria have been largely spared from attacks, which represents a positive change from 2015. Meanwhile, Borno and Yobe States have endured multiple raids and suicide bombings targeting villages and military positions." UN Secretary-General, *Report of the Secretary-General on the activities of the United Nations Office for West Africa and the Sahel*, 23 June 2016, S/2016/566, <http://www.refworld.org/docid/5774ba184.html>, para. 22. In early June 2016, tens of thousands of people reportedly fled their homes in south-east Niger following a series of Boko Haram attacks on the town of Bosso in the Diffa region. UNHCR, *50,000 Flee Boko Haram Attack on Niger Town*, 7 June 2016, <http://www.unhcr.org/news/briefing/2016/6/57568d6a4/50000-flee-boko-haram-attack-niger-town.html>.

⁵ Protection Sector Working Group Nigeria, *Monthly Note on Protection*, May 2016, http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Nigeria/files/protection-note-for-hct-may-2016.pdf; April 2016, http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Nigeria/files/protection-note-for-hct-april-27-2016.pdf.

occupied.⁶ Following their territorial losses, the insurgents reportedly changed their tactics towards asymmetric warfare, including the use of kidnapping, rape, forced recruitment of children and youth, suicide bombing, and sexual slavery.⁷ However, according to analysts a comprehensive military victory is unlikely, and the insurgents continue to pose a considerable security threat.⁸

3. Significant numbers of internally displaced persons (IDPs) are reported to have returned to their place of origin; substantial numbers of refugees are also reported to have returned to Nigeria, but concerns have been expressed that not all such returns have been voluntary and a significant proportion have not returned home but have joined IDPs in Nigeria (see also para. 10 below).⁹ Many other forcibly displaced persons have expressed a desire to return once conditions are conducive for doing so; however, security and protection challenges are reported to be significant.¹⁰ Concerns have been noted in particular about the increased insecurity within IDP sites and surrounding areas.¹¹ In February 2016, suicide bombers reportedly attacked an IDP camp in Dikwa, Borno State, killing more than 58 people and injuring more than 80 people.¹² Assessments of IDP sites in previously inaccessible areas have revealed considerable human rights concerns related to sexual exploitation, rape and sexual

⁶ African Arguments, *Boko Haram Is Not “Defeated” But Buhari’s Strategy Is Working*, 5 January 2016, <http://africanarguments.org/2016/01/05/boko-haram-is-not-defeated-but-buharis-strategy-is-working/>.

⁷ According to International Crisis Group (ICG), “Current attacks seem to be less about military strategy than extracting resources and sending a violent message that it is surviving. Increasingly they are on targets that offer easy plunder, including young captives, many of whom are turned into “wives” and child soldiers.” ICG, *Boko Haram on the Back Foot?*, 4 May 2016, Africa Briefing N°120, <http://www.refworld.org/docid/5732d8a24.html>. See also Jamestown Foundation, *Boko Haram: Nigerian Military Crackdown Prompts Terror Group to Adapt*, 15 April 2016, Terrorism Monitor Volume 14, Issue 8, <http://www.refworld.org/docid/5724dcb94.html>. The insurgents have also been reported to recruit spies and dress as vigilantes and hunters in order to avoid detection by the military forces. Vanguard, *Boko Haram: Insurgents Now Disguise As Vigilantes, Hunters*, 28 June 2016, <http://www.vanguardngr.com/2016/06/boko-haram-insurgents-now-disguise-vigilantes-hunters-defence-hq/>; The Guardian, *Boko Haram Using Loans to Recruit Members in Face of Crackdown*, 9 May 2016, <https://www.theguardian.com/global-development/2016/may/09/boko-haram-loans-recruit-members-crackdown-nigeria-traders-spy>.

⁸ ICG, *Boko Haram on the Back Foot?*, 4 May 2016, <http://www.refworld.org/docid/5732d8a24.html>, p. 9. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), “Boko Haram gunmen continue to carry out attacks on civilian and military targets despite the ramped up military operations. Security remains volatile in many conflict-affected areas, complicating humanitarian access to those in need.” OCHA, *Lake Chad Basin: Crisis Update No. 3*, 12 May 2016, <http://reliefweb.int/sites/reliefweb.int/files/resources/Lake%20Chad%20Basin%20Crisis%20Update%20No.%203%20%281%29.pdf>. On 16 June 2016, Boko Haram insurgents were reported to have killed 18 women who attended a funeral in Adamawa state. Reuters, *Boko Haram Shoot Dead 18 Women at Funeral in Northern Nigeria*, 17 June 2016, <http://af.reuters.com/article/nigeriaNews/idAFL8N1992DR>. Local media have reported that attacks were allegedly carried out by Boko Haram on 24 May 2016 against five communities near Maiduguri, with at least 13 people killed and more injured. See NAIJ, *Boko Haram Strikes Again, Takes Over Five Borno Communities*, 25 May 2016, <https://www.naij.com/840419-boko-haram-strikes-again-brutally-takes-over-five-borno-communities-photos.html>; This Day, *Boko Haram Razes Five Borno Villages*, 28 May 2016, <http://www.thisdaylive.com/index.php/2016/05/28/boko-haram-razes-five-borno-villages/>.

⁹ Office of the High Commissioner for Human Rights (OHCHR), *End of Mission Statement by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani, On His Visit to Nigeria*, 23 to 26 August 2016, August 2016, <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20427>. During an assessment conducted in 7 LGAs in Adamawa State and 1 LGA in Borno State, 663,483 returnees were identified. IOM, *Displacement Tracking Matrix (DTM) Round X Report*, June 2016, http://nigeria.iom.int/sites/default/files/dtm/01_IOM%20DTM%20Nigeria_Round%20X%20Report_20160630.pdf. UNHCR has been unable to gain access to more than 20,000 people sent back to Nigeria since 2015 from the militarized Lake Chad area to ensure they were returning willingly. UNHCR, *Survey Finds Nigerian Refugees in Cameroon Want to Go Home*, 13 May 2016, <http://www.unhcr.org/news/latest/2016/5/57359e976/survey-finds-nigerian-refugees-cameroon-want-home.html>. In a vulnerability screening exercise conducted in the northeastern states, 17 per cent of vulnerable displaced households reported that they were asked forcefully to return to their place of origin. UNHCR, *North East Nigeria Vulnerability Screening Report Round II*, 22 July 2016, <http://data.unhcr.org/SahelSituation/download.php?id=2072>, p. 14.

¹⁰ 72 per cent of vulnerable displaced households reported that returning to their place of origin is their preferred durable solution to displacement. However, respondents also reported that access to food (72%) and access to safety and security (70%) remain among the current barriers to accessing durable solutions. UNHCR, *North East Nigeria Vulnerability Screening Report Round II*, 22 July 2016, <http://data.unhcr.org/SahelSituation/download.php?id=2072>, p. 14. See also Protection Sector Working Group Nigeria, *Monthly Note on Protection*, August 2016, http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Nigeria/files/monthly-protection-note-to-the-hct-august-2016_en.pdf, p. 1; UNHCR, *Despite Boko Haram Threat, Some Displaced Nigerians Return*, 6 June 2016, <http://www.refworld.org/docid/57566b2d4.html>; Protection Sector Working Group Nigeria, *Rapid Protection Assessment Report Borno State*, Nigeria, May 2016, https://www.humanitarianresponse.info/en/system/files/documents/files/rapid_protection_assessment_report_pswg_borno_may_2016.pdf.

¹¹ Protection Sector Working Group Nigeria, *Enhancing Security and Protection around IDP Settlements*, April 2016, <http://data.unhcr.org/SahelSituation/download.php?id=1890>; Norwegian Refugee Council, *Reaching the Most Vulnerable? The Protection Crisis in the Lake Chad Basin*, May 2016, http://www.nrc.no/archiv_img/9218524.pdf.

¹² Office of the United Nations High Commissioner for Human Rights (OHCHR), *Boko Haram: Make ‘Liberated Areas’ Truly Safe for Returnees*, UN Experts Urge Nigeria, 12 February 2016, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17036&LangID=E#sthash.X3aOSXuM.dpuf>; Reuters, *Female Suicide Bombers Kill over 60 People in Northeast Nigeria: Officials*, 10 February 2016, <http://www.reuters.com/article/us-nigeria-violence-idUSKCN0VJ265>.

violence, other forms of violence, and tensions between IDPs and host communities.¹³ The civilian character of IDP camps and settlements is also reported to be compromised.¹⁴ Moreover, an attack on a humanitarian convoy on 28 July 2016 prompted a temporary suspension on travel outside Maiduguri by UN agencies, although there was reportedly no interruption of humanitarian services following the attack.¹⁵

Human Rights Developments

4. The insurgents are reported to be responsible for widespread human rights abuses, including murder, kidnapping, looting, and the abduction, rape and sexual abuse of women and girls.¹⁶ Estimates suggest at least 8,200 civilians died in attacks on civilians by the insurgents in 2014 and 2015,¹⁷ while more than 2,000 women and girls are believed to have been abducted since 2009.¹⁸
5. The insurgents are reported to forcibly recruit boys and girls for use in support roles and in combat, including as human shields for its fighters.¹⁹ The use of children, especially girls, as suicide bombers was reported to have increased significantly from 2014 to 2015.²⁰ In the UN Secretary-General's annual report on children and armed conflict covering 2015, the insurgents were included in the list of parties that are reported to recruit or use children, kill or maim children, engage in attacks on schools and/or hospitals, and abduct children in situations of armed conflict.²¹ Moreover, it is estimated that there are up to 20,000 unaccompanied and separated children across the most affected northeastern States.²²

¹³ Protection Sector Working Group Nigeria, *Rapid Protection Assessment in Liberated LGAs, Borno State*, July 2016, https://www.humanitarianresponse.info/en/system/files/documents/files/rapid_protection_assessment_in_bama_konduga_and_monguno.pdf; Refugees International, *Nigeria's Displaced Women and Girls: Humanitarian Community at Odds, Boko Haram's Survivors Forsaken*, 21 April 2016, <http://www.refworld.org/docid/5735908f4.html>, pp. 6-12.

¹⁴ Protection Sector Working Group Nigeria, *Monthly Note on Protection*, August 2016, http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Nigeria/files/monthly-protection-note-to-the-hct-august-2016_en.pdf, p. 1; ICG, *North-eastern Nigeria and Conflict's Humanitarian Fallout?*, 4 August 2016, <https://www.crisisgroup.org/africa/west-africa/nigeria/northeastern-nigeria-and-conflict-s-humanitarian-fallout>; IRIN, *Why Nigeria's Military Make Bad Aid Workers*, 5 July 2016, <http://www.refworld.org/docid/57834deb4.html>.

¹⁵ OCHA, *Humanitarian Community Reaffirms Commitment to Maintain Delivery of Life-Saving Aid In Nigeria's North-East*, 5 August 2016, https://www.humanitarianresponse.info/en/system/files/documents/files/nga_press_release_humanitarian_community_reaffirms_commitment_ne_05082016_0.pdf; BBC, *Nigeria Boko Haram Crisis: UN Aid Convoy Ambushed*, 29 July 2016, <http://www.bbc.com/news/world-africa-36923253>.

¹⁶ See for example US Department of State, *2015 Country Reports on Human Rights Practices - Nigeria*, 13 April 2016, <http://www.refworld.org/docid/5716122a15.html>. The African Commission on Human and People's Rights on 20 April 2016 strongly condemned "the continuous human rights violations perpetrated by Boko Haram members in the Federal Republic of Nigeria and in neighbouring countries." African Commission on Human and People's Rights, *Resolution on the Human Rights Situation of the Abducted Chibok girls and other Abducted Victims in Nigeria*, 20 April 2016, ACHPR/Res. 341(LVIII) 2016, <http://www.achpr.org/sessions/58th/resolutions/341/>. For example, on 14 June 2016, Boko Haram insurgents were reported to have killed four civilians and to have kidnapped four women during a raid on a village in Borno state. AFP, *Four Dead, Four Abducted in Boko Haram Raid: Nigerian Army*, 15 June 2016, <http://reliefweb.int/report/nigeria/four-dead-four-abducted-boko-haram-raid-nigerian-army>.

¹⁷ Amnesty International, *Nigeria: Still Waiting for Justice, Still Waiting for Change: Government Must Prioritise Accountability in the North-East*, 14 March 2016, <http://www.refworld.org/docid/56e925bc4.html>; Washington Post, *The Brutal Toll of Boko Haram's Attacks on Civilians*, 3 April 2016, <https://www.washingtonpost.com/graphics/world/nigeria-boko-haram/>.

¹⁸ Amnesty International, *Nigeria: Still Waiting for Justice, Still Waiting for Change: Government Must Prioritise Accountability in the North-East*, 14 March 2016, AFR 44/3599/2016, <http://www.refworld.org/docid/56e925bc4.html>; UN Secretary-General, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, A/70/836-S/2016/360, <http://www.refworld.org/docid/575535f04.html>, para. 194. Out of the 276 girls who were kidnapped from a girls' secondary school in Borno State in April 2014, 218 girls were reported to remain missing by May 2016. BBC, *Chibok Girls: Kidnapped Schoolgirl Found in Nigeria*, 18 May 2016, <http://www.bbc.com/news/world-africa-36321249>.

¹⁹ UN Secretary-General, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, A/70/836-S/2016/360, <http://www.refworld.org/docid/575535f04.html>, para. 189. It is estimated that since 2009 more than 8,000 children have been used or recruited by Boko Haram. International Business Times, *Boko Haram: Insurgency 'Blow to Education' as One Million Children Are out of School*, 22 December 2015, <http://www.ibtimes.co.uk/boko-haram-insurgency-blow-education-one-million-children-are-out-school-1534490>.

²⁰ UNICEF, *Beyond Chibok: Over 1.3 Million Children Uprooted by Boko Haram Violence*, April 2016, http://files.unicef.org/media/files/Beyond_Chibok.pdf, p. 2.

²¹ UN Secretary-General, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, A/70/836-S/2016/360, <http://www.refworld.org/docid/575535f04.html>, p. 40.

²² Protection Sector Working Group Nigeria, *Monthly Note on Protection*, August 2016, http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Nigeria/files/monthly-protection-note-to-the-hct-august-2016_en.pdf, p. 1.

6. Human rights abuses are also reportedly attributed to the security forces in the course of their counterinsurgency efforts.²³ Of particular concern are extrajudicial executions reported to have been carried out by members of the security forces, as well as the deaths and inhumane treatment of civilian detainees, including children,²⁴ who are suspected of collaborating with the insurgents.²⁵ Moreover, civilian militias (also known as vigilante groups organized loosely into a Civilian Joint Task Force – CJTF) that have emerged to fight the insurgents have also been accused of widespread abuses, including extrajudicial killings and recruitment of children.²⁶ The CJTF does not have a formal role within the government forces, but have been reported to increasingly work in close cooperation and under the command of military forces.²⁷
7. Insurgent attacks and the military use of schools by government forces are reported to have had a devastating impact on access to education in northeastern Nigeria. Between 2009 and 2015, 910 schools were reportedly destroyed and another 1,500 schools were forced to close. By early 2016, more than 950,000 children were reported to have fled the violence, with little or no access to education.²⁸ The insurgents were reported to have murdered more than 600 teachers in northern Nigeria between 2009 and October 2015, while another 19,000 teachers are reported to have fled due to the violence.²⁹

Humanitarian Situation

8. On 28 July 2016, the UN Security Council reiterated its “deep concern over the dire humanitarian situation caused by the activities of Boko Haram in the Lake Chad Basin region.”³⁰ An estimated 7 million persons are in need of humanitarian assistance in northeastern Nigeria, with some 4.4 million

²³ Amnesty International, *Nigeria: Still Waiting for Justice, Still Waiting for Change: Government Must Prioritise Accountability in the North-East*, 14 March 2016, <http://www.refworld.org/docid/56e925bc4.html>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in the Affected Countries*, 29 September 2015, A/HRC/30/67, <http://www.refworld.org/docid/5639b2d84.html>, paras 55-56.

²⁴ Amnesty International, *Nigeria: Still Waiting for Justice, Still Waiting for Change: Government Must Prioritise Accountability in the North-East*, 14 March 2016, <http://www.refworld.org/docid/56e925bc4.html>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in the Affected Countries*, 29 September 2015, A/HRC/30/67, <http://www.refworld.org/docid/5639b2d84.html>, paras 55-56.

²⁵ Amnesty International, *Nigeria: Babies and Children Dying in Military Detention*, 11 May 2016, <http://www.refworld.org/docid/57342d924.html>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in the Affected Countries*, 29 September 2015, A/HRC/30/67, <http://www.refworld.org/docid/5639b2d84.html>, para. 60. In June 2016, the Economic Community of West African States (ECOWAS) Court ordered the Nigerian government to compensate the victims of families of eight civilians killed by the Nigerian security forces on suspicion of being members of Boko Haram, after judges found the government responsible for the killing of defenceless citizens. BuzzNigeria, *Compensation for Families of Men Killed on Boko Haram Suspicion*, 8 June 2016, <http://buzznigeria.com/families-boko-haram-compensation/>.

²⁶ US Department of State, *2015 Country Reports on Human Rights Practices - Nigeria*, 13 April 2016, <http://www.refworld.org/docid/5716122a15.html>; Amnesty International, *Nigeria: Still Waiting for Justice, Still Waiting for Change: Government Must Prioritise Accountability in the North-East*, 14 March 2016, AFR 44/3599/2016, <http://www.refworld.org/docid/56e925bc4.html>; UN Human Rights Council, *Report of the United Nations High Commissioner for Human Rights on Violations and Abuses Committed by Boko Haram and the Impact on Human Rights in the Affected Countries*, 29 September 2015, A/HRC/30/67, <http://www.refworld.org/docid/5639b2d84.html>, paras 65-68. In the UN Secretary-General's annual report on children and armed conflict covering 2015, the CJTF was added to the list of parties that is reported to recruit or use children in situations of armed conflict. UN Secretary-General, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, A/70/836-S/2016/360, <http://www.refworld.org/docid/575535f04.html>, p. 40.

²⁷ For example, members of the CJTF have been reported to become inducted into government forces after completing a period of training. International Centre for Investigative Reporting, *250 Civilian-JTF Members Recruited Into Nigerian Army*, 22 July 2016, <http://icirnigeria.org/250-civilian-jtf-members-recruited-nigerian-army/>. A report on the militarization of IDP camps noted, “Armed soldiers, police, and a paramilitary vigilante group known as the Civilian Joint Task Force (CJTF) protect the camps, and the military provides the final authorisation on who is allowed to enter.” IRIN, *Why Nigeria's Military Make Bad Aid Workers*, 5 July 2016, <http://www.refworld.org/docid/57834deb4.html>.

²⁸ Human Rights Watch, *“They Set the Classrooms on Fire” - Attacks on Education in Northeast Nigeria*, 11 April 2016, <http://www.refworld.org/docid/5721c9794.html>, pp. 1-2. See also UN Secretary-General, *Children and Armed Conflict: Report of the Secretary-General*, 20 April 2016, A/70/836-S/2016/360, <http://www.refworld.org/docid/575535f04.html>, para. 193; UNICEF, *Nigeria Conflict Forces More Than 1 Million Children From School*, 22 December 2015, http://www.unicef.org/media/media_86621.html.

²⁹ IRIN, *Is Education Boko Haram's Biggest Victim?*, 7 December 2015, <http://www.refworld.org/docid/5666fed54.html>.

³⁰ UN Security Council, *Statement by the President of the Security Council*, 28 July 2016, S/PRST/2016/11, <http://www.refworld.org/docid/57a2fa004.html>, p. 3.

persons reportedly facing hunger amidst warnings of an imminent famine-like situation.³¹ According to NGOs, conditions in some locations where IDPs have settled are so severe that several persons die each day from hunger and illness.³² 350,000 children in Borno and Yobe States are reportedly suffering from severe malnutrition, and concerns have been expressed that, without intervention, tens of thousands of children under five years old are likely to die in Borno State in 2016.³³ There are also reports of pressing needs for psychosocial support for victims of human rights violations, in particular for women and girls.³⁴

Internal Displacement and External Displacement

9. According to assessments by IOM and the National Emergency Management Agency (NEMA) as of August 2016, a total of 1,878,205 IDPs have been displaced by the insurgency in the Northeast. The majority of IDPs are currently residing in Borno (1,446,829), Adamawa (163,559), and Yobe (135,442).³⁵
10. Large numbers of civilians have also sought refuge in neighbouring countries. While the numbers continue to change, as of June 2016 the number of Nigerian refugees in Niger was reported to be 82,524, while 65,618 persons were reported to have sought refuge in Cameroon and 7,337 in Chad.³⁶ Between August 2015 and April 2016, UNHCR registered 22,098 Nigerians returning from Cameroon to Adamawa State; additionally, UNHCR registered 15,628 Nigerians returning from Cameroon to Borno State, out of a total of 67,666 Nigerian refugees identified by the Government of Cameroon as going back to Borno.³⁷ Concerns have been expressed that some of these returns may have taken place under conditions that fell short of international standards, including adherence to the principle of non-refoulement.³⁸

³¹ OCHA, *Lake Chad Basin: Crisis Update No. 7, 6 September 2016*, https://www.humanitarianresponse.info/en/system/files/documents/files/lake_chad_basin_crisis_update_no_7.pdf, p. 1; UN Secretary-General, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa and the Sahel*, 23 June 2016, S/2016/566, <http://www.refworld.org/docid/5774ba184.html>, para. 30.

³² MSF, *Nigeria: At Least 24,000 Displaced People in Dire Health Situation in Bama*, 22 June 2016, <http://www.msf.org/en/article/20160622-nigeria-least-24000-displaced-people-dire-health-situation-bama>; International Centre for Investigative Reporting, *Abandoned, Hundreds Face Death in Bama Displaced Persons Camp*, 16 June 2016, <http://icirnigeria.org/inside-bama-idp-camp-21-people-die-daily/>.

³³ OCHA, *Statement to the Security Council on the Humanitarian Situation in the Lake Chad Basin*, 27 July 2016, <http://reliefweb.int/report/nigeria/under-secretary-general-humanitarian-affairs-and-emergency-relief-coordinator-stephen>; UN News Service, *UN Urges More Aid for People in North-East Nigeria, Once Inaccessible Due to Boko Haram Threat*, 1 July 2016, <http://www.refworld.org/docid/577a1647411.html>; UN Secretary-General, *Report of the Secretary-General on the Activities of the United Nations Office for West Africa and the Sahel*, 23 June 2016, S/2016/566, <http://www.refworld.org/docid/5774ba184.html>, para. 30. For further details about additional protection concerns relating to the IDP population in the northeastern States, see UNHCR, *UNHCR Finds Major Protection Gaps in Newly Accessible Areas of Nigeria*, 7 October 2016, <http://www.refworld.org/docid/57f78a094.html>; UNHCR, *Freed from Boko Haram, Nigerians Still Need Help*, 7 October 2016, <http://www.refworld.org/docid/57f7c1c84.html>; UNHCR, *Nigeria Returnees Face Shelter Problems, Economic Challenges, Food Shortages*, 23 September 2016, <http://www.refworld.org/docid/57e517c84.html>; UNHCR, *North East Nigeria Vulnerability Screening Report Round II*, 22 July 2016, <http://data.unhcr.org/SahelSituation/download.php?id=2072>, pp. 1-2.

³⁴ Office of the High Commissioner for Human Rights (OHCHR), *End of Mission Statement by the United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons, Mr. Chaloka Beyani, On His Visit to Nigeria, 23 to 26 August 2016*, August 2016, <http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20427>; Refugees International, *Nigeria's Displaced Women and Girls: Humanitarian Community at Odds, Boko Haram's Survivors Forsaken*, 21 April 2016, <http://www.refworld.org/docid/5735908f4.html>, pp. 6-9; OCHA, *2016 Humanitarian Needs Overview: Nigeria*, November 2015, http://reliefweb.int/sites/reliefweb.int/files/resources/nigeria_hno_2016_23122015.pdf, p. 12.

³⁵ The majority of IDPs are reported to be displaced within their own state of origin. In Borno state, 99 per cent of IDPs reportedly originate from the state. IOM, *Displacement Tracking Matrix (DTM) Round XI Report*, August 2016, <http://nigeria.iom.int/sites/default/files/dtm/01%20DTM%20Nigeria%20Round%20XI%20Report%20August%202016.pdf>, pp. 1, 6.

³⁶ UNHCR, *Nigeria Regional Refugee Response Plan – 2016 Mid-year Report*, August 2016, <http://reporting.unhcr.org/sites/default/files/Nigeria%20RRRP%202016%20Mid-year%20Report.pdf>, p. 4.

³⁷ The Government of Cameroon identified a population of 67,666 Nigerian returnees going to Borno State, of which 15,628 individuals were registered by UNHCR Nigeria. UNHCR, *Nigeria: Persons of Concern Situation Map (as of Jun 2016)*, 14 July 2016, <http://www.refworld.org/docid/578e22254.html>.

³⁸ The Protection Sector Working Group in Nigeria noted, "As of 26 April 2016, UNHCR has registered 22,092 Nigerians who have returned back from Cameroon, many under conditions falling short of international legal obligations." Protection Sector Working Group, *Nigeria, Monthly Note on Protection*, April 2016, http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Nigeria/files/protection-note-for-hct-april-27-2016.pdf. UNHCR has been unable to gain access to more than 20,000 people sent back to Nigeria since 2015 from the militarized Lake Chad area to

11. On 6-8 June 2016, the Government of Nigeria hosted the Lake Chad Basin Regional Protection Dialogue, attended by high-level delegations from Cameroon, Chad, Niger and Nigeria, and other stakeholders. The participating Governments agreed on the need for comprehensive measures to enhance protection and provide humanitarian assistance to affected populations in the Lake Chad Basin, including in particular to IDPs and refugees, and reaffirmed their commitment to respect for the principle of non-refoulement.³⁹

UNHCR Position on Returns

12. As the situation in northeastern Nigeria, particularly in Adamawa, Borno, and Yobe States, remains fluid and uncertain, UNHCR calls on neighbouring countries to keep their borders open and to allow access to territory and asylum procedures to persons fleeing the crisis in search of safety. UNHCR considers it likely that persons fleeing northeastern Nigeria and those who were already in countries of asylum before the further escalation of violence in northeastern Nigeria are in need of international protection in accordance with Article 1(2) of the 1969 OAU Convention.⁴⁰ In addition, many persons fleeing northeastern Nigeria may meet the 1951 Convention criteria for refugee status.⁴¹ UNHCR calls upon States to suspend forcible returns of nationals or habitual residents to this part of Nigeria, including those who have had their asylum claim rejected, until the security and human rights situation has improved considerably. Any proposed returns in the context of the application of an internal flight or relocation alternative would need to be assessed carefully, taking into account the individual circumstances of the case.⁴² Depending on the profile of the individual case, exclusion considerations may need to be looked into.⁴³ In addition, to preserve the civilian character of asylum, States would need to assess the situation of arrivals carefully so as to identify armed elements and separate them from the refugee population.⁴⁴
13. Suspension of forcible returns to the affected areas in Nigeria serves as a minimum standard and should not replace international protection for persons found to meet the criteria for refugee status under the 1969 OAU Convention or the 1951 Convention. This advice is valid until such time as the

ensure they were returning willingly. UNHCR, *Survey Finds Nigerian Refugees in Cameroon Want to Go Home*, 13 May 2016, <http://www.unhcr.org/news/latest/2016/5/57359e976/survey-finds-nigerian-refugees-cameroon-want-home.html>.

³⁹ *Regional Protection Dialogue on the Lake Chad Basin: Abuja Action Statement*, 8 June 2016, <http://data.unhcr.org/SahelSituation/download.php?id=2027>.

⁴⁰ Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa*, 10 September 1969, 1001 U.N.T.S. 45, <http://www.refworld.org/docid/3ae6b36018.html>.

⁴¹ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, Vol. 189, p. 137, <http://www.refworld.org/docid/3be01b964.html>; UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, Vol. 606, p. 267, <http://www.refworld.org/docid/3ae6b3ae4.html>. Profiles of persons fleeing Nigeria who may meet the 1951 Convention criteria for refugee status include (but are not limited to): civilians from communities from which popular militias (“civilian joint task force”) are drawn, or are suspected to be drawn, who are at risk of retaliatory attacks by the insurgents for reasons of (imputed) political opinion (see para. 4); civilians who are suspected of collaborating with the insurgents, who are at risk of unlawful violence, including extrajudicial killings, by Government forces and popular militias for reasons of (imputed) political opinion (see para. 6); children, including in particular girls of school-going age, who are at risk of kidnapping and violence, including sexual abuse and murder, for reasons of (imputed) political opinion and/or membership of a particular social group (see para. 4); teachers, who are at risk of violent attacks, including murder, for reasons of (imputed) political opinion and/or membership of a particular social group (see para. 7); and children who are at risk of forced recruitment both by the insurgents and by popular militias for reasons of membership of a particular social group (see paras. 5-6).

⁴² In order for an IFA/IRA to be relevant, the proposed area of relocation must be practically, safely and legally accessible to the individual. If the individual fears persecution at the hand of the State, an IFA/IRA is presumed not to be available. In case of feared persecution at the hands of a non-State agent, the capability to pursue the individual in the proposed area of relocation would need to be considered. Furthermore, if persons from the affected states would not be able to lead “a relatively normal life” in the proposed area of internal relocation, for example if they were to find themselves in a situation of internal displacement, the proposed alternative flight or relocation alternative would not be reasonable. Other elements to take into account when considering reasonableness of a proposed IFA/IRA include the impact of past persecution, safety and security and the respect for human rights in the proposed relocation area, and the possibility for the individual to make a living there. For details on IFA/IRA and the reasonableness test, see UNHCR, *Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, 23 July 2003, HCR/GIP/03/04, <http://www.refworld.org/docid/3f2791a44.html>.

⁴³ UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention relating to the Status of Refugees*, 4 September 2003, HCR/GIP/03/05, <http://www.refworld.org/docid/3f5857684.html>.

⁴⁴ UNHCR, *Operational Guidelines on Maintaining the Civilian and Humanitarian Character of Asylum*, September 2006, <http://www.refworld.org/docid/452b9bca2.html>.

security and human rights situation in northeastern Nigeria has improved sufficiently to permit a safe and dignified return.

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