

**Flygtningenævnets baggrundsmateriale**

|                                 |                                                                                       |
|---------------------------------|---------------------------------------------------------------------------------------|
| <b>Bilagsnr.:</b>               | <b>433</b>                                                                            |
| Land:                           | Nigeria                                                                               |
| Kilde:                          | European Asylum Support Office (EASO)                                                 |
| Titel:                          | EASO COI Meeting Report. Nigeria. Practical Cooperation Meeting, 12-13 June 2017 Rome |
| Udgivet:                        | august 2017                                                                           |
| Optaget på baggrundsmaterialet: | 22. februar 2018                                                                      |



European Asylum Support Office

# EASO COI Meeting Report

## Nigeria

### Practical Cooperation Meeting

12-13 June 2017

Rome



August 2017

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Lagos, Nigeria - February 28, 2016: Okada motorcycle taxi riders waiting for fares in Lekki district, Lagos, Nigeria, West Africa

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## Acknowledgements

EASO would like to thank the following experts and organisations for their participation at the meeting and the presentations they gave:

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**David Pratten**, Associate Professor in the Social Anthropology of Africa; Fellow of St Antony's College, University of Oxford

**European Commission - Office of the EU Anti-Trafficking Coordinator**

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**Stephane Jaquemet**, UNHCR's Regional Representative for Southern Europe

**UNHCR RSD unit**

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## Disclaimer

The meeting report compiles information presented by key speakers during plenary sessions and subsequent questions and answers related to country of origin information. The different chapters of the report provide literal transcripts, rather than summaries or syntheses.

Variations in style, terminology, spellings, and choice of language for different terms used by different speakers may appear as a result.

The external speakers validated the information in this report as of August 2017 and have given their consent to be quoted publicly from this report. Information provided by an external speaker in this report should be cited under the name of the speaker and the context in which it was delivered:

[Name of speaker], EASO, Practical Cooperation Meeting on Nigeria,  
meeting in Rome, Italy, held on: 12-13 June 2017.

Any opinions expressed in this document are the sole responsibility of the individual speakers and do not represent the official position of the European Asylum Support Office (EASO). Furthermore, this report is not conclusive as to the determination or merit of any particular application for international protection. Terminology used should not be regarded as indicative of a particular legal position.

‘Refugee’, ‘risk’ and similar terminology are used as a generic terminology and not as legally defined in the EU Asylum Acquis and the Geneva Convention.

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The target users are asylum caseworkers, COI researchers, policymakers, and decision-making authorities.

## Abbreviations

|               |                                                                             |
|---------------|-----------------------------------------------------------------------------|
| ACCORD        | Austrian Centre for Country of Origin and Asylum Research and Documentation |
| ACLED         | Armed Conflict Location & Event Data Project                                |
| CEDAW         | Convention on the Elimination of All Forms of Discrimination Against Women  |
| CFR           | Council for Foreign Relations                                               |
| COI           | Country of Origin Information                                               |
| DTM           | Displacement Tracking Matrix                                                |
| ECOWAS        | Economic Community of West African States                                   |
| EU+ countries | EU member States plus Norway and Switzerland                                |
| FGM/C         | Female Genital Mutilation/Cutting                                           |
| ICASA         | International Conference on AIDS and STIs in Africa                         |
| IPOB          | Indigenous People of Biafra                                                 |
| LGBT(I)       | Lesbian, Gay, Bisexual, Transgender, (Intersex) persons                     |
| MASSOB        | Movement for the Actualization of the Sovereign State of Biafra             |
| MEND          | Movement for the Emancipation of the Niger Delta                            |
| MOSOP         | Movement for the Survival of the Ogoni people                               |
| MSF           | Médecins Sans Frontières                                                    |
| MSM           | Men who have sex with men                                                   |
| NEMA          | National Emergency Management Agency                                        |
| NGO           | Non-Governmental Organisation                                               |
| NWP           | Nigeria Watch Project                                                       |
| OPC           | O’odua People’s Congress                                                    |
| SGBV          | sexual and gender-based violence                                            |
| SOCTA         | Serious and Organised Crime Threat Assessment                               |
| SOAS          | School of Oriental and African Studies                                      |
| SSMPA         | Same Sex Marriage Prohibition Act                                           |
| THB           | Trafficking of Human Beings                                                 |
| TIERs         | The Initiative for Equal Rights                                             |
| UNHCR         | United Nations High Commissioner for Refugees                               |
| VAPP          | Violence Against Persons Prohibition Law                                    |
| WFP           | World Food Program                                                          |

## Introduction

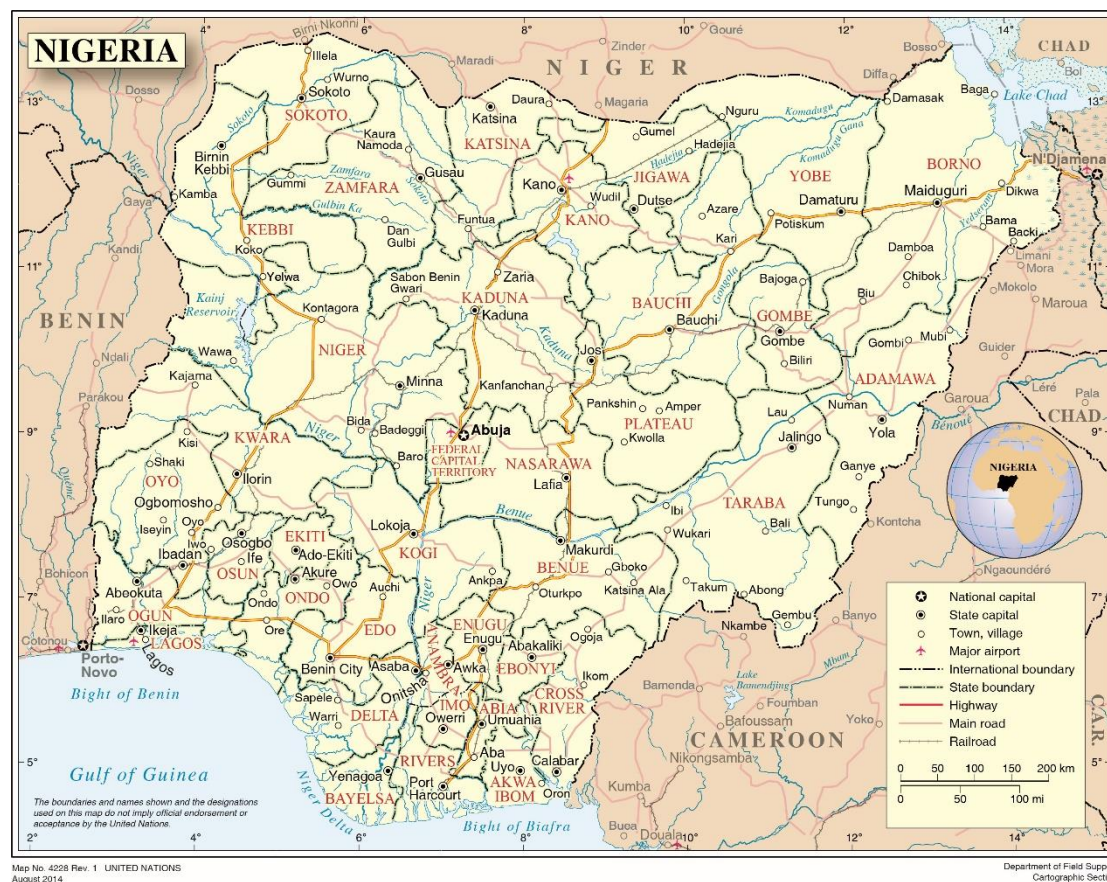
On 12 and 13 June 2017, EASO organised a Practical Cooperation meeting on Nigeria in Rome, in the framework of EASO's Operating Plan in Italy.

Following the need expressed by the Italian National Asylum Commission and other EU+ countries for accurate information on specific topics on Nigeria, and in view of a more harmonised approach to Country of Origin Information (COI) and decision practice in the EU+, EASO brought together around 100 participants, including COI specialists, caseworkers and decision-makers from most EU+ countries, together with EU institutions, as well as UNHCR and IOM.

EASO invited the guest speakers mentioned in the [Acknowledgement section](#) of this report, to share their expertise and field knowledge on Nigeria on selected topics and recent developments in the country.

This Meeting Report includes transcripts of the presentations and subsequent questions and answers (Q&A).

## Map



<sup>(1)</sup> Map 1: © United Nations

<sup>(1)</sup> UN, Map No 4228, Rev. 1, August 2014 (<http://www.un.org/Depts/Cartographic/map/profile/nigeria.pdf>), accessed 4 August 2017.

## Drivers, patterns, and perception of migration: Focus on Nigeria

**Anna Giustiniani**, project Manager at IOM Italy

IOM's input focuses on

- the data on the arrivals, mainly arrivals by sea,
- the drivers of migration witnessed through the accounts of the migrants themselves,
- return migration, which is one of the key elements of IOM activities,
- the responses put in place in Europe and in the area of interest.

Data: Arrivals of Nigerian migrants by sea - from February to December 2016, there has been a steady increase. In 2015, mainly people from Afghanistan and Syria were coming by sea to Greece and Italy, whereas in 2016 and 2017 there was a change into the pattern, also reflected in the asylum applications, with more Nigerian and Eritrean applications.

Arrivals of Nigerian migrants to Italy - 1st January to 31st December 2016: out of the more than 180,000 arrivals by sea, Nigerian migrants represented 21 % of this group, accounting for more than 37,000.

Unaccompanied migrant children - more than 3,000. It is the third nationality of unaccompanied migrant children present in Italy. Statistics until April 2017 show that increase. There are almost 1,000 people, more than April 2017, while the presence of unaccompanied migrant children remained steady. If we look at the gender of unaccompanied migrant children, you will notice that while most of them are young male aged 16-17, only among Nigerian nationals the number of girls is quite high.

Nigerian migrants' profile at a glance - data collected from IOM's activities at disembarkation: IOM's Displacement Tracking Metrics section meets and interviews migrants throughout their routes from their origin countries to their destination. Therefore, looking at the data provided by Nigerian migrants in Italy, 58 % of Nigerian migrants are male between 18 and 25 years of age. They mainly come from Edo state, the vast majority from Benin City. Most of Nigerians travel on their own and the length of the journey was generally between 6 months and 1 year. One year is the extreme and does not so often happen. The main transit countries are Niger and Libya. Italy is one of the main intended destination countries.

Drivers of migration: socio-economic factors must be considered. Nigeria is one of the fastest growing economies in the world. There is a very clear distinction between the north and the south, but there is very low pro-capita income, high unemployment rate, especially in the young generation, and extreme poverty in some areas, especially in the north.

There are also political factors: inter-state ethnic violence and Boko Haram insurgency. Based on IOM's assessment, the insurgency in the north and east areas is mainly generating IDPs and movements within the region, that is, movements to Chad, Cameroon and Niger. There are also environmental factors to take into account: climate change, land degradation and erosion linked to land misuse.

Among the drivers of migration, the call for Europe cannot be underestimated. Migrants themselves express knowledge about the tragedies, especially in crossing the Mediterranean, but are still willing to try their luck.

This is linked to the perception by Nigerian migrants - an important addition of factors and relevant to look at: there is circulation of information, and circulation of misinformation as well. There are three main collection hubs : Agadez, Seba and Tripoli, which are. IOM describes them as information hubs, since it is where often the decision to continue onward to Europe is taken.

Through the DTM (Displacement Tracking Matrix) exercise, we have interviewed more than 1,000 Nigerian migrants arriving in Italy, mainly at landing points but also in Lombardy. Initially, war, conflict and political problems were asked in one question, but later on the question was divided. War, persecution and economic factors were then distinguished.

Although economic factors are there, the perception of the migrants is that they fled because of war, conflict and persecution. This is quite evident and linked to the fact that they apply for asylum once they arrive. The only ones that do mention economic reasons are the unaccompanied migrant children. IOM understands that this group leaves their countries because they cannot access education and the services they are expected to.

There is a general perception that free movements are tolerated. Most of the movements happen within the ECOWAS (Economic Community of West African States) area where there is free movement, and even when there are rules (e.g. asking for residence permit), it generally does not happen. There is a general tendency to think that free movements are tolerated in the region, so why not go further to Europe? What are the reasons for this kind of behaviour? Porous boundaries, certainly; tribal links (we have people of the same ethnic origins living in different countries in ECOWAS); circular and cyclical migration, especially in the field of agriculture; lack of knowledge of existing legal frameworks regulating border crossing; and access to adequate information, which is key.

Comparing migratory movements of Nigerian nationals to Europe to the ones within the ECOWAS indicates that the percentage arriving to Europe is very small.

What are the reasons why these movements to Europe happen in an irregular manner? The reasons are: the length of the procedure to obtain documents to travel regularly; lack of knowledge of regular channels, as already mentioned; and very few legal channels to reach Europe, we must admit; general lack of trust vis-à-vis the government and the authorities.

This brings us to the issue of resorting to smuggling and trafficking networks. With respect to the latter, especially, there has been a huge increase in the number of arrivals of young women including underage ones, but we cannot underestimate either the presence of young boys that are transferred for the purpose of labour exploitation.

With respect to counter trafficking, over the past 3 years, IOM together with the Italian Ministry of the Interior and other organisations including UNHCR are present at landing points with experts and counsellors in counter-trafficking. We have been providing counselling to a lot of children and women arriving. Whenever possible, they have also been assisted by being included in the referral system and transferred to other regions in Italy. IOM with other organisations, including UNHCR, has been providing assistance at arrival starting from 2006.

We have witnessed a huge increase: more than 300 Nigerian girls who were victims of trafficking have been referred to proper assistance since 2014. Based on the assessment of the Nigerian women/girls incoming trend to Italy, IOM has also developed specific trafficking indicators that you will easily find in IOM's resources in our website. 20 % of asylum applications in Italy come from Nigerian nationals.

Return migration: what are the reasons for migrants to consider returning? Their expectations have somehow been disrupted because the available opportunities were not as they were presented before they left. They are often forced to work in under-the-table jobs. This is also

linked to the fact that because their asylum application would have often been rejected, they do not have a clear legal status to live in Italy and the integration project has failed.

Support provided by the Nigerian government upon return: the government has been working together with IOM in a definition of standard operating procedures (SOPs) for managing return and integration matters. These are still under discussion and development. So far, government efforts have been mainly allying to issuing travel documents for would-be returnees, and to support reintegration, but much more needs to be done on this specific endeavour.

There are also a number of non-state actors, NGOs - including faith-based organisations -, that are very active, especially with victims of trafficking and which play a crucial role in assisting the returnees upon their return. In this area, financial resources are limited. The number of non-state actors is limited too compared with the numbers of returnees, both forcibly returned and voluntary returnees.

What are the challenges upon return? These challenges are obviously also the reasons why the number of returnees or voluntary returnees remains quite low. There are still inadequate reintegration assistance and the risk of social marginalisation of returnees: this plays a key role in the decision-making process of would-be returnees.

Statistics from January 2016 until April 2017 indicate that the number of returnees – 366 -, compared to the total of returnees assisted by IOM – 99,000 -, is quite low. The top countries from which Nigerians return are Germany, followed by Austria, Netherlands and Italy.

In regards to IOM's work with the Nigerian authorities, and the commitment by the Nigerian authorities to develop some national migration policy, the National Migration Policy 2015 has been elaborated through a lot of work and capacity building by several organisations, including IOM. Objectives in regards to returns/reintegration: the recognition that return is an important component; reintegration, which is likewise very relevant; the need to increase bilateral/multilateral arrangements with the country of origin; as well as the need to set up training programs to support the reintegration of returned migrants.

The strategies to put into place these objectives are to develop the standard operating procedure, ensuring timely issuance of documents to would-be returnees, promote training and education opportunities for returnees and strengthen AVR programs.

The recently launched migration partnership framework with Africa embeds return and reintegration, among the key pillars. The aim of the migration partnership framework - Nigeria is one of the top countries that EU is dealing with - is announcing cooperation on return and readmission; the prevention of irregular migration; fighting traffickers and smuggling networks; addressing the root causes of irregular migration; and promoting sustainable development. Without these two last points, it would be very difficult to stop migration without giving an opportunity to the people who decide to remain in their country of origin.

Building on this EU–Nigeria-Africa partnership, the renewed action plan on migration envisages the conclusion of the readmission agreement with Nigeria: works started in October, a second round of talks was meant to take place in February (did not occur), and the readmission agreement should have originally been signed in June 2017. There are no indications when the readmission agreement with the EU will be concluded.

What is IOM's approach in this context? What are the activities on the ground in Nigeria? Capacity-building activities for the migration policy document; direct assistance to migrants; awareness-raising activities. The circulation of information prompting migrants to migrate and the perception by migrants indicates that migrants have to be addressed directly, as they are the ones taking the decision to migrate.

Within the capacity-building and direct assistance activity, IOM has defined a joint initiative within the EU Trust Fund, targeting 14 origin and transit countries, including Nigeria. The main focus will be policy and data collection; support for the re-integration of returnees, including those returned forcibly by the countries; and labour migration.

Activities in the transit countries: Niger and Libya - charter flight(s) organised by IOM from Libya to Nigeria, within the humanitarian repatriation program, run by IOM in close cooperation with the Libyan authorities and with the Nigerian authorities in particular, the embassy in Tripoli and the Ministry for Foreign Affairs. Activities are also provided in Niger, in one of the IOM transit centres, in particular in Agadez, where migrants are provided with information and assistance including non-food items.

Activities on raising the awareness of migrants: (1) The Missing Steps, a TV mini-series which is going to be broadcast on the national TV of Nigeria, with the support of the government of Switzerland, and Nollywood actors. The idea was to use the same speech/wording and same approaches that migrants would use to take their decisions. It will broadcast in Nigeria. (2) Activities to be implemented in transit and destination countries. The Aware Migrants Campaign consists of several activities, including video testimonies. Having migrants speaking to other migrants would be the best way to address the key message about difficult and very often deadly journeys.

## **UNHCR's role in refugee status determination and initial considerations on current protection issues in Nigeria**

**Stephane Jaquemet**, UNHCR's Regional Representative for Southern Europe

First very briefly about UNHCR role in general in refugee status determination. In the 1951 Refugee Convention, states have an obligation to collaborate and to accept UNHCR's supervisory role. What does it mean? It means that in countries which are not party to the 1951 Convention, mainly countries in the Middle East and in Asia, not in Europe and not in Africa, we usually do refugee status determination instead of the government. We do it under our own mandate. In State parties to the 1951 Convention, as is the case in Italy, normally the state has the responsibility to do refugee status determination, but UNHCR can be part of the process. It can be an observer or have a more formal role. You have all kinds of scenarios, from a very distant involvement to a much more direct involvement, as it is the case in Italy, where a UNHCR staff is a full member of each of the 48 asylum territorial commissions.

The Nigerian caseload has been there since 2008. With two exceptions - 2010 and 2012 – this was the first nationality of asylum seekers and of arrivals by sea in Italy, roughly 22 % each year. It is important to realise that Nigeria is a country of 180 million people, 60 % of whom are under 25 years old. The other day I was giving a presentation about a related topic - migration - and one of the figures I presented, and this is something we have to realise, is that in 25 years the total population of Africa will go from 1 billion to 2 billion people. It will double, so the migratory pressure will not only continue, it will expand.

Nigeria is today the seventh most populated country in the world. It is expected that it will be the fourth most populated country in 10-15 years' time. In 10 to 15 years, there will be only China, India and the US before Nigeria. I think it is something we need to bear in mind. Nigeria is composed of 36 states. It is a federal system with 250 ethnic-linguistic groups. When you do refugee status determination of Nigerians, it is a headache just to know to which ethnic background they belong to. It is a very, very diverse society.

Last year 37,000 people arrived by sea, see chart below. In comparison, you see the number of applicants. It means you have roughly 10-11,000 Nigerians who never applied for asylum.



Of course, for Italy, the problem of people who never apply for asylum and are therefore almost immediately irregular is another issue. It is a problem of law and order for Italy. I will not go into too much detail about this. What is important to notice is the increased number of women applicants in comparison to other nationalities: you have relatively more women applying than for other nationalities.

Last year we did a profiling exercise of the Nigerians. We had some difficulty to do it. It was not an easy task. We chose not to do it on arrival. That would have been interesting as we would have probably had more variety of cases, but we decided to do it at the level of refugee status determination. A number of colleagues worked on the basis of existing refugee status determination files, which of course gave us some better indication because the files are much more complete than if it were at disembarkation stage. We examined 300 cases - totally confidentially, so no names etc. because that was important - just for the purpose of knowing a little bit more on the profile of Nigerians arriving in Italy.

What we realised, and that was the first paradox of this caseload, is that we have the most deadly conflict in the north eastern states and you have people mainly coming from the southern states. The vast majority of Nigerians do not come from the conflict areas, which of course does not mean that you do not have localised conflicts in Nigeria but that is another issue. Massively people come from the south. In terms of religion, 95 % are Christians, which does not reflect the proportion of Christians and Muslims in the country. The ethnicity most represented is the Benin-Edo ethnicity, which is at the border with Benin.

Most of the asylum seekers are young and single men, though I have mentioned that there is an increasing number of women as well as unaccompanied minors, but they are not the first nationality when it comes to unaccompanied minors.

Work experience: in general, there were more manual and low-skilled jobs, and a number of them were unemployed. As to the route, it is relatively straightforward and it is the most logical one, which is going through Niger and Libya. They spend roughly 10 months on the journey. Usually the longest period is waiting in Niger or in Libya to have the money to cross or to find a smuggling opportunity to go beyond.

The reasons for leaving were really a mix. A number of people mentioned poor economic conditions in the country, and there was an increasing number of sexual and gender-based violence (SGBV) cases, though we need to be a little careful with that because IOM estimates show that at least 80 % of the Nigerian women are being trafficked and not all of them would

be applying for asylum. The women we would be interviewing are not necessarily victims of trafficking because usually the traffickers would not let them apply for asylum. It could be a different type of SGBV, which is not victim of trafficking but could be rape, domestic violence etc.

Another reason is family disputes, which can be also tribal disputes; the distinction is quite difficult to make. This is also very widespread in the south in particular in the oil-producing areas, which is where the majority of Nigerian asylum seekers come from.

Generalised violence - inter-ethnic or inter-religious conflict - is also widespread. You have to bear in mind that when you have a localised conflict in Nigeria, you may have anywhere between three to 300-400 people killed. You suddenly have an eruption of violence that can lead to massive loss of lives, and if it is three people dying it may not even appear in Nigerian news, if it is 300 it may, though not necessarily, become international news. News of a “few” deaths by violence in Nigeria almost goes unreported. This also makes the role of asylum professionals very difficult, since it is difficult to have access to that type of very specific information.

Threats from Boko Haram: in principle, it would be credible if people come from the north eastern districts. In this case, you would have to make a solid assessment in terms of credibility.

Threats from criminal gangs: they are everywhere in Nigeria, in all parts of the country, not only the conflict areas, you have entire municipalities which are de facto controlled by criminal gangs.

Of course, another reason is persecution based on sexual orientation and gender identity. The fate of the LGBTI community is really difficult in Nigeria, as it is in a number of other African countries like Uganda.

What are the key protection issues? I will probably not be able to develop them further because you already have other presentations on these issues. You have the specific situation in the North East, the region affected by the conflict with Boko Haram. You have the situation in the Niger Delta, which is the oil-producing area. The Niger Delta has been traditionally the place of terrible inequality and lack of access to resources in spite of the wealth of that region. Later on, I will develop a bit further the subject of the Biafra independency movement.

Religious minorities: what do we mean by minorities in a country like Nigeria? It is complicated, because you have minorities within the two main religions, and with agnostic people. One of the alarming situations is the situation of the Shia Muslim minority. Unfortunately, like in many Sunni majority countries, the Shia, mostly a minority, are not only discriminated but there have been incidents of massacres of Shia Muslim minorities.

The concept of “indigene” versus settlers - the difficulty for some people who have migrated to a region they do not belong to and are not registered as belonging to that area - creates many tensions between the “indigenes” and the settlers, and sometimes the authority is taking side with the indigene population.

Vigilantism and cultism: I am sure that you will be mentioning this. LGBTI issues are extremely important. Nigeria has one of the most homophobic legislations in Africa. I think it is only Uganda that has a worse legislation, which is in addition to the tradition of discriminating or persecuting people who have a different sexual orientation.

The situation in the North East. I recently had a telephone call with my colleague in Nigeria covering Borno, Yobe and Adamawa who was telling me that on the surface it seems that the situation is better because there is less movement in terms of fighting. Boko Haram has been partly defeated, but the problem is that both Boko Haram and the government resort to

methods of fighting which are not in respect of international humanitarian law. There is an asymmetric warfare with the insurgency committing various abuses, like child suicide bombers, women being drugged and involved in explosions and sexual slavery. There is also extrajudicial killing: a number of cases have been reported by human rights agencies, [of acts committed] by the security forces, as well as the use of paramilitary militias. Damage is huge: USD 9 billion damage just to schools and infrastructure.

Food insecurity: there are 8.5 million people in need of urgent life-saving assistance. Unfortunately, the WFP [World Food Program] has been forced to reduce food rations because of funding constraints. We have 1.8 million internally displaced persons, and we have 250,000 returnees. The problem is that some of these returnees have not returned voluntarily. There have been mass expulsions in particular from Cameroon.

The Biafra issue is an old issue. For people of my generation, not the vast majority of people in the room, Biafra was a very important moment for humanitarian agencies because it coincided with the creation of MSF [Médecins Sans Frontières]. MSF was not created for the Biafra operation. They existed before, but they became the real MSF through Biafra because for the first time you had a humanitarian agency assisting on the insurgent side without asking the permission of the government. The motto was, 'You can work on both sides but on the condition that the government allows you to work on the insurgent side'. However, MSF just said that they could not wait; people were being killed. There were between one and three million people who were killed during that conflict and it was one of the worst conflicts post-WWII, not only in Africa but in the world. Unfortunately, the Biafra issue has not been totally resolved. There is still a kind of 'independentist' movement in that part of Nigeria, the South East, including repression of this movement by the government and the security forces. Peaceful activists are being killed, but there are also extrajudicial killings being documented by human rights agencies. It is a situation you need to be aware of, because you might have people who may belong to this "independentist" movement or have been associated with this movement and you would have first to assess the facts but also assess the credibility.

UNHCR regularly publishes what we call 'The Nigeria situation'. It is mainly an update on internal displacement but also on the more than 200,000 refugees in the neighbouring countries.

## Discussion

**[Question] How to assess the question of the protection of the state with regard to conflicts between gangs or secret cults.**

[Jaquemet] It is a very important question and a complicated one to answer. I understand it is not only about Nigeria, but you also have the global situation of countries where you have the existence of various armed movements which go from purely criminal to those being organised and having a political agenda. My previous post before coming to Italy was in Colombia, so you can imagine that it is the perfect theatre to assess that. In a country like Colombia which is probably one of the most sophisticated ones when it comes to all the various actors, you had the political movements like the ELN or the FARC, which were organised movements with an ideology of fighting the government.

The complicating factor is that even these movements were related to drug cultivation and trafficking and sometimes the FARC would delegate some of the activities to purely criminal movements. There is also the situation of Central America, where there is not a civil war in the proper sense, however there are rival gangs controlling full parts of cities. I can tell you there were parts of Bogotá where I would have never dared to go. I only dared to go there on the day of the elections because there was so much police that it was the exception. The rest

of the time the suburbs belong to those gangs, so if you challenge those gangs you might be at risk, not only in that part of the area but in the whole country. If you are being confronted by one specific movement, they will spread the word to all the other gangs and the person will be at risk in the entire country. Therefore, I would say that when you have to make that assessment, you would have to see what is the real control of the movement over the territory.

The second question is what is the level of penetration of the police. The third question is whether we are talking about a movement which is only local or one which has ramifications through the territory. What we call the internal flight alternative, gives the person the possibility to live in another part of the country, not only in terms of security, but also in terms of the possibility of the person to really live, have a job, and have the possibility to stay.

I would say that in a number of cases where the gangs are really widespread throughout the territory, for instance in a country like Guatemala, most of the time people would have a very valid claim to obtain asylum in a country like Italy. In my view a country like Nigeria is much more complicated, because it depends on whether those people have the capacity to also persecute people in other parts of the country. That is the real question. In some cases the answer would be 'yes'; in other cases it will be 'no'. It is one of the most complicated questions when it comes to refugee status determination.

**[Question] Are there updated figures on the international protection of Nigerians coming from Biafra (refugees, subsidiary refugees or humanitarian protection)?**

[Jaquemet] I think, specifically, no.

## EASO COI Report – Nigeria Country Focus

During the conference on Nigeria, the [EASO COI Report - Nigeria Country Focus](#) was released. The report was written in the framework of the EASO Operating Plan to Italy. Two COI specialists from Landinfo - Norway and the Immigration and Naturalisation Service - The Netherlands, were deployed to an EASO Asylum Support Team, to assist the Italian COI unit in drafting a report on selected topics in Nigeria. The report was written in accordance with the EASO COI Report Methodology. It was reviewed by COI experts from Denmark, Portugal, the Republic of Slovenia and Switzerland in order to ensure the highest quality.

### Key topics

The first chapter of the report provides background information about the legal and administrative system, ethnic groups and political situation in Nigeria. This chapter also discusses the general human rights situation, covering issues related to Boko Haram, vigilantism, ethnic-religious violence, corruption, and abuse of power by security forces. The second chapter presents the security situation in the country's six regions and thematic security issues such as conflicts between 'indigenes' and 'settlers' and between nomads and farmers. The third chapter covers the judiciary, sources of Nigerian legislation and the functioning of law enforcement. Chapter 4 is devoted to gender-related issues, such as the widespread domestic violence of which mainly women are victims, Female Genital Mutilation/Cutting (FGM/C) the prevalence of which is steadily decreasing, and child and forced marriages largely occurring in northern Nigeria. Trafficking of Human Beings (THB) is discussed only briefly as this topic is covered comprehensively in EASO's *Sex Trafficking of Women* report – 2015 <sup>(2)</sup>. Chapter 5 is dedicated to the situation of lesbian, gay, bisexual and transsexual (LGBT) persons, and their treatment by society and authorities, and discusses the impact of the recent legislation prohibiting same-sex marriages. The sixth chapter gives an overview of the main religions in Nigeria, and highlights several types of violence and conflicts linked to religion. Finally, Chapter 7 focuses on human rights issues related to secret societies (such as the Ogboni), university cults (violence, recruitment and the possible consequences of refusing such a cult), the occurrence of ritual killings, and chieftaincy succession issues.

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<sup>(3)</sup> Available at: <https://www.easo.europa.eu/sites/default/files/public/BZ0415678ENN.pdf>

## Analysis of the Security Situation in Nigeria in view of Article 15(c) of the Qualification Directive<sup>3</sup>

**Luisa Inversini**, President of the Territorial Commission for International Protection – Milan

The topic of this presentation is the application of Article 15(c) of Directive 2013/32/UE on security situation in Nigeria. The analysis has been developed according to EASO methodology fully explained in the document: “*Article 15(c)-Qualification Directive (2011/95/EU). A judicial analysis*”.

When we assess eligibility for subsidiary protection under Article 15(c), the logical order of the questions that need to be examined is:

I. The situation of “armed conflict” in the applicant’s home area.

The nature of violence generated by the “armed conflict”. The violence is required to be indiscriminate, against civilians. It implies that the violence “may extend to people irrespective of their personal circumstances” (see *CJEU (Grand Chamber), judgment of 17 February 2009, Case C-465/07, Meki Elgafaji and Noor Elgafaji v Staatssecretaris van Justitie*).

II. The level of indiscriminate violence.

- The level can be so high that a civilian is at real risk of suffering serious harm merely by being present on the territory (The question of ‘general risk’).
- When the level of violence is lesser, the personal circumstances combined with the background of (the lesser level) of indiscriminate violence can nevertheless expose the applicant to a real risk of suffering serious harm. The more an applicant can show being specifically affected, the less the level of indiscriminate violence needs to be (The question of ‘specific risk’).

III. The effective protection provided by the state in accordance with Article 7 Directive (The protection question).

The CJEU gives a broad definition of “armed conflict”. It goes beyond the Protocols of the Geneva Convention because it is focused on the specific aim to grant effective protection to people, who are suffering from the consequences of an armed conflict. For the European Court, it’s not necessary for that conflict to be categorised as ‘armed conflict not of an international character’ under international humanitarian law. (cfr *CJEU judgment of 30 January 2014, case C-285/12, Aboubacar Diakité v Commissaire général aux réfugiés et aux apatrides*).

CJEU states (paragraph 35) that ‘[...] an internal armed conflict exists, [...] if a State’s armed forces confront one or more armed groups or if two or more armed groups confront each other. [...] It’s not necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict.’

The Nigerian Armed Forces are the fourth largest force in Africa and are supported by 82,000 Paramilitary Forces. The Army has about 180,000 members. Lots of operations are taking

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(<sup>3</sup>) This chapter reflects the speaker’s personal analysis and should not be interpreted as a formal EASO position or guidance.

place, including Lafiyla Dole in the North-Eastern part of the country, and Niger Safe in the South.

The Multinational Joint Task Force was reorganized after the massacre of Baga in 2015 when the Nigerian forces were accused of fleeing away during the attack of Boko Haram. A regional conference took place and the composition of the task force has then taken the present configuration.

The analysis of the other armed groups present in Nigeria is very articulate. Ethnic, religious and economic reasons are strictly linked and that is the reason why it is very hard to give a complete framework of the areas of conflict.

It is well known how aggressive Boko Haram is towards civilians and we know where the group is located. I wanted to rapidly show you the other critical areas looking at the map.

There are fights between Shia movements and the Nigerian Police in Kaduna, Kano, Sokoto state and in the Central part of the country. 300 people died in 2015 and the tension in the area is increasing. Land disputes, ethnic differences, settler-indigene tensions and religious affiliation cause frequent clashes between nomadic herdsman (identified also as “Fulani”) and farmers in the Southern and Central part of the country. Criminal groups are very active in the Niger Delta and in the Southeast. In the South, there are clashes between Nigerian Force and militants for a separate state of Biafra and the Niger Delta Avengers. In the waters off the coast of Nigeria many pirate attacks are carried out.

In the document *“International protection considerations with regard to people fleeing North-Eastern Nigeria (the states of Borno, Yobe and Adamawa) and surrounding region update III”* October 2016, the UNHCR calls upon States to suspend forcible returns of residents to this part of Nigeria.

The figures of the ongoing conflict presented by the UNCHR are impressive: at least 8,200 civilians died in 2014 and 2015; more than 2,000 women and girls are believed to have been abducted since 2009; there are up to 20,000 unaccompanied and separated children; between 2009 and 2015, 910 schools were reportedly destroyed and another 1,500 schools were forced to close; by early 2016 there were more than 950,000 children with little or no access to education; more than 600 teachers were murdered between 2009 and October 2015 while another 19,000 teachers are reported to have fled; an estimated 7 million persons are in need of humanitarian assistance; 350,000 children are reportedly suffering from severe malnutrition; a total of 1,878,205 IDPs have been displaced; refugees in Niger were reported to be 82,524, 65,618 in Cameroon and 7,337 in Chad. Other valid sources confirm the UNHCR data.

In the “Displacement Tracking Matrix” IOM illustrates the situation of internally displaced people in North-Eastern: 1,765,663 displaced by insurgency; 65,303 by communal clashes; 1,777 by natural disaster.

In the “Humanitarian Response Plan 2017” OCHA estimates at about 6,900,000 the number of people targeted for humanitarian assistance in these regions, highlighting the areas inaccessible due to security reasons.

Can we consider that this extremely situation meets the threshold of the “general risk”, where a civilian is at risk of suffering serious harm merely by being present on the territory?

Actually, there are no legal criteria to calculate the level of indiscriminate violence, even if in the *Sufi and Elmi judgment* the European Court for Human Rights has fixed some indicators generally followed by the judiciary: the parties to the conflict and their relative military strengths; methods and tactics of warfare applied (risk of civilian casualties); type of weapons used; the geographical scope of the fighting (localised or widespread); the number of civilians

killed, injured and displaced as a result of the fighting; socio-economic conditions; cumulative effects of long lasting armed conflicts (*see ECtHR judgment of 28 June 2011, Sufi and Elmi v the United Kingdom, applications no 8319/07 and 11449/07*).

These indicators, not exhaustive, are very similar to the indicators identified by the UNHCR.

Let us analyse the situation in the remaining states of Nigeria to evaluate the level and the nature of violence in 2016, comparing different sources.

In the document “*Update on incidents according to the Armed Conflict Location & Event Data Project (ACLED)-covering 2016*”, the Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) reports that 4,731 people died.

5,763 fatalities have been estimated by the Council for Foreign Relations (CFR), an independent organisation from USA, that issues the “*Nigeria Security Tracker*”, an effort to map political violence based on a weekly survey of Nigerian and international press edit.

The SB Morgen (SBM), an Africa-focused market intelligence and communications consulting firm, calculates that 3,232 victims died.

Nigerian Watch Project (NWP) is an independent source, who publishes an Annual Report on Security 2016 written by the University of Ibadan, with support of the Nigeria Stability and Reconciliation Programme (NSRP) and the French Institute for Research in Africa (IFRA-Nigeria).

This source uses an extensive approach to security data. According to the NWP, the official crime statistics are deficient and only 20% of crime victims report their case to the security forces. There would be many reasons for this. First, security officers won't pay attention to collecting data. Moreover, they would attempt to hide the bodies of victims when state forces are responsible for massacres, for example in the North-Eastern part of the country. Corruption also could explain why people do not report crimes to the police.

However, all the sources quoted agree that in Nigeria the overall rate of violence is decreasing in 2016 and crime has become the first cause of death in Nigeria. The Nigerian government has put many efforts in fighting Boko Haram and these efforts have led to a deep level of instability in the other areas of the country. Boko Haram is no more the main cause of violence and fatalities of civilians in Nigeria.

The SBM provide interesting data. Issues related to cattle rustling and the so-called Fulani herdsmen have a higher impact on violence than Boko Haram. There is no link between cattle rustling and Fulani herdsmen because the herdsmen attacks seem to be a totally independent phenomenon. In 2016 Fulani herdsmen represent 29 % of the overall attacks with 44 % of the overall victims. They are very effective!

The data must be interpreted of course, but the Nigeria security situation requires us to focus a bit less on religious and political violence and instead more on the common violence, its actors and its consequences on civilians.

First, the Diakité judgement, I mentioned earlier, seems to exclude the “internal armed conflict”, when a single group –like a cult or a gang – fights against the population in general, but we can overcome this remark following the ongoing jurisprudence.

Then, being a civilian is a necessary pre-requisite to benefit from protection under Article 15(c) because the violence must be “indiscriminate”. The question of the legal definition of “civilian” is still open, but generally “civilian” is considered a person not member of an insurgent group or of a State's armed force.

New doubts arise when we apply this definition to the widespread violence categorised as piracy, robbery, kidnappings, herdsmen attacks and cattle rustling. A person can be a “civilian”

and “not a civilian” at the same moment because the harm can come from different groups, not necessarily so organized or identifiable during an ongoing conflict. For example, think about a member of a cult robbed by a group with whom his cult isn’t fighting.

Moreover, the traditional examples of acts of indiscriminate violence (massive targeted bombings, aerial bombardments, guerrilla attacks...) don’t fit completely in this security situation. Are we sure that crime represents always a form of indiscriminate violence or in many case the violence is sectarian and only a particular social group is at risk of a serious harm?

In 2016 the UNHCR has published the “Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from El Salvador”. These guidelines represent a very interesting benchmark, because they have been issued following the massive exodus of Salvadorians due to the increasing power and violence of organized criminal groups. El Salvador has a rate of approximately 103 homicides per 100,000 inhabitants in 2015, but the UNHCR considers that most - if not all violence - in Salvadorian society is discriminate, targeting specific individuals or groups of individuals for specific reasons.

In this situation, I would remember that it is important to verify always whether the applicant comes within the scope of the exclusion clauses (Articles 12 and 17 of the Qualification Directive), for example in the case of an asylum seeker who states that he is part of a criminal gang and we think that he is telling the truth.

The localisation is another relevant indicator of the level of violence because the security situation is different from state to state. Actually, the assessment of the CFR and the Accord are quite similar, except for the states of Sokoto, Zamfara and Bauchi.

These sources have a traditional approach in collecting data. Their list includes fatalities caused by economic, social and political grievances, but not data related to the activity of criminal gangs.

Classifying deaths can be challenging in many cases, but if we look at the data provided by the Nigeria Watch Project we can notice that the rate of fatalities in Borno state, where the violence is essentially political and religious, is quite similar to the rate elaborated from the CFR data. Instead in the states affected by violence more strictly related to crime, the differences are higher (e.g. in Edo state 0.2 deaths per 100,000 inhabitants for the CFR; more than 4 deaths for the NWP).

Basing on data provided by CFR, the [overall Nigeria] rate is about 3.02 deaths per 100,000 inhabitants, in Adamawa it is 6.16, in Borno 55.36, in Benue 13.11, in Ogun 4.83.

Just to give an idea of the level of violence, in Italy the rate is 0.80 deaths per 100,000 inhabitants in 2016. Only in Benue state 553 killings have been reported in 2016, while in Italy there have been 268 killings, but Italy counts 57 million of inhabitants.

The analysis of the casualties related to common crime in 2016 shows as Rivers State, but also Lagos state, that has a very low population, have registered a quite high rate of killings.

I would compare the rate of violence in the Nigerian states to some other countries, that are considered “at general risk”. I am not going through all the figures, but I want to emphasise that, for example in the debate on Afghanistan, the threshold of 20-30 deaths per 100,000 inhabitants hasn’t been considered sufficient by [Italian] judiciary to state that indiscriminate violence takes place in the country. As I mentioned before, El Salvador has a rate of approximately 103 homicides per 100,000 inhabitants.

From this quick overview we can conclude that, except that for the North-Eastern Nigeria, no other state goes beyond the threshold of the “general risk”. Instead there are some states where the level of violence must be taken in account with other qualitative and quantitative

elements to assess eligibility for subsidiary protection under Article 15(c), at the first place the status of “civilian” of the applicant.

In these states, are there specific factors of risk that, combined with the background of the lesser level of indiscriminate violence, can expose a civilian to a real risk of suffering serious harm?

First, I just want to clarify that for members of a particular social group (especially ethnic or religious) subsidiary protection should only be considered if the person is not eligible for refugee status.

Within the traditional «risk-enhancing» categories (age, gender, profession...), there are new risk profiles we should focus on, such as people particularly wealthy (or their security guards) and consequently more exposed to crime acts. Then in some areas we must consider herdsmen, which seem to be a quite unusual category, or university students because of cultist threat or sailors because of piracy. People who work or live close to oil installations must be included too if we are assessing an applicant from the Niger Delta.

Coming back to the Elgafaji judgement. In Italy, many judgements recognize subsidiary protection under Article 15(c) to all applicants coming from Nigeria, without any distinction between North and South of the country, between Boko Haram and cults, basing only on the general security situation and the level of violence. I don't agree.

There is an ongoing debate on the threshold of risk above which subsidiary protection should be automatically granted. In my opinion, we should start to discuss also about the minimum level of indiscriminate violence, because art. 15 (c) can't be applied under a certain threshold. In fact, the system itself is perfect.

When the rate of violence is low – like in most of the Nigerian states - for a civilian there is no real risk of serious harm. Consequently, the factors of personal exposure to risk, that the asylum seeker has to prove, are so high, that he will be eligible for refugee status or for subsidiary protection under letter (a) or (b), without any consideration about the general situation of indiscriminate violence in the country of origin.

## Armed groups and security situation on the Niger Delta

**Megan Turnbull**, Visiting Assistant Professor, PhD, Department of Political Science, Skidmore College

I am going to talk about two regions – the **Niger Delta** and **south eastern Nigeria**. For both of these regions, I will give some background on security/agitation and the history of these regions. As regards the Niger Delta, I will talk about different armed groups, specifically different types of groups, such as cult groups as well as larger, more organised, militant groups which have articulated a political agenda, and the government response to those groups, not only from the federal government, but the state and local governments as well.

As regards south eastern Nigeria, I will talk about vigilantism, and the pro-Biafra groups, especially one that has emerged most recently, and how the federal government has been responding to these groups. I will conclude by talking a little bit about the different forms of state and non-state protection available in Nigeria.

Starting with the **Niger Delta**. In the Niger Delta, Nigeria has 37 billion proven oil reserves, and it is about 70 000 km<sup>2</sup>, so it makes up a relatively small portion of the country geographically. However, as I am sure many of you know, you cannot understand Nigerian politics without understanding oil, and how oil, especially oil money, has sustained military and civilian regimes alike throughout Nigeria's post-colonial history, but it has also contributed to corruption and lack of transparency since 1960.

I think a lot of us have been reading in the news about the most recent group, the Niger Delta Avengers, but there is a long history of agitation related to devolving control over the nation's oil down to the local level. Currently the Federal Government controls the oil industry and depends upon oil for about 75 % or more of government revenues. What happens in the Niger Delta is going to be of key concern to the Federal Government. Before 2016, as far back as the 1960s, there was a 12-day uprising by Isaac Boro. The reason it is called the 12-day uprising is because it was quickly crushed by the Nigerian Federal Government shortly before the outbreak of the Biafran War or the Nigerian Civil War in 1966. Following several military regimes, there was the emergence of the Movement for the Survival of the Ogoni people (MOSOP), led by Ken Saro-Wiwa. This was a largely peaceful movement, and especially in the 1990s there were several peaceful protests and marches organised by MOSOP and other civil rights groups in the Niger Delta, which have articulated a demand for resource control, self-determination and political autonomy in the region.

The military regime has violently repressed many of these peaceful social movements. In the 1990s, president Sani Abacha infamously executed Ken Saro-Wiwa by military tribunal, along with other activists as well, and Nigeria became a pariah state in the international community. Following the transition to democracy in 1999, around the time of transitional elections, December 1998 marks the Kaiama Declaration and the founding of the Ijaw Youth Council, which is yet another organised pressure group which has articulated a similar demand for resource control and political autonomy.

This group started out as largely peaceful, but under the new civilian administration in the 1990s and early 2000s, there were heavy military repressions and even massacres of local communities that were peacefully advocating for resource control, addressing pollution and environmental degradation in the region, as well as demanding better socio-economic development outcomes, such as clean water, employment opportunities and access to healthcare and better infrastructure. Stepping back a little bit, as was pointed out earlier

today, the Niger Delta is a region that is qualified not only by high rates of poverty, but also by incredible inequality, which helps to contribute to the agitation. There are politicians and employees of oil companies who enjoy nice cars, and expensive homes, and can clearly afford to have a very comfortable lifestyle, whereas many people living in the Niger Delta, especially fishing and farming communities, who have had their livelihoods severely hurt by oil spills and environmental exploitation of oil, are not doing all that well, to put it lightly. So this has been one of the drivers of a lot of peaceful as well as violent movements for resource control in the Niger Delta.

One of the lessons that many activists and militants later learned from the heavy military repression of these peaceful protests and marches in the 1990s and the early 2000s was that peaceful protest was not working. If you were to talk to militants and people living in the Niger Delta, I think this is a lesson that they have taken to heart, as has also been articulated by people such as Asari Dokubo, who was formerly the leader of a militant group which emerged before MEND (the Movement for the Emancipation of the Niger Delta) in 2006. He was very clear that the Nigerian Federal Government only responds to force, to violence, and that the way to extract concessions from the Nigerian Federal Government was to hurt the oil infrastructure in the region: blowing up pipelines and severely lowering the daily production of oil. This was the only way that the Federal Government was going to start to pay attention and to respond to some of the demands of these militant groups.

In the early 2000s there was a shift away from more peaceful protests to far more violence. There was the emergence of large organised groups, starting with the Niger Delta People's Volunteer Force. Asari Dokubo was imprisoned on treason charges in 2005. This was followed by the emergence of another group, which went on to make greater international headlines – the Movement for the Emancipation of the Niger Delta, which comes on the scene in early 2006, in January, by kidnapping foreign oil workers.

I will talk a bit more about the government's response later on, but following a 2009 Amnesty program, things have been relatively quiet in the Niger Delta until 2016. With the rolling back of the amnesty program, as was planned in the December 2015, cuts have been made in the stipends that were supposed to be paid to militants or ex-militants. Security contracts former militant leaders once enjoyed were cancelled by the Buhari Administration. The most recent group is now the Niger Delta Avengers, but we also see other groups, such as the Red Scorpions.

Let me talk a little bit more about armed groups in the Niger Delta. We can think of two categories of these armed groups. One is smaller cult groups, especially in the 2000s. There were groups like the Bush Boys, Deebam, Deewell, as well as The Outlaws. These groups are slightly different from larger groups such as the Niger Delta People's Volunteer Force, the Movement for the Emancipation of the Niger Delta (MEND), and more recently the Niger Delta Avengers, to the extent that they do not articulate a clear political agenda. Instead, they are heavily involved in fighting for territorial control amongst each other over access to oil pipelines, engaging in oil bunkering or tapping into oil pipelines, siphoning off the oil to sell it and profit from it, being armed thugs hired by local politicians, and engaging in political violence and electoral violence as well. There is therefore a combination of criminal and political violence that the smaller cult groups are engaged in. These groups have also, at different points in time, enjoyed alliances but have also come into conflict with the larger groups, such as MEND and the Niger Delta People's Volunteer Force, particularly in the 2000s.

One thing that I'd want to emphasise here is that membership is incredibly fluid among these groups and there is a lot of shifting alliances in fighting not only between these groups, but also with local politicians. In Rivers state, there is a lot of evidence that Former Governor Peter Odili once backed Dokubo and the Niger Delta People's Volunteer Force to pursue his own

political aims, and specifically to rig the 2003 elections in his favour. After the 2003 elections, there was a falling-out between Dokubo and Odili, Dokubo publicly stating that the agreement that he had with the Governor at the time was that Obasanjo would not win the region during the presidential election, but he did. So Odili then leveraged his relationship with Ateke Tom and the Niger Delta Vigilantes, yet another organised group in the Niger Delta that was active at the time, to go after the Niger Delta People's Volunteer Force and Asari Dokubo. The landscape of armed groups especially in the 2000s has been incredibly complex. It is a very complicated story. I feel like the word 'complicated' is used a lot to talk about Nigeria, but it certainly applies to the Niger Delta especially at this time.

Under the Obasanjo Administration, there were efforts made to not only crush these groups, but also to have a ceasefire. There was a failed amnesty program that never really went anywhere. Eventually Asari Dokubo was imprisoned on treason charges in 2005. Then we see the emergence of the Movement for the Emancipation of the Niger Delta (MEND), which many would suggest to be something of an umbrella group, so many of the followers in the Niger Delta People's Volunteer Force under Dokubo went to join MEND as well as many other groups. This was a far more secretive group. Asari Dokubo was a much more charismatic leader. He was very savvy when it came to using the media to create a certain image of something of a folk hero and to articulate his political demands. MEND was a bit different from that. Similarly to other groups, such as the Niger Delta People's Volunteer Force, MEND has demanded resource control and political autonomy for the Niger Delta.

To be clear, the larger groups such as the Niger Delta People's Volunteer Force, the Niger Delta Vigilantes, and MEND, have all also been engaged in criminal as well as political violence, similar to smaller, so-called 'cult groups.' The difference between these larger, organized groups and the cult groups is that the former rallies support around demands for regional autonomy and resource control.

In 2016 we see the emergence of yet another group. I think what we know about this group so far is pretty limited, but we know it seems to be pretty small in number, and it is not clear that it is necessarily only composed of former militants, though some have suggested that it has links with one of the former leaders of MEND, Tompolo [real name Government Ekpemupolo], especially because shortly before one of its first attacks, the Buhari Administration filed charges against Tompolo for money laundering and theft of about 171 million dollars. Tompolo has denied any links with the Niger Delta Avengers and so have the Niger Delta Avengers. If you go on their website they seem to distance themselves from the former old insurgency which is pre-2009, saying that they are going to focus on blowing up the oil infrastructure, and do not plan on kidnapping any oil workers as did occur before the amnesty program in 2009.

It was also interesting that they do seem to display a fairly high level of technical sophistication in their attacks. For example, they managed to blow up a subsea oil export pipeline that belonged to Shell. To detonate a bomb below sea level requires some technical sophistication as well as some diving capabilities potentially. So this group so far seems to be small but fairly sophisticated. I think most people would suggest that there are many new militants who have looked at the payoffs that many former militants, especially militant leaders, have got funding from the amnesty program in 2009 and have learned that this is a way to enrich and provide for themselves.

Government response: The local and state governments, especially after the transitional elections in 1999, have leveraged different armed groups for political ends, especially cult groups, smaller groups that do not necessarily articulate clear political goals such as resource control. This has contributed to a lot of electoral violence and criminal violence. We have the

intersection of those two types of violence, especially around the 2003 elections but afterwards as well.

As for the Federal Government, especially in the 1990s but even under the Obasanjo Administration, and even more recently with the Buhari Administration, the initial response to the Niger Delta Avengers in 2016 was one of repression: 'We are going to crush these militants and wipe them out', especially as they hurt the daily oil production of the Nigerian Government. In 2009, shortly before the Amnesty program, oil production per day was down to 700,000 barrels, which was incredibly low. It rose back up to 2.2 million barrels a day, but now following the Niger Delta Avengers attacks on the oil infrastructure in the region, I believe it is now down to 1.5 million barrels a day, which has prompted Buhari to shift to a more conciliatory approach.

The Obasanjo Administration, following the Administration of Yar'Adua before he died in office, has responded to a more carrot-and-stick approach, especially with these large militant groups, once it realised it was being hurt by the attacks in the oil pipelines, given the geographic terrain of the region as well as the severe damage that it was doing to Nigeria's economy and the oil revenue on which the Federal Government very much depends, not only to sustain government operations, but to maintain the patron-client networks and patronage that has provided for a degree of political stability in Nigeria.

In 2009, there was a massive federal Amnesty program, which does one thing but does not do another: The one thing it does do is that it does provide a degree of stability, largely by paying off a lot of militants, and especially militant leaders. Many former militants received a monthly stipend of about 400 dollars or 60,000 naira a month and militant leaders such as Tumpolo enjoyed security contracts with the Federal Government, which were incredibly lucrative. That was one thing that the Amnesty program did to help put a lid on the violence in the Niger Delta. The one thing it did not do was address the underlying conditions which gave rise to the insurgency and the militancy to begin with. That is a context of high rates of inequality; lack of jobs and employment opportunities particularly for young unemployed men (not to sound like a cliché, but that is an indicator of insurgency); poor development outcomes like lack of access to clean water, health care, and poor infrastructure. I think that in the Niger Delta there is a general sense of sympathy for the goals that these groups are articulating. This is not to say that if control over oil was devolved down to local level and there is political autonomy, we would suddenly see better development outcomes in the region, because I do not think that would address the underlying condition of corruption. Also, leaders of militant groups which had articulated a clear commitment to resource control and political autonomy, along with a hatred of the federal government, were easily 'won over' by the federal government with the lucrative stipends and contracts they received as a result of the 2009 amnesty program.

Following the Amnesty program which is scheduled to end in December 2015, former President Jonathan was pretty clear that it would end in December 2015, and Buhari started to roll back the amnesty program with budget cuts once he was elected. Then we see the rise of the Niger Delta Avengers. Unsurprisingly, we see a similar pattern where Buhari's Administration is now shifting to a more conciliatory approach. The Vice President has recently visited the region. Paul Boroh, who is Special Advisor to the President on Niger Delta Affairs, has recently stated that it is important for the Federal Government to empower and educate and employ the youth in the region.

This differs from Buhari's initial reaction that he was going to crush the militants. This is a similar pattern that we saw before the 2009 Amnesty program, when the Federal Government tried to crack down on and wipe out these militants but upon realising this was not as effective

or was rather ineffective, shifted to a policy or a strategy of paying off a lot of militants as a way to improve oil production.

**South East Nigeria.** A very brief background on the region, which is different from the Niger Delta. That is why I wanted to talk about these two regions separately. I also think the Government's responses have been different there too.

The Nigerian Civil War, or the Biafran War, was incredibly devastating for the region. One to two million are estimated dead, largely because of famine. At the end of the Civil War, the Federal Government had this policy of 'no victor, no vanquished' and declared that it was going to follow a strategy of reconciliation and rehabilitation and reconstruction in the region. However, those words were not necessarily put into action, and this is a message that continues to be articulated in south eastern Nigeria: that the region has suffered, that it has been punished by the Nigerian Federal Government ever since the end of the war, and that it is very much marginalised compared to other regions of Nigeria.

Following the 1999 democratic transition, the overall context in south-eastern Nigeria but also elsewhere is that of very high rates of insecurity. There were high rates of armed robbery, especially in local markets, traders complaining of extortion and protection rackets, an ineffective and very much corrupt police force who were not willing or able to provide protection to civilians and traders, and general insecurity. This is the context in which one of the most famous vigilante groups emerged in Nigeria, the Bakassi Boys.

Following 1999 transition, there is very limited agitation for independence in the southeast, but there is some coming from the Movement for the Actualization of the Sovereign State of Biafra, the MASSOB. Now we are seeing more, larger protests and demands for an independent Biafra from Indigenous People of Biafra (IPOB), a recent group to have emerged. There is evidence to suggest there is growing popular support, but I think that the MASSOB had more limited influence, especially among the Igbo elite in the region, as well as among local communities. There seem to be larger numbers of young men particularly who are supporting and coming out to march more or less peacefully in rallies organised by the Indigenous People of Biafra. I see vigilantism in south-eastern Nigeria as more or less distinct from the pro-Biafra movement, and I want to emphasise that vigilantism is not a phenomenon that is unique to south-eastern Nigeria or even Nigeria for that matter. Therefore, I am going to talk about those two things separately.

The Bakassi Boys, one of the largest vigilante groups to emerge in south-eastern Nigeria, was founded by local traders in the city of Abia in Abia state in 1998. For a long time, for several years, it was perceived as being widely effective and enjoying a fair amount of popular support. But after a few years, several governors in the region, most notably in Anambra and Abia state co-opt the group and provide it with weapons, funding and other kinds of material resources, and the group transformed from what was once a vigilante group that was perceived to be very effective at reducing crime rates and violence in the region into political thugs of local governors, who even have them carrying out assassinations of the governors' political opponents and even detaining and torturing others.

In late 2002 the Federal Government moved in and wiped out the Bakassi Boys and they were quickly disbanded. Since the Bakassi Boys, we have not seen a large group like this in south-eastern Nigeria. If you travel in the region today I think you will find smaller, localised groups who will wear a t-shirt saying something like 'The Scorpions' across their chest who seem to be hired by private citizens for security purposes. This is not to say that something like the Bakassi Boys may not emerge again in south-eastern Nigeria, but today there certainly are several smaller, street level groups that are operating throughout the region.

I also want to be clear that vigilantism is not just found in south-eastern Nigeria. To give a few examples, the O'odua People's Congress (OPC) was founded in 1994. Its overarching goal was to advocate for what it believes to be the political and cultural interest of the Yoruba, and it was very much formed in reaction to the 1993 annulled elections. Following the transition in 1999, the groups started to take on vigilante activism and even arbitration services in certain communities, notably in Lagos. It still maintains this overarching goal of being a group that advocates for and protects what it believes to be Yoruba interests in south western Nigeria, but it is clearly incorporating more activities into its repertoire as well.

In the Middle Belt, especially in Plateau state, you will see vigilantism largely in reaction to religious violence. As was pointed out earlier today, this religious violence may look religious in character, but there are underlying political dynamics there. In Jos, for example, there is conflict between settlers and indigenes over the control of local government areas, especially in the north Jos and in Plateau state. In rural Plateau state there are conflicts between herders, nomadic herders and settlers/farming communities. Therefore, this is helping to drive communities organising vigilante groups in reaction to this violence, at least that has been my experience having worked in Jos for a little bit.

Finally, as was also mentioned earlier today, in north eastern Nigeria you have the Civilian Joint Task Force which emerged in 2003 and is a reaction not just to the violence that was carried out by Boko Haram, but also to the indiscriminate military repression which is carried out by the federal military against communities that the military believe to be sympathetic to or in some ways supportive of Boko Haram. So, largely, you see different forms and organisational types of vigilante groups across Nigeria in response to different forms of insecurity, whether it be Boko Haram, indiscriminate repression from the military, high rates of armed robbery in south eastern Nigeria, or crime in south western Nigeria, or what on the surface appears to be religious violence in the Middle Belt. The larger context is a Nigerian police force, which is unable to really provide protection and security to civilians along with a very repressive and heavy-handed military as well.

The states highlighted in yellow [Enugu, Eboni, Abia, Imo, Anambra] are considered the core states of what constitutes an independent Biafra, although I think that those who are supportive of this cause, though not all, would suggest that some of the Niger Delta state should be included in the future independent Biafra, not only because there are significant Ibo communities living in the Niger Delta, but because it would strategically provide them oil and access to the sea.

I will talk about two groups. The first one, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), was founded in 1999 by a lawyer, Ralph Uwazuruike, who was imprisoned on treason charges from 2005 to 2007. Let me go through a few of the characteristics of this group: It has largely espoused the commitment to non-violence, and while there may have been pockets of violence in some marches or rallies organised by the MASSOB in the early 2000s, I would say it has been a largely non-violent movement. It has started to establish a shadow government, so if you speak to some MASSOB leaders they are very insistent that they are building a government that is going to administer south eastern Nigeria or an independent Biafra one day. However, I do not think that any of these structures are actually in place, and the MASSOB has actually been pretty unsuccessful at building any kind of institutions that are capable of governing or administering south eastern Nigeria. I think to any extent it has been symbolic, such as when they were selling license plates or Biafran passports, but nothing where they are providing sanitation services, healthcare, building schools and roads. It has had limited and even decreasing influence over the years, and for the most part it has been largely rejected by Ibo governors and the Ibo elite in south eastern Nigeria.

One of the reasons for this is not only a memory among a certain generation, an older generation in south eastern Nigeria that remembers the horrors and the tragedy of the Biafran war, the Nigerian Civil War, but also that many of these governors are well incorporated into the patronage of the People's Democratic Party, or the PDP government, in the years when MASSOB has been operating. So would it make sense for local governors to seek to build an independent Biafra when they are already depending on and benefitting from the PDP ruling party in Abuja?

Recently it has been plagued by factional fighting, where we have had split-off movements or splinter movements such as the Biafran Zionist Movement. However, these have not been particularly successful or influential in building any kind of mass popular support, let alone a shadow government that is capable of governing a population.

More recently, we have seen the emergence of the Indigenous People of Biafra. This was founded in 2014 by Nnamdi Kanu. He was arrested in October 2015 on treason charges and was released recently in April 2017. The conditions of his bail included that he could not speak in public and could not organise mass rallies, but of late the Federal Government has been commenting that he has been violating his bail conditions by appearing in public and is now seeking to imprison him again.

In 2009 in London, Kanu founded Radio Biafra, which has been his mouthpiece for his message that we should have an independent Biafra, and trying to rally popular support for this cause. I would say that the rhetoric has been violent. At different points in time, the leaders said that they needed guns and bullets, and that they would have to build by force an independent Biafra because the Federal Government was not going to respond to any kind of peaceful protest. However, the protests and the marches that have been organised by the group have been overwhelmingly non-violent. Amnesty International and other civil society organisations in Nigeria have done a good job of documenting that while there may be pockets of violence at these protests (there may be people burning tyres or throwing rocks and stones at security agencies), it has been overwhelmingly peaceful despite the violent rhetoric. This is perhaps because its leader has been imprisoned on treason charges and even held despite court orders by Nigerian judges saying that he needs to be released. The federal government refused to release him anyway, until he was finally released in April 2017. What may have contributed to the popularity of the group may have been this unjust treatment, the fact that there continues to be high unemployment and limited opportunities for many young people in south eastern Nigeria, as well as the growing distance from the Civil War.

International Crisis Group has estimated that some rallies have been as large as 10,000 people, which is quite significant. There was a survey conducted by SPM Intelligence in May 2017 that suggested significant support for the group. I would take this with as big a grain of salt as you need to, because I am not sure about their sampling method or how representative the sample is. However, there was an online survey that received 489 responses from people who considered themselves indigenous to the region, and about 72 % either thought that the leader of the group was fighting for justice or was a saviour of the Ibo people or a saviour of southern Nigeria. That, along with other pieces of evidence, suggests that this is a group that is enjoying some significant and growing popular support, especially if you look at images of the rise [of popularity] among young men in particular, but also among women.

The other thing I would add is that it is important to understand this in reaction to the 2015 elections. If you travel through the South East, you will see that it was very much a PDP stronghold and did not give a lot of support to Buhari, along with the Niger Delta region. Prior to that, there was already an anti-Buhari sentiment in the region, and Buhari did not make things any better with his 97 %/5 % comment: He was giving a talk at the United States Institute for Peace in Washington D.C. and an audience member asked him, 'How will you

treat or deal with the problems in southern Nigeria?’ and his response was, ‘I cannot be expected to treat the constituencies that gave me 97 % of the vote the same as I would treat constituencies that only gave me 5 % of the vote’. This got a lot of airtime in southern Nigeria in particular, and understandably, this did not do anything to increase the minimum amount of support he had. In south-eastern Nigeria, and in southern Nigeria more broadly, there is also a sense, now that we have this northern president who has made statements that he does not care about that region, we need to drive agitation and to try to pressure the government in the sense of, ‘I want to extract some kind of concessions the way we have seen in the Niger Delta in the form of an Amnesty program’. This is not to doubt the commitment of people who are very much interested in an independent Biafra. The government’s response in the South East has been different than in the Niger Delta. I think that has a lot to do with oil, and with the history of the Civil War. So those two factors are important for understanding the differences in the Federal Government’s response.

The Federal Government responded with heavy military repression of both the MASSOB and the Indigenous People of Biafra. Both leaders of those groups have been arrested and imprisoned on treason charges, and even after judges ordered the release of Kanu, the Federal Government declined to release him until recently. There have been arrests and detentions of those suspected to be members of those groups. In 2003, there was a particularly brutal crackdown on members of the MASSOB, and this has continued. As was already mentioned earlier today, Amnesty International has recently documented that at least 150 peaceful protesters have been extrajudicially executed by the police while they were exercising their civil and political rights.

In the Niger Delta, in comparison, in the past there has been military repression of peaceful protests and of the local communities, because larger organised militant groups were able to put pressure on the oil economy in Nigeria and hurt the Federal Government’s oil revenues. We’ve seen a shift in previous administrations, and I think we are seeing it now, to a more conciliatory approach. Buhari has even started to up the budget again of the Amnesty Program after previously rolling it back.

I conclude by talking a little bit about state and non-state protection. In terms of state protection, for me at least it is difficult to not really view it as just state repression. I think the military has committed human right abuses against people who were exercising their civil and political rights through peaceful protests in the Niger Delta, and most recently in south eastern Nigeria. These reports by local and international civil society organizations have been submitted to the Buhari Administration and certain agencies have responded, but they have not addressed any of the questions raised in these letters submitted by civil society organisations, and the Buhari Administration has yet to investigate these military abuses and human rights violations.

To that extent, the military has been able to act with impunity, particularly in south-eastern Nigeria. I think one way of understanding this, especially in the South East, is that the Federal Government is reacting to messages and rhetoric. It sees the very message of an independent Biafra as a threat to the integrity of the Nigerian state. I think it is important to understand the history of the Civil War, for that might be the case why it sees these messages as frightening. It is less concerned with protecting the human and political rights of Nigerians who are peacefully assembling to pursue a particular goal, no matter how much the Federal Government disagrees with this. I think you will see many civil society organisations pointing out that these civil rights need to be protected, and the Federal Government is responding that the message itself is a threat and needs to be crushed immediately.

Speaking of Nigerian and international NGOs - I think others can speak better about this than I could – they continue to document very carefully human rights abuses and violations, and

pursue legal redress, but I think with the limited cooperation of the Nigerian government, it is not entirely or particularly effective. I think the arrest of the leader of the Indigenous People of Biafra is a good example of this, where even when you have judges saying that the Nigerian government must release him, they keep balking on that, and they do not want to do that for a while. So there is some progress and there is an active legal community in Nigeria and civil society organisations, but this is happening within the context of several administrations that have been quick to rely on the military to try to impose law and order, when it is really the police that should be imposing law and order and not so much the military.

## Discussion

**[Question] Is the the independence movement of Biafra now declining, or do you expect any resurgence and possibly any Biafran conflict in that area that might lead to more refugees in the future?**

[Turnbull] I do not think it is necessarily declining. If anything, during my own work in south-eastern Nigeria years ago, it was pretty clear to me and to a lot of people I spoke to, that as regards groups like the MASSOB, there was not really a lot of faith in their ability to actually govern or provide any basic services. While some people may have been nostalgic or respected the message of the group or the dream of an independent Biafra, I think that many living in the South East thought it was unrealistic. However, I think that that is now shifting with the Indigenous People of Biafra especially. Earlier today Stella [Odiase] and I were just talking about this generational divide between older people who remember the horrors of the Nigerian Civil War compared to young people today, man and women alike, who are in their teens or their early 20s who do not have any recollection of this, but what they are experiencing are high rates of unemployment, job opportunities and poor public goods provision, as well as this feeling that there is a president who has no interest and cares nothing about their region. I think this is actually helping to increase popular support among young people for an independent Biafra and south-eastern Nigeria. The government's response does not help at all: heavy repression of these groups where you have the military executing these people as they are peacefully protesting. There is video footage of this, and it is horrific. As for the increasing number of refugees, I would not be surprised at all if there are more people from south eastern Nigeria who are going to point to the heavy-handed repression of the Buhari Administration and say that they need protection of some kind. Even in the Amnesty International report and other civil society reports, there are many people who did not want to reveal their identity and said they were scared to even talk, because of fear from the Federal Government. So I think support for this cause is increasing, as is fear of the Federal Government, understandably so.

**[Question] Are there any oil fields in Biafra? I mean, is Biafra trying to get independence also because they might have the economic resources to rely on?**

[Turnbull] No. I think this is why a lot of people who support Biafra also want to include the Niger Delta or parts of the Niger Delta. Not only because there are Ibo communities living there, but for strategic reasons, because there are oil and natural resources that an independent south-eastern Nigeria theoretically could benefit from. If you want to look at the survey by SPM Intelligences, it is one of the questions that are asked. I would take that survey with a grain of salt and also look at other evidences and the messages that are put forth by leaders of this movement about what they think would constitute a future independent republic in the South East.

**[Question] What do you mean by 'vigilantism'? Because for Italians this sounds like 'ronde'.**

[Turnbull] When I think of vigilante groups, I just think of groups usually composed of young men that are organised to patrol neighbourhoods at night as a self-defence force and even to go after criminals. For example, the Bakassi Boys actually tracked down perceived criminals, detained them, held private trials and then held public execution of them. It had this display of carrying out what they took to be justice. Another fact I would add that contributes to some support for vigilantism is the slow court systems as well. Court cases can go on for years and people are waiting for justice. Sometimes it can be much faster to turn to a group like the OPC, for example, to resolve any kind of dispute, especially in south-western Nigeria. That is why I think of it as a crime-fighting force, but there are other versions of that, such as the Civilian Joint Task Force, which has responded to both Boko Haram, which I know you know about, and also the military repression as well.

**[Question] What is the difference between MASSOB and IPOB?**

[Turnbull] They are two different groups, with two different leaders. One emerged right after the transitional elections and has much clearer commitments to non-violence, rhetorically at least. In the Indigenous People of Biafra there is a much more violent rhetoric, but the actions have been largely peaceful. However, they pursue more or less the same goals. They both want an independent republic in south eastern Nigeria. There are different memberships and different leaders, and there are different levels of influence too. If anything, I think the MASSOB had limited influence to begin with, and it has only declined in the recent years because of factional infighting, whereas the Indigenous People of Biafra is really just starting to take off, that is, if the military does not manage to completely crush it before it manages to gain more momentum and more membership. So one, I think, is becoming more influential and the other is becoming less and less influential, and really did not have much momentum to begin with. But they have a similar agenda or similar messages despite the more violent rhetoric of the Indigenous People of Biafra.

[Makanjuola] Just to add to what you have presented, and I am sure Stella [Odiase] will touch more on this, it also happens that, apart from all of these different groups, one of the undertones that you see across all of these different groups is also about resource control and power. Even the leaders of the group themselves, when you look at them, they are more particular about the million dollar contracts they want to get from the government, so rather than the ideology or the change, it is the contracts they want to get. You would see this in MASSOB men, in OPC, and in all of them. They all had contracts from the Federal Government. So at the end of the day, even at that level, when you look at the issue, it is not about the change; it is about money and the power to be heard. Oftentimes, they get to the point where they become really good for election too. So if we do not pay good attention, starting from late this year to early next year, we will begin to see a new group image or the old group reinforcing the existent, because the government of those who want power would then want them for election. So there is going to be high risk of volatile groups in the South East, starting from later this year to early next year. It is important to recognise that all these groups have no particular interest in the community at heart. It is about the social and economic power that controls the system. It is about unemployment, and people capitalize on that, because when they get a million dollar contract, it is still all about them. Asari Dokubo is the free money giver in the South East. He gives money to anybody that likes or adores him or that listens to him. It is that kind of system that you see.

[Turnbull] I could not agree more with that and with what you just said. As you pointed out, around election time many of these groups, especially in the Niger Delta, but elsewhere in Nigeria have been leveraged by local politicians to pursue their political ends. When the election is over, they cut them off and they are just armed and running around to enact violence. I completely agree with that analysis.

**[Question] You said that the survey concluded that there is a 70-odd % who supported IPOB's political goals, but what kind of support is that? Is that support for a free state of Biafra or is it support of someone who says that Igbos are marginalised? Is it voicing that kind of concern, or is it somewhere in between?**

[Turnbull] There were a number of questions that were asked in the survey, and to be clear I was not involved in the survey in any way. It was done by SPM Intelligence and again, I would take this with a grain of salt along with other evidence suggesting some increasing support especially among younger generations in South East Nigeria regarding this message that the federal government has not done enough to develop or improve the life of Nigerians living in the South East and therefore there needs to be some kind of change in the political institutions such as independence. So there were a number of questions that were asked among people. This was carried out in May 2017 among respondents who considered themselves indigenous to the South East. One of the questions, the one that I mentioned, was, 'What are your thoughts on the leader of the indigenous people of Biafra?' and one the available answers was, 'He is a fighter for justice. He is a saviour of south eastern Nigeria. He is a saviour of the Igbo people'. The other options were not good: they were like, 'I do not like him'. If I remember correctly around 13-something % thought that he was a fighter for justice, 20-something % or maybe 16% that he is a saviour of some kind. But overall 70% of those people had positive responses for him.

**[Question] All those possible alternatives were vague, there was not a single alternative saying, 'It is because I support an independent state of Biafra'?**

[Turnbull] Yes. There are other questions asked in the survey, but I think it just helps to point to a shift that we have seen recently. Before, in south eastern Nigeria there was not a lot of popular support even among the political leaders from the south, and recently especially in the context of the post-2015 elections, especially the way the federal government has responded to this, it seems to have started to push some momentum in that direction.

## Justice system and Rule of Law in Nigeria

### Stella Amadi Odiase, Lawyer and International Development Practitioner, Nigeria

I first want to address a couple of key issues arising from other presentations. The first thing I want to talk about is the **north-south divide**.

CNN in particular does this all the time: the 'Islamic north' versus the 'Christian south'. It is something to be very careful about, because the boundary lines are not actually that clear. I actually learnt that when I started doing fieldwork. Initially, when I finished law school, I was practicing law for quite some time, I taught criminal law for a bit, and then I got into NGO work, activism and international development. When I got into international development, I had the opportunity to begin to travel. In my first trip to the northern part of Nigeria, I had a lot of stereotypes and misconceptions. I made sure I wore my flowing robes and that my hair was well-covered, and then I got on the streets of Kano and I saw people wearing tank tops and jeans! I got to Adamawa state, and as someone who comes from Rivers state, I originally thought that my part of the country had a monopoly on rivers and seafood. I was shocked to discover that fishing is part of the mainstay of the economy in Adamawa state. There are people whose parents or grandparents come from southern Nigeria, but know no other life apart from the north. They live there. They work there. They can't even speak their original languages, and for all intents and purposes, they consider themselves northerners. So you might get an application from someone who is not originally from the north east, where you have Boko Haram, but has lived in the north east all their lives and has done business in the north east all their lives. In fact, most of the commercial activities in northern Nigeria are carried out by people from the south. That is something to be a little bit careful about when thinking about Nigeria. The lines are not always black and white so clearly; there are so many grey lines as well. It is important to put things in context and actually get to the root of them.

The second point which has come up is the question of **Biafra and the Niger Delta**. There is no part of Nigeria called Biafra yet. There is south eastern Nigeria, and there are people in south eastern Nigeria who, for legitimate reasons, think that they should be allowed to break away and form an independent republic. But it is not called Biafra as of now. So there is an agitation for a state of Biafra. Especially among the foot soldiers, there are legitimate concerns. I hear you, Megan [Turnbull]. I heard the point about the 95 to 5%. I watched that on CNN or BBC, and I was appalled when the President actually said that he would be more committed to the part of Nigeria that gave him 95% of the general election votes and ignore the region that gave him just 5%. I also think that the response of the state in locking up the leader of the Biafran agitation up for months and months and months actually made the movement more popular. Something which could have been addressed maybe much quicker has become a monster of sorts, because everyone now is interested in it, just by the sheer injustice of the unusually long detention of one of the arrow heads of the movement.

This brings me to the question of the character of the Nigerian state. In most cases, the underlying factor behind the large numbers of Nigerian migrants abroad is the character of the Nigerian state. It is not that there are no laws to protect people, or that the institutions that are supposed to protect people don't exist. It is because the capacity of those institutions to do their work has been greatly eroded, and the character of the Nigerian state as a whole is terribly flawed. They are unable to protect their citizens and to enforce the commitments they made internationally and also at national level.

The other issue is the **federal/state dichotomy**, the structure of the Nigerian state, and the fact that some laws are made at federal level and they are not made in the states. Nigeria is structured as a federal system of government. However, it is a very lopsided federalism because there is inordinate power at the centre. The constitution places so much authority in the federal government, and not enough at state level. This is contained in the 3 constitutional lists: the exclusive list, the concurrent list and the residual list. The exclusive list contains the sectors and issues which the federal government only is meant to address. The concurrent list contains the issues which both the federal and state can legislate on. Where there is a conflict between state and federal law, the federal laws supersede. The residual list contains those issues, concerning which the local government authorities can make laws. There are not many items on the residual list and it covers issues such as chieftancy matters. The responsibility to provide electricity, to provide infrastructure and many basic social services lies with the federal government. The states are largely reliant on the federal government for their revenues, their income. Generally they are not doing as much as they could be in terms of generating revenue internally at state level, so it is a very lopsided federal structure, where the states tend to mimic what happens at the centre.’. There are states that copy and paste the annual federal budget, and just change the figures. It doesn’t matter whether the items apply to them or not. So that is the type of federal government system we have.

The Violence Against Persons Prohibition Law [VAPP], is actually the domestic version of the CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women. That was a UN Convention that Nigeria signed on to , and we have been advocating to have it domesticated. The Constitution requires that for an international treaty to have any policy weight ‘in-country, it needs to go through a process of domestication. i.e. it needs to be passed into local law through an act of legislation. There had been a massive push for the Convention on the Elimination of All Forms of Discrimination Against Women to be adopted as part of our local laws. The CEDW domestication Bill went through different phases. It was initially called the Violence Against Women Prohibition Law. This was rejected by a lot of male and some female parliamentarians on the grounds that men can also be the victims of domestic and other forms of gender-based violence. So the Bill was amended and called the Violence Against Persons Prohibition Law, (VAPP) retaining most of the content.

However, before the VAPP, which is Violence Against Persons Prohibition Law, a number of states had actually passed laws at state level that reflected the broad principles of the VAPP. For example, before the VAPP act passed, a number of states had actually outlawed female genital mutilation (FGM), including Edo state. As a member of the International Federation of Women Lawyers, I once went with a team to some of the states on advocacy visits to say, ‘Now that you have passed the law against FGM, you need to stop carrying out FGM especially because there is a penalty, and there are sanctions for this’. I remember that in one community in particular, the elders in the community, the male elders said to us, ‘We are not the ones that do the cutting; it is the women, the matriarchs, they are the ones you need to talk to’. That is typical patriarchy! ‘We don’t have anything to do with this. It is the women that are harming women, you know.’ So we said, ‘Okay, can we have a conversation with them then?’ We sat with this woman and we went on and on, ‘This is harmful. Health-wise it is dangerous. It is not a very good idea. These are the side effects, and as a matter of fact there is a law - it is a criminal offence to do this now’. She just looked at me and she said, ‘Well, have you finished? Because I actually have a batch of 20 girls I need to go and circumcise. When you finish speaking English, I have to go back and do what I need to do’. I was really perplexed. She didn’t care; they didn’t care about the threat of sanctions or imprisonment. I wanted to find out what is behind this type of attitude. So we decided to probe. I and the rest of the team, probed a little bit further. We found out that the women who actually do the cutting receive an income for doing it. So when you go to them and you say, ‘Stop doing it’, in my country we say, ‘You are pouring sand into my bowl of porridge’, which means that you are

taking away my means of livelihood. You are saying that I can't eat. So you are passing a law that is just looking at the problem from the surface. What those women are saying is, 'Give us an alternative means of livelihood and we will drop these razor blades in an instant'. We don't even need the threat of sanctions or criminality to do it.

Nigerians move around everywhere, even within Nigeria. It is amazing. I went to Mali for another meeting. My French is not very good, very halting and just a few words. So I got off the aircraft and I am at the airport in Mali and I wonder how should I ask for a taxi and say that I need to get to ABC hotel. I am thinking about it and then someone walks up to me and says in Pidgin English, 'You look like my sister, you know?' I asked him what was he doing here, 'What are you doing in Mali?' I did not know him but he spoke in Pidgin English! He said, 'Actually, do not tell anyone, my family thinks I am in France'. I say, 'What are you doing in Mali though?' He said, 'I am actually set off in heading to France, but I ran out of funds, so I am just here in Mali at the local airport, and I help usher people to their taxis and they give me tips. I am hoping to save enough money to get to France'. I say, 'Have you ever thought of going back home though?' 'No, no, no, I am going to try my luck', as they say. It is really more about the character of the state, the failure of the state in terms of expanding choices and opportunities.

I will just reiterate that, in terms of laws and policies, we have a lot of them. So the problem really is not that we don't have the types of laws that you need for the state to protect its citizens. The challenge lies with the character of the state. Nigeria gained independence in 1960, and has been under military rule for more years than it has been under democratic rule. Especially prior to 1999, when we returned to civil rule, the institutions that are responsible for upholding the rule of law were severely damaged in terms of their capacity because of the long years of non-democratic rule. Then there is the corruption issue and how that affects or limits the ability of the state to be an effective protector of rights.

The sources of Nigerian law - We have all of these: customary law, Islamic law, received English laws and statutes, Nigerian local legislation, and judicial precedent. Our law recognises custom as a source of law. It will take court pronouncements to repudiate the unjust customary practices and actually say that, 'No, this custom is repugnant. This custom can't hold'. Customary law is actually a very strong part of Nigerian law. In some places, it is very stringently enforced. There are some shameful traditional practices still going on in some parts of the country. There are parts of the country where a woman loses her husband, and as a matter of custom, she is required to drink the water that is used to wash the corpse before burial to prove that she didn't have a hand in his death, that she didn't murder him. This is customary practice.

There are some of those customs, which the law says are repugnant to natural justice, equity, and good conscience, but they need to be challenged in a court of law. Sometimes, even when they are challenged, the judges still refuse. Thanks to the job that the NGOs are doing with the support of some international partners, training judges and all of that, we have more and more judges being very proactive and saying, 'No, no, no, this custom can't go on, it is wrong'. Up until about 7 years ago, the law said that a Nigerian woman who seeks to travel, would have needed to get written consent from the husband to obtain a visa until someone challenged that in a court of law. It was challenged right up to the Supreme Court where it was basically agreed that this was an outdated practice and had no place in a country that has signed on to so many domestic and international frameworks. However, there are now many more judges who have, in addition to their legal training, been exposed to international best practice and who have begun to repudiate some of these historical, legal and customary inequities.

We have had what we call judicial precedent, like re-writing some of these harmful traditional practices. This applies to something like female genital mutilation, for example. The argument on the surface was that it is a cultural issue, that it is part of our traditional rite of passage, and that it is what makes you a complete woman, but the underlying nuance was that it was an economic or a livelihood issue. Therefore it wasn't really about all of that; it was about livelihood and income. When you see an application that refers to some of these customary practices that sound unbelievable, they actually do happen in some parts of the country.

The administration of justice - Like most other countries, we have this system of courts: the customary court, the Sharia court, and all of those courts, and you appeal from one level to the next. Part of the challenge is the cost of going to court and the time it takes to get cases resolved. It can be forever. I was once given the case file of a case which was initiated the year I was born, and I will leave you to guess when that was! I met the case decades afterwards. It has been going on from the year I was born and it is still going on. With few exceptions, it takes a lot of time and expenses, to obtain justice in a law court.

How easy is it to access justice in Nigeria? The immediate answer to that would be that it is not very easy. Since 1999, there have been a number of reforms. Some states like Lagos state have been very proactive and have tried to reduce the time and the cost of the administration of justice by setting up alternative dispute resolution courts and centres court, where people are encouraged to resolve their issues without going through the long, expensive, tedious process of court cases, but that is Lagos state. Lagos state was the former capital. It is in a class of its own; it is like talking about California in the USA. It is almost like a country because the economy is strong, so they can afford to do certain things, irrespective of what is happening in the rest of the country.

However, the legal system in the country generally and the question of access to justice still leaves a lot to be desired. The process is very slow. We still have some very outdated English laws that form part of our legal system. There has been a process put in motion to review and revise some of these laws but there are still a number of gaps and issues to be revised. So access to justice is limited in many instances by high costs, long duration it takes to go through the courts, travel time to courts especially in the rural areas, and then we have the question of awareness amongst the citizens about what your rights are, and how to engage with the state and the institutions of state.

In 2014, before the last general elections, there were signals from the negotiators that the government had sent to the Boko Haram insurgents that had kidnapped those Chibok girls that they were ready to release them. We didn't have a legal framework for their rehabilitation, as regards who should do what, and all of that. So the Federal Ministry of Women Affairs, put together a team of three people to draw up a set of guidelines and referral pathways on gender-based violence (GBV). This framework is meant to respond to a number of questions such as: What happens to a girl who was formerly held captive by insurgents? Which institutions should be involved in rehabilitating her and who coordinates the rehabilitation?

I happened to be part of the 2 person technical team working with the Ministry and UNWomen at the time to draw up the national guidelines and referral pathways on gender based violence. We consulted with villagers from Chibok through focus groups with some of the indigenes. I remember asking one of them about the issue of kidnapping these girls. I asked what had really happened. There are varying accounts of what happened in Chibok. One of the versions which was told during the development of the GBV guidelines was that the community was forewarned of the visit. The FGD participants said, 'With Chibok, the insurgents actually sent a message to the community'. This is very important because it speaks to the character of the state. The insurgency problem is first of all a failure of intelligence all

around, before anything else. A community member said to me, 'They sent a message to the community. They sent a message to us'. I said, 'How did they deliver that message?' They said, 'They took a school girl of about 10 years old, who was getting back from school, and they gave her a letter to deliver to the elders saying, "We are coming to your community on such and such day, so expect us along with the consequences of our visit'. They got that letter and they didn't know who to speak to, where to go, so everybody kept quiet until they struck and kidnapped those girls. So there is a disconnect between the citizens and the institutions of government that are responsible for protecting them. Sometimes there is a lack of awareness with citizens wondering, 'Where do I go? I have this problem. Which agency am I supposed to go to? Who am I supposed to talk to about this? What are my rights as a citizen?' Some people apply for asylum also because of that disconnect. 'The law is there. The agencies are there, but how do I engage them? I am not very sure. I have tried, but it is just not working, let me go (overseas) where at least, the system works'.

The hot-button asylum issues and the role of the state as a protector - this is based on the concept note that I received before the workshop and also on some of the work that I have done. There has been a lot of talk about the crisis in the North East. Like I said, it is basically a failure of intelligence. The reason why I think that the North East is important for the very important work that you all do is because of the first point I made. The crisis in the North East is not only affecting people from the North East. There are a lot of people from the south who have lived in the North East all their lives. I have colleagues that grew up in Borno state. They were born there and lived there all their lives because it was relatively peaceful before. I think that Nigerians by nature have the tendency to just migrate. They migrate even within Nigeria, from one part of the country to the other, and they set up elsewhere. This is why the issue with the Biafra is really problematic. It is not as simple as we may think it is, because first of all, the determination of who belongs to Biafra or not is a big question. Megan [Turnbull] talked about Ibo-speaking communities in the South South (Niger Delta). Those communities would actually pick a fight with you for calling them Ibos, because the issue of ethnic identity is a big deal in a multi ethnic society like Nigeria. The Niger Delta struggle is also based on a set of demands that are essentially different from the Biafra demands. The Niger Delta struggle has essentially been about resource control. The Biafra struggle is basically about secession. So you have some of those who are agitating for A Republic of Biafra saying 'the Niger Delta is part of us and most of the Niger Delta basically saying, 'no we're not.' So would you forcefully annex the Niger Delta states to a republic of Biafra? These are some of the intricacies.

As regards the North East insurgency, my country was never prepared for the scale at which it happened. In terms of laws, in terms of policies, we have a National Emergency Management Agency (NEMA), but that was established only to manage disaster relief in the short term, for example, in case of flooding or in case of an event which is defined by law as 'an act of God'. However, NEMA is not structured, nor is it even empowered by law to take on the fall-out of an insurgency or violent extremism over a long period of time. Therefore, as regards coordination on the ground, thank God for the international groups, UNHCR, the Red Cross/Crescent, and all of that. Otherwise there would have been a lot more confusion than there is already. Even as is, there is confusion with the data, as regards how many people are actually displaced, and who/where exactly they are. It is actually a bit of a mess. There are people from southern Nigeria who are caught up in that mess. I think that would be useful to bear in mind as you go forward with your work.

Child protection – 23 out of 36 states have ratified Child Rights Act. Surprisingly, we have states in northern Nigeria with high Muslim populations who have passed laws against child marriages and early marriages. The challenge is once again in the disparity between rhetoric and reality. The law says one thing, but something else is happening in practice. How strong

are the institutions of state to enforce the law? It is still happening. In fact, when I started doing work around gender issues, I was actually surprised to find that whenever I travelled to northern Nigeria to do bits of gender related work, people were more willing to listen, and engage, and ask me questions, and negotiate the issues I was talking about, as opposed to people in the south! Very surprising, because that was another stereotypical thinking that I went into international development work with. I thought it was going to be very difficult to talk about gender in northern Nigeria, but I found that they were more open, and they were quicker to pass some of those laws, and act to make sure young children stay in school, for instance. However even though the law says that child marriage is a crime, it is still prevalent. Female genital mutilation continues in parts of Southern Nigeria, and because we have weak juvenile justice systems, which again reflects the character of the state.

The question of gender and gender disparities in Nigeria - I think there is a plethora of reports that speak to those issues. We have a high rate of feminized poverty. What that means is that among the poorest of the poor, 70 % are women. Women have less access and opportunities. Recently the Federal Government set up a micro-credit access facility with the central bank, and committed to disbursing 70 % of these funds to women who own small businesses. When you look at the criteria for accessing the loans, the first one is that you need to have to have a bank account. The second one is you need to have collateral, possibly some landed property. Now, out of all the bank accounts in Nigeria, only 15 % are owned by women, according to the 2013 'Gender in Nigeria' country report produced by the British Council. That means that programmes like the CBN initiative above, unintentionally exclude a large chunk of those who need the product, i.e the women.

As regards the gender question, there are still huge gender disparities most of which are sustained by patriarchy and long-held customary practices and beliefs . Some of them have not yet been challenged in a court of law, some are in the process of being challenged and, like I said, it is a long process, and it is an expensive one too.

LGBT rights - my brother over there [Makanjuola] will do justice to that and talk about the Same Sex Marriage Prohibition Act. In the last administration, we nearly had a first female speaker in the Federal House of Representatives. She didn't win the elections in 2015, and she wanted to document her story. I was involved in writing her book. I remember I asked her, 'When you were the majority leader in the House of Representatives, when the Same Sex Marriage Prohibition Bill became law, what really happened? Why did you reject it when it is so obviously an infringement on the rights of a particular cluster?' She said, 'Well, we just felt it was a foreign agenda. There was too much pressure from abroad. We just felt we didn't own it. We felt there were interests from outside the country that were forcing us to do this, and we wanted to send the message that Nigerians will not be forced or coerced. It has to be our own. We don't have ownership over it'. That was her response. I am sure Makanjuola will do justice to this issue during his presentation.

As regards some of those cases I talked about that were referred to me for a legal opinion, there is one of them – understandably I am referring to them by their initials – in which there was a young female from the Niger Delta region, specifically from Edo state. Her story was that she was fleeing from a forced marriage. Her parents were late. Her uncle who was the eldest member of the family had already received a bride price on her behalf. To a certain extent, in some parts of the country – I think this cuts across especially where there is high poverty – marriage can be very transactional sometimes. It is a vehicle for stepping out of poverty rather than the cementing of a relationship between two people who love each other. Not in all cases but that happens, so that was her story. She said she ran away and they were after her. Somehow she found her way out of the country and now she was applying for asylum. The authorities in the country where she was seeking asylum got back to me and said, 'Can you give us a legal brief on the issues she has raised?' Part of the argument that the

authorities were making very strongly was that if she was being forced to get married in Edo state, surely she could relocate to Lagos state or to Abuja and live there. When I read the details and I did a bit of investigating, I actually found out that the poverty in her family was very bad, and the uncle was threatening fire and brimstone. He said, 'I will find her wherever she is. She is not going to rub egg on my face like this'. That is a Nigerian way of saying. 'You won't put me to shame'. He said that she had to come to back and fulfil her obligations. Like I said, each case has to be taken on its own merits. I think there is one thing to take away from here: because the country is so diverse and there are so many issues, I think it is very important to be a bit cautious about having a blanket approach to every case from every part of the country. Each case must be taken on its own merit. So in her own case I did a bit of digging, and he didn't know I was investigating his case, but somehow I got round to talking to him because like I said my husband is from Edo state. Her uncle was livid, and I really saw that her life was in danger. So I did a legal opinion and also gave my professional opinion about the facts on the ground. I think that eventually she got the asylum.

There was another one who was the campaign manager for a major political party. There is one thing that has not featured in our conversations yet today, and that is the elections, the violence that comes with the elections, and how that can be the basis for an asylum request. Politics is a 'do or die' affair because it provides access to the national cake. There are some parts of the country where the perception about poverty reduction is that improved access to political office is the major way to reduce poverty.

This was reflected in a poverty diagnostics exercise which I was a part of just when Nigeria signed on to the PRSP framework. In the Niger Delta region, when we asked the sample, most of the people we had focus groups which said to us that poverty means an inability to access the 'national cake'. That is what poverty means to them. They said that if you want to reduce poverty, we should make it easier for us to access the 'national cake' and eat it, and to eat a chunk of it. Speaking from a technical perspective, for us that means 'give us access to political power'. This goes back to the point made earlier, about political power and how that drives the emergence of some of these agitation clusters, especially within their top hierarchy and the leadership.

In the south east, which Megan [Turnbull] spoke so well about in her presentation, they said, 'Poverty means I can't do business. It means my containers are stranded on the high seas. It means I cannot bring goods into Nigeria'. So for them it is more about commerce. It is more about mercantilist aspirations, and how the state has not put laws and policies that make it easier for them to operate as business people. There is so much diversity that each case has to be taken on its individual merits.

The issue of elections and politically motivated violence is a very big deal. I think it has largely been left out of our conversation, but as someone who lives and works in Nigeria, I think it can be very strong grounds, especially when the elections are approaching or it's election year. I was once asked to review an asylum application where the applicant was a campaign manager for a major political party and he witnessed his principal getting assassinated. He actually ran into the bushes to escape assassination. He comes from the South West part of the country. Ordinarily, I would have said that this was possible, but I didn't think there were grounds to flee Nigeria, so he could relocate, and after the election things would calm down, and he will get on with his life. However, there were two factors that made him particularly vulnerable: We don't have any form of witness protection in Nigeria and we don't have a victim's charter. Some lawyers and NGO activists have been pushing for a victim's charter to protect the rights of the victims, to protect people who witness violent crimes, but we are not there yet. The applicant in the asylum case I was reviewing was particularly vulnerable because of that. I did a few checks and I found that he actually did witness an assassination.

There was another application, which I was asked to review by a foreign agency. This came from a male applicant who claimed he was part of a group called the 'Niger Delta Forceful Avengers'. They claimed they had been placed on an assassination list created by the Federal Government. This was referred to me, I checked it out and I said, 'In the first place, even if there is a group called the Niger Delta Forceful Avengers, they are not on the front burner, and there is no government list ordering anyone to kill anyone on this basis. The facts don't align with the reality on the ground, and I think that should inform your decision'.

There was one that I didn't mention here though, that came from Edo state. He said that he was being hounded by a cult group. That is very common with people coming from Edo. They always claim to be hounded by cult groups. In a few cases that might be the truth because, like I said, cases must be taken on their individual merits, but sometimes it is not as bad as the applicant makes it seem, and it needs to be probed a little bit further.

## Discussion

**[Question] Do you think it is not only a lack of awareness but also a lack of confidence in government institutions?**

[Odiase] Yes, you are right. I think it is a combination of both, but more often than not, there is just that disconnect. Citizens don't really know where to go. I mean, if indeed they did receive that letter saying, 'We are coming to a school in your community', the nearest police station was three villages away, so the man who got the letter in the village said, 'I didn't have any money to transport myself three villages away. I wasn't sure if this was a police matter. I didn't know who else to talk to about it'. So, yes, you are right. In some cases it is about awareness. The confidence issue is also there, but there is also a huge disconnect between the government and the governed. I think it is a relic from the long years under military rule. I think that as a country we have to unlearn certain things and learn certain things. I think it is both of them.

**[Question] Is there any place in Nigeria where people (also women) do not have the right to vote?**

[Odiase] People have the right to vote in every state. There is no state in Nigeria where women cannot vote.

**[Question] Very often Nigerian applicants have an issue connected to Ogboni. Could you actually tell us what it is? What is the activity of the Ogboni?**

[Odiase] Coincidentally, I have had a few referrals on that as well. The perception is that the Ogboni is a secret cult that goes to great lengths in order to eliminate members that try to exit or that say, 'We don't want to be part of this anymore'. The group itself has mounted a very aggressive media campaign to say that there is nothing secret about them and that they are just a social club. However, I have come across one or two cases of former members who have actually been hounded for exiting. One of them sought asylum in Canada as well. When I investigated his case, it was actually true, because he was spilling all the things they did under the cover of secrecy, and they didn't like that. Therefore, in some cases, it is a 'yes'. I am not a member so I don't know what exactly they do there. I just have the accounts that end up on the public space, but I know that in the case of one of the applicants that I handled, he had left the group and he was granting newspaper interviews, and alleging some funny things about ritual killings and slaughtering of animals. Because of that, they wanted him silenced. I remember the authorities asking me, 'Okay, if he is not safe in Edo state, can't he live in Lagos or Abuja?' I said, 'Whether a secret cult or a social club, they have branches in every part of the country. So no matter what they are if they are truly hunting down a former member they can do so from any part of the country and nowhere is safe'.

There was another case where there was a land dispute. The person who was seeking asylum said, 'The owner of the land belongs to an Ogboni member, and I testified against him in the court case concerning the land dispute'. For that reason he felt his life was in danger because he spoke against an alleged cult member. In that case, the facts were a little bit different, and my advice was a little bit different as well.

**[Question] (1) North-south divide: We know that there is a difference between the south and the north, but as you say, this is not strict. Is there any north that is most disadvantaged compared to the south?**

**(2) How does the bail procedure work in the English criminal procedure, if there is one?**

**(3) Is there trial in absence in the legal framework?**

[Odiase] (1) The north-south divide – the poverty indices in the northern part of Nigeria are higher. You have larger numbers of poor people in northern Nigeria than in the south. Interestingly, when we did the poverty diagnostic and we went to about 4 states in northern Nigeria, when we asked, 'What does poverty mean to you? What should a poverty reduction strategy do to reduce poverty?', they essentially said, (paraphrasing) 'Well, there is a divine being that has destined some people to be poor, and some people to be rich, and it is the responsibility of the rich to take care of the poor. So if you want to eradicate poverty, please make the rich richer so they can take better care of the poor'. They wanted that in the PRSP! So yes, poverty is more widespread in the northern part of Nigeria. However, the point I was trying to make was that you have a large number of southerners that live and do business in northern Nigeria, just like you have a lot of Muslim northerners that live and do business in southern Nigeria. In Port Harcourt, where I come from, there is a whole community of them. They are responsible for our beef, for some of the products that we buy in the Niger Delta. I am just trying to say that if an application comes from someone who gives reasons that are tied to the problems in northern Nigeria, but who is not a northerner, don't be in a hurry to dismiss it, because you have people from the south that know no other life. They were born, raised and have always lived in northern Nigeria.

(2) The question of bail - Right now, the way the law stands, first of all a woman can't stand as surety for bail. To be released on bail you need sureties. For different offences, the surety is required to have varying levels of economic strength. E.g for the people who are currently alleged to have looted state resources during the last administration, the bail conditions are very high. For IPOB's Kanu, the bail conditions were almost a little bit amusing to me. They included a wealthy Jew, and all sorts of conditions. This further shows that bail conditions depend on the offence. You always need to produce sureties. The economic powers of the sureties also differ depending on the crime or the offence that the accused person allegedly committed. But women cannot stand sureties by law.

(3) Trial in absentia – No, you have to be present because the failure of a party to appear in a case could be grounds for dismissal. They can also keep adjourning the matter over and over, until they eventually dismiss it. So there is no trial in absentia.

**[Question] Is it possible to jail individuals for debts in Nigeria?**

[Odiase] Not by law, no. You will be compelled to pay. You could forfeit your properties. They could take possession of your physical properties, take over your house, take your car and all of that, but by law you are not supposed to be put in prison. Because of the weakness of the state and because of the corruption in the police force, we increasingly see a criminalisation of civil cases. What you described is a civil case – it is between two individuals, it is not a crime. You have some Nigerians who would go and give the police some money and they would actually lock up or detain someone who owes another, but that is wrong by law. If they get

the right lawyer, they would be released. By law, you shouldn't be put in jail because you owe a debt.

## UNHCR COI research and country guidance on Nigeria

### UNHCR RSD section

UNHCR delivered a presentation on COI research findings on the topic of indigenes and settlers in Nigeria in relation to the relevance and reasonableness tests for internal flight / internal protection alternatives (IFA/IPA) to Nigeria.

UNHCR has public International Protection Considerations with regard to Northeastern Nigeria and surrounding regions, please refer to:

UN High Commissioner for Refugees (UNHCR), *International Protection Considerations with regard to people fleeing northeastern Nigeria (the states of Borno, Yobe and Adamawa) and surrounding region – Update II*, October 2016, available at: <http://www.refworld.org/docid/57ebb35c4.html>.

## The Office of the EU Anti-Trafficking Coordinator

The Office of EU Anti-Trafficking Coordinator briefly presented the comprehensive EU legal and policy framework to address trafficking in human beings (THB): Directive 2011/36/EU and the EU Strategy towards the eradication of THB 2012-2016, which is human rights and victims centred, gender specific and child sensitive; and recalled the mandate of the EU Anti-trafficking Coordinator (DG HOME, European Commission). The speech then focussed on:

- the external dimension of Trafficking in Human Beings (THB), with particular reference on Nigeria as a priority country;
- THB in the context of the migration crisis,
- embedded in the priorities of key EU policy instruments such as the European Agenda on Migration and the New Partnership framework, with a particular focus on Nigeria.

Information on the situation of THB for what concerns victims of trafficking registered in the EU was provided, based on Commission's report on the fight against THB (2016), which shows that 35% of the victims registered in the period 2013-2014 are non-EU nationals, with Nigeria being the main non-EU country of origin. IOM and UNICEF data was also mentioned, highlighting a sharp increase in the number of Nigerian women and girls arriving to the EU through Libya (11.000 in 2016, double the number in 2015), of whom 80% are estimated to be victims of THB for the purpose of sexual exploitation in the EU. The strong gender dimension of the phenomenon was highlighted. Reference was made to children as a particularly vulnerable group to trafficking, with several provisions of the Anti-trafficking Directive being based on the best interest of the child and key deliverables of the EU Strategy concerning children. In this context, the recent adoption by the Commission of the Communication on children in migration was also mentioned.

EU funding for projects on THB was addressed in relation to several instruments, including the EU TF. Relevant reports published by the European Commission (Transposition report, Users report), Studies (in particular: on the gender dimension of THB and on high risk groups), and deliverables under the EU Strategy were mentioned. Participants were informed on the availability of all resources on the EU Anti-trafficking website. On the same website, an infographic can be found of the progress and actions that have been achieved in the past five years, covered by the EU Strategy Towards the Eradication of Trafficking of Human Beings 2012-2016<sup>(4)</sup>.

References were made to victims of THB as a particularly vulnerable group in the EU asylum acquis, as well as to the need to ensure conceptual clarity in relation to the differences between smuggling and trafficking, as they bare significant implications for what concerns the rights of the victims and the obligations of the Member States.

It was highlighted that trafficking is not a migration related phenomenon per se, nor it is vulnerability that renders people victims of trafficking, but that THB is crime fuelled by demand for goods and services provided by the victims and huge profits. Thus, the need to untangle the trafficking chain, for what concerns traffickers but also the abusers, with relevant implications in relation to prevention, both for in relation to prosecution (stressing the need to follow the money) and demand reduction, as legal obligations for the Member States.

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<sup>(4)</sup> EC, *Together against Trafficking in Human Beings*, last update 16 August 2017, <http://ec.europa.eu/anti-trafficking/>. For an infographic with all relevant links to the resources and reports mentioned, see [EU Anti-trafficking Action 2012-2016 at a glance](#).

## Migration and trafficking into the European sex industry – the case of Nigerian Edo women and girls

**Sine Plambech**, Anthropologist, PhD, Danish Institute for International Studies

This presentation provides a detailed, ethnographic, anthropological insight into some of the background of the Nigerian women that we see in Europe these years.

The lecture - 'Migration and trafficking into the European sex industry – the case of Nigerian Edo women and girls' -, focuses on Edo and not just Nigerian women, since the percentage of women arriving from Edo state is so high. I have been working on trafficking, women migration and prostitution and sex work for the past 15 years as an anthropologist. I do field work in Edo state and in different European cities in the red-light district. I also work in North East Thailand. Three of the main groups of migrant sex workers and victims of trafficking are: Nigerian women; women from Eastern Europe; and a lot of migrant sex workers from Thailand.

The outline of the presentation is:

- The current situation;
- Why Edo state? (which is the question I get most);
- Why women?;
- The *modus operandi*;
- Return and re-trafficking; New tendencies.

The current situation - there is an increase in the arrival of Nigerians. You have seen that in the past couple of days. I also want you to look at the number of Nigerian nationals from Copenhagen, Denmark, who identified as trafficking victims, just to see how the increase in arrivals is followed by an increase in identified victims, even though there are many other drivers for the arrivals of women, and the reason why in northern Europe, for instance, there are more identified victims than we have previously seen. We really have to look at the connection between the number of arrivals and the number of identified victims.

One third of the Nigerian arrivals are women and the ratio of women to men is quite high compared to other West African migrations. For instance, from Mali and other places, the data I have is 1 % to 5 %, whereas 1/3 of Nigerians is women. For Thailand it is 75 %. So we have 7-8 places around the world which you could call 'trafficking hotspots' or 'women migration hotspots', where women in particular migrate to Europe and where the ratio of women to men is much higher. Edo state, Nigeria, is one of those places.

I want to emphasise that much of what I am going to talk about today is from the women perspective as an anthropologist. When we do interviews in the red-light district in various European countries, we estimate that 50-60 % of the women in the red-light districts have arrived by sea. The rest of them have either arrived earlier when it was more possible to get a tourist visa and then overstay the visa and stay in Europe, or they have arrived in Europe by other means. The current situation which we have not talked about, but which those of us who work in Nigeria have talked a lot about yesterday, and which is not mentioned, is the recession in Nigeria, the fallen oil prices, and how that influenced the number of arrivals in Italy and other places this year. The political economy is quite important.

Then we have seen the change in the migration system development. Many of the young women that arrived these years, as many of you have mentioned, do not owe as much to their madams or their traffickers as those who arrived previously. Previously they would owe EUR 50-60 000, for instance. Many of those who arrive now have to pay EUR 25 000. I will also talk a little bit about why we see that discount in the prices, so to speak; it is just a market and the markets are falling.

The organisation is also different. Most of the women will explain that while it was previously much more dangerous to travel through the Sahara desert, it is much more organised now in the sense that it is safer, though difficult to say safer, that is not really what I mean. What I mean is that when we look at the migrants that used to arrive 15 years ago, they would be in a truck in the Sahara desert for instance and if the truck stopped, there would not be another truck to pick them up. Now it is so organised that we rarely see those kinds of incidents. There are so many transit points and it is so organised all the way from Edo state to Libya that it is not very dangerous to cross the Sahara. The most dangerous places for women are in Libya and across the Mediterranean, according to the women themselves. When we look at other migration systems across the world, it is not unusual that you have this high price initially and then later the price falls. The Nigerian case is not unusual in that sense.

Then we have the main transit points. They are Agadez, Sabha, Libya, and also Benin City. Many do not apply for asylum. They want to stay under the radar; or others want them to stay under the radar. We have to pay attention to this very large group with whom you are maybe in contact very briefly, or who do not want to be in contact with you. That is a major project we are working on with the University of Oslo to try to get some more data on the many Nigerian women and men who are living under the radar in Europe and who, after they arrive in Italy, are travelling onwards to other European countries and want to stay or are forced to stay unregistered. Finally, we also see their increase in the red-light districts in northern Europe as well.

Why Edo state and why women? - The migration of women from Edo state to other states within Nigeria was a concern already in the 1920's during colonialism. The women would also leave their families behind and they would travel to other states to sell sex, and there was a major discussion on how to get the women back to Edo state in order to protect them but also because it was considered embarrassing for Edo state that so many of their women left in order to sell sex. It was kind of staining the reputation. This is a discussion that is still going on in Nigeria, the staining of the reputation or of the national image related to the fact that so many Nigerian women are leaving to go to Europe. When I interviewed anti-trafficking organisations in Edo state they would say that they want to protect the women obviously, but they would also say that it is bad for Nigeria.

There are several reasons why we have seen this current migration that started in the early 1980's. There is no single explanation for that. One of the two major things that spurred the current migration from Edo state and created these migration and trafficking systems that we see today is that there were French and Italian companies who set up business in Edo state. Many of these Italian men married Nigerian women from Edo state and then went to Italy. Some of these women were the first ones to invite their family members to come to Italy, which is not unusual. We have seen that in other areas as well, where it starts with what you could describe as family reunification and then turns into what we are seeing today.

Then there was also a demand for labour in Italy in agriculture, and women initially started in agriculture but then moved into the sex industry. That move is very much connected to how more difficult it was to enter Europe and Italy. The higher the price, the more money the women would have to borrow. I will explain this debt bondage later. The place where they can earn the most money, if they are undocumented, is in the sex industry. There is a strong

connection between migration control, the debt and the involvement in the sex industry, and that is of course what madams, traffickers and sponsors are living on today, so the structural component is quite important.

Edo state is a major site, a migration hub, a trafficking hub. You can learn Spanish, German and Italian there. Edo state is now the place in West Africa that receives the most remittances from western Europe and most of them are from women. I know that we should talk about profiting traffickers, but this would not work if it was not possible for women to send money back to Edo state. We have to look at that connection as well. Most ethnographic research shows that even though the women have to pay off these large amounts of debt, EUR 60,000, while being in the informal labour market, they still manage to send back a little bit of money to Edo state.

You see Moneygram and Western Union signs all over in Edo state. Small red and yellow buses are a very common sight in Benin City. They are used for everyday transport, but these are also the kind of buses that would take women onwards to the border between Niger and Nigeria before they continue with other means through Niger and to Agadez.

Why women? Why is it so gendered? Again, there are multiple reasons for that. We cannot look at the migration of women without looking at the conditions of men in Edo state and the large number of unemployed men. The women I have done different kinds of research projects with, young women and older women, talk a lot about how they had to become the breadwinners of the family, and that is why they considered travelling to Europe.

Recruiting and self-recruiting - As in many trafficking networks, we often pay much attention to the men as the perpetrator, the male traffickers, and they certainly exist, but as regards the Nigerian women, the *modus operandi* means that there are several people involved. Though there are also men involved, the primary group of recruiters are women that are already in Europe. These are the madams. Madams can be recruiters and madams at the same time. They would identify women in the area in the village that they think might be interested in going and then they would have someone else to help, which could be a man. These are increasingly men that have been deported from Europe and who now have migration skills to become involved in this. We have to consider the backlash of returning and deporting a lot of very skilled migrants back to areas where there are a lot of migrants who want to leave. It is either male family members, or deportees who are involved in the recruiting process. Then we increasingly see that smuggling or trafficking - and I do agree that we have to separate the two but sometimes we also need to look at them together - are done in order to facilitate and finance one's own migration.

The mix of who is the trafficker and who is the trafficked is becoming increasingly complex. I guess that those of you who are working on this recognise this complexity. For instance, I have had cases where women were asked to pay EUR 70,000 but then if they agreed to find and recruit five other women to bring along with them across the Sahara, they would come to Europe having to pay only EUR 30,000. You see how these market dynamics are very crucial to explore. We cannot ignore the self-recruiting. There are a lot of women and also very young women who want to go to Europe. The old picture of young women sitting in a village in Edo state knowing nothing about migration and nothing about prostitution is not the kind of trafficking we are talking about.

Every time we do surveys in these areas, IOM and the University of Benin City Observatory, all the different services that we are doing, there is almost 100 % knowledge about what kind of jobs women are having in Europe. The point is that they just do not know the conditions until they are here. It does not make it less tragic to know what kind of job you are going to have. You can be a victim even though you know what type of job you are having.

There have been awareness campaigns in Edo state for the past 10-15 years, warning against prostitution and trafficking. I would not say that there could not be some who arrive and who would not know anything about it, but every time we do surveys, it appears that people are aware but they do not know the conditions. That is where exploitation is very crucial. Deportees and returnees as recruiters is certainly something that we have to look more into, the dynamics of deportation and recruitment.

What is often really ignored, when we talk about trafficking, is the role of debt. It is quite boring, as opposed to talking about sex slavery and all kinds of other sensational issues that the media often brings up. Nevertheless, the exploitation is primarily in this relationship between the woman and the trafficker or the madam, because of this debt and the violence that can then be inflicted, or that the woman will experience because she has to pay back this money.

Often the women *know* that they will have to borrow money and they agree to work off the debt. The deceit often consists of this: they are told it will take them 2-3 years to pay off the money, that it will not take them that long, and of course when they come to Europe they realise that it takes them much longer, or that there has been an increase in the debt, or all kinds of things where the exploitation really unfolds.

It is often under restrictive contracts in a foreign country: this is the definition of debt bondage. What the women will get in exchange is passage, accommodation, food and information. It is important not to think that it is only the crossing [to be paid].

The difference between smuggling and trafficking in this connection is that smuggling is just a transport; it is not a long-term contract, whereas trafficking is what happens next when you arrive in Italy or Europe and you have this bondage contract for an unknown number of years. The women will think that it is a limited number of years, but then it just continues. What they get in exchange is not only the transport but also information about where the labour markets are and where they can earn the most money. Sometimes the madams and the traffickers will force them.

A huge number of women decline any form of assistance. They run away from the anti-trafficking crisis shelters; they do not want to be in contact. Much of that is because they get other kinds of information that they need in order to pay back the debt from the madams, the traffickers and other contacts in the Nigerian migrant communities. They do not feel that the information they get from social workers and others is that helpful. They think that other kinds of information are more helpful. It is potentially a very highly exploitative situation with forced labour, increase in debt and violence.

I think it is crucial to follow the money in order to understand why we see these arrivals and why they then move onwards. These are numbers for 2015. Lagos: it is USD 3 for one client, Barcelona: USD 27, Copenhagen: USD 91. In addition, the women that I interviewed in Lagos, who were working at a brothel there, would stay in the room where they have their clients and they would have up to 10 clients per day, and they would work 24/7. In Barcelona they would not have as many clients per day and they would also work fewer days, say 5/6 days, whereas in Copenhagen you would see women who have two/three clients per day and they would work maybe 4 days per week. Of course, they can increase the number of clients if the demands from the traffickers are forcing them to do so. In that case, they would be on the street every day soliciting clients and would lower the price in order to get more clients.

Voluntary vs forced returns: that is a very complex field. I would say that 100 % of the women that arrive these years have debt, because it is not possible to arrive here without a debt unless you have pawned your ancestral land or had money already. What debt is really doing is that it makes it possible for the poorest of the poor to migrate.

Prior to this we would say, 'Oh, it's often not the poorest that migrate. You need some kind of resources in order to be able to pay just a small fare to be transported'. What we see now is that the poorest of the poor - to use that expression, though it is not something we use in anthropology -, have access to migration by borrowing money. Therefore, if we consider borrowing money and working through this debt under labour contracts which are highly exploitative and which make women and girls very vulnerable, they are all trafficked. Where that line is drawn is something that I know many caseworkers and social workers are working on every day. Thus, I am not going to answer that. I am just going to say that I do not experience any women arriving in Europe who are not in debt bondage and who do not have to pay back this money.

The traffickers, madams, sponsors, guides have many names but they are usually called madams by the Nigerian women. It is primarily a woman's business. They are organising it and orchestrating it, and we also have madams in the red-light districts in the various European countries. They are also mostly from Edo state, with the same ethnic origin and same social network. However, the city of Benin has transformed over the past 5-7 years and we see an increased number of people who are not from Benin City who are going there to facilitate migration, because it is a place where there are a lot of different offices that make fake documents. It is a place where people would travel to if they want to travel onwards to Europe. So, it's not necessarily any more the case that the women are connected in social or ethnic networks, there are other tendencies because it is becoming so organised.

Smugglers: When I talk about smugglers I refer to the people who take them across the Sahara desert to Libya and across the Mediterranean. It is not the same as traffickers, madams and sponsors. That kind of smuggling where some people would be involved in the recruitment and in taking women across Nigeria and through Niger is what you can call an entrepreneurship of coincidence. While we often talk about it as very organised and involving a huge network of people, very often when we do these surveys and detailed ethnographic insights, we see that it is much more fragmented. It is often a person who is just around and he is the one who can participate in this, or it is a woman who can participate in that because she has some kinds of skills, maybe returnees vs the much-organised networks. We have both types.

Often the women would not denounce their traffickers or the madams for multiple reasons. We are often told that it is because they are so afraid of the madams and the traffickers, which is also true and they have good reasons to be afraid of them, but it is also because we have to understand this complex double figure of the madam, which on one hand is the one that exploits them severely, on the other hand we see cases where it is a little bit more complex where they are actually travelling around Europe with their madam, because she used to be in that situation herself and now she is high up in the hierarchy. She is still earning money on the newcomer but the relationship is quite complex. We also see Romanian women who often have boyfriend/girlfriend relationship with the one we would consider a trafficker. These relationships can be quite complex.

The role of *juju* in migration and trafficking from Edo state. Many of the women would mention Ayelala if you asked specifically what kind of shrine they are devotees of. The reason why it is often mentioned is because we have Nigerian women who say that they do not dare to denounce their traffickers or madams because they fear *juju* and that before they left they swore an oath, in one of the shrines in Benin City, that they will not disclose any information about the madams. They promised to pay back the debt and they made this kind of agreements. It is important to say that many of these women have made such agreements many times in their lives because of other things that are not connected to trafficking. It is a place where they would go to and they would also go to the church; it is combined.

But we cannot just dismiss the fear. Of course, it is very complicated to know how that fear is felt, whether you should have protection from that fear and what will actually happen when you return to Nigeria. There have been cases where women would say, 'What happened to me and my family back in Nigeria was related to *juju*'. The Guardian recently stated that the trafficking of Nigerian women that we see these years is fuelled by *juju*. I would say that it is not *fuelled* by *juju*, though *juju* may play a part in it. It is the political economy, trafficking networks and all kind of other things. However, we should give attention to it and certainly listen to the women who mention it but balance it out with the other multiple exploitations that the women experience.

Two of the women that were returned from Italy showed me around in the neighbourhood and these shrines are very close to where they live. It is not something that you need to go out of Benin City to find. They would go there occasionally, and they would also go to church. Juju is not only related to trafficking; it is related to so many other issues in Edo state.

Who the women are, their families in Nigeria and how they fare when they are in the EU. When I interviewed a large group of women who have been selling sex for several years in Italy and in other places in Europe, when they were returned to Nigeria through the assisted voluntary return program, I asked them to take photos of their everyday life upon return and in almost all the photos that they returned to me there were only women. Of course, I asked them, 'Why are there only women in the photos?' They would say, 'There are not really any men in our family. After I returned to Nigeria I am the one who is still supposed to take care of the family like I did when I was in Italy'. This also makes women very vulnerable upon return. It is not that they would be safe necessarily if they were living with men, but it is single women households living alone with women on the outskirts of Benin City, with very limited access to any kind of safety or security and many of them have experienced violence upon returning.

They would say that they lived off on about USD 1-5 per day before they left, and the level of education is very low, though some of them have education but are unemployed. There is a high level of unemployment in Benin City as elsewhere in Nigeria.

The situation in northern Europe is often that they have their main contact in Italy and they would move to northern Europe, stay there for 2-3 months to earn as much as they can for the madams, traffickers or family and then they would go back to Italy. We see this group of women travelling back and forth between northern and southern Europe and crossing all the EU borders on the way. That is something we should look into because sometimes they just travel with the traffickers crossing all the borders and of course if they have their papers it is fine, but we also have several who are crossing all the borders and are not at any point being confronted. I have met women who have travelled around for 6-7 years in any European country with their traffickers and they were not met by any authorities. It is not to say that we should necessarily put a lot more authorities; this is just to say that this is what is going on.

The condition of the women in Copenhagen. Many social workers and anti-trafficking organisations are trying to get in contact with them. When they come to the crisis centres very often would run away. One of the major issues is that they are not offered or offered only very little money while they are in the protection period, but they still have to pay back their debt, they still have to pay money to their family in Nigeria. When I am working with the Danish anti-trafficking NGOs we are looking much more into what we can do during the protection period, because these women are here to work either for a madam or a trafficker or to take care of their family.

It's pointless to say 'trafficked' or 'not trafficked', because as I said they are all in a debt bondage, but it is about understanding what is going on when we separate the women into

other categories and at what time they will often apply for asylum. We have women that we call 'just started', that is, women who have been in Europe for a short time, and are still optimistic about reaching their goals of paying their debt as quick as they can and often not yet aware of all the difficulties that they might encounter.

Then we have the 'not there yet', women who have been in Europe for a while, and know the difficulties but are still hopeful. These women tend to feel that they have not achieved their goals yet and therefore want to continue living and working in Europe.

Then we have the third group, 'the disillusioned', women who have stayed in Europe for some time, and are disillusioned about the perspectives in their host country. These are often the ones who apply for asylum.

Finally we have the 'confident agents' who are very few, for instance madams who have repaid their debt and now have moved up in their hierarchy. Maybe they also have the papers, so they can travel back and forth in Europe. These are the women that young women in Edo state aspire to, not to become like them, but to have the same amount of income that they have, so 'confident agents' are women who have been in Europe for a long time and feel that they have either reached their goals or learnt to master the situation.

There is still another category: the new group of minors that we have all talked about, which is part of this research project that I just mentioned. We are looking into the backgrounds of the many minors that arrive.

Return and reintegration. Benin City is changing and I have touched on it. While it was a migration hub for the past 10-20 years, it is increasingly becoming a deportation hub. It is a place where many of the migrants that return will go to either because they are from there or because it is considered a place where there might be a job or an opportunity within the migration facilitation, trafficking, and smuggling industries.

I have primarily talked about the women, but several of the Nigerian men who are deported back to Nigeria are convicted of selling drugs in Europe. They are sent out much faster than the Nigerian women that are involved in prostitution, because we have to consider whether they are victims of trafficking. Rarely do we consider how selling drugs can also be a part of trafficking networks. They are often sent out of the country back to Nigeria, and we do see signs of continuous transnational crime and involvement in drugs among some of the deportees. So we have just deported the problem of drugs, so to speak. We have to look at these transnational connections all the time. That is something that we have seen in the US context as well, where there is a large number of deportations of drug sellers and gang members back to the Dominican Republic and Mexico City. We see this rise in crime in these deportation hubs. What that kind of insecurity does for women who then want to leave an unsafe place is something that we are also trying to look into. It is quite complex.

I also wanted to draw attention to return assistance marketing. In return assistance posters you see a neat little family - mother, father and child - going back to their nice little house. That is not how return is in Nigeria. Of course, often it is women who are sent back on their own leaving here the children they have. I have several women in my research that have left their children behind, not mentioning to anyone that they have a child if the child was not registered, or leaving the child with family members in Italy and Spain. They are returned to Nigeria and they hope to get back to their child at some point, fighting for many years in Edo state or in Nigeria to come back to the child that they left behind in Europe.

How do the assistance return programs work? What about re-trafficking and the stigma of many of the women who have been involved in trafficking and in the sex industry in Europe? What do they experience when they are sent back? As many of you know, in some European countries, you cannot stay even though you have been identified as a victim of trafficking of

human beings. You will have a protection period and then you will be sent back to Nigeria. In terms of assisted return, some of the women have opened small shops with the assisted return money from IOM: small grocery stores and often hairdressing [salons]. I know that for the last couple of years the assisted return programs are developing, so I am not going to talk about all the recent new initiatives.

For many of them, these projects worked for 3 or 6 months or even 1 year, but after that we would say that when we compare those who are returned as unidentified irregular migrants, with those who have been identified and are under the assisted voluntary return program, it is very few for which we can see a difference, because of the difficulties of living and having a life in Benin City if you have been living several years in Europe. Maybe you return with a little social network or you do not have any awareness of the market that you are involved in. You may experience a lot of stigma because of the job that you have been involved in. I hope that the programs are more sustainable now.

Maybe I should just mention one thing regarding the violence which I think is quite important. When we return the women, I am often asked whether we are returning them directly into the arms of the traffickers. That certainly happens, but I would say that all the women that I have followed have experienced severe forms of violence upon their return to Nigeria. It was not necessarily from the traffickers; it was from being vulnerable because of all the things that they had experienced while they were in Europe and that they had to recover from. Even though they had some assistance from NGOs, still they had to recover from all these traumatic experiences.

There were still many of them expected to take care of their family. As regards the money that they have when they return, if they do not have a family house to get back to, which many of them did not, they have to rent a small room in the outskirts of Benin City. It is very unsafe for a single woman to live there with or without your children. They would also experience very violent armed robberies of their re-integration shops because they might be the only one in that area who had money to open a shop. We have to look at the violence that the women experience not as something that is only stemming from their relationship with the traffickers but also from the multiple other sides that make women vulnerable. How to seek protection from crime in Nigeria is certainly something we have to talk much more about.

Re-trafficking - Many of the women either want to go back to Europe or are forced to go back to Europe because they still have the debt. If they are returned before the debt is paid back, the madams or the traffickers will ask or force them to go back, maybe not after three months, six months or one year. Several will leave after one or two years. Whether it is re-migration or re-trafficking is often a very complex issue to discuss, but they would enter the sex industry again.

We have also talked about awareness campaigns [e.g. movies produced by international organisations or foreign governments]. I am not opposed to these awareness campaigns, but I will just say that they have been there for 10-15 years and we have never seen as many Nigerian women arriving in Europe as we do now. Awareness campaigns are not an answer. It is not so much the dangerous travelling through the Sahara desert or Libya: they watch CNN so they know what is going on. The danger is in the belief that you will be the one who escapes those dangers. Therefore, I would say that it is on a much deeper level that we have to address this, rather than through Hollywood films.

The other thing is the awareness of what is going on in Europe. What we could address more is the fact that you cannot get papers, how difficult it is to get asylum, and how difficult is to get access to health care. For those who are in a severe trafficking situation, when they are in Europe, they might be in situations where the trafficker or the madam is their only point of contact, so what would you do in that situation?

[We should] address much more clearly, really, the everyday concerns of the women, like where to stay. We have women in Copenhagen who are living in 4-5 different places moving around all the time. Some of them are living in the streets. Having all this information would not prevent everyone, though it might prevent some. The recession that we see now in Nigeria, and the way that the migration and the trafficking is so well-organised make it really difficult to hinder that, using this kind of campaigns. We know that [applies] not only to Nigeria; there have been awareness campaigns in multiple countries throughout the world.

New tendencies and what I believe are overlooked issues: I know from my migration colleagues that Nigerian women are involved in the sex industry in China, the Middle East, and in sex tourism destinations in Thailand and South America. We see a re-routing of the trafficking routes that we, in the European context, should be very focussed on. We have to look at what happens elsewhere, in particular if we work internationally. Why is this happening? You talked a lot about reducing the demand, which I think is an important discussion, but what seems to regulate this is that these women are now re-routing to other places not because of a reduction of the demand. That does not necessarily reduce the numbers here. What we see is that it is becoming so difficult to come to Europe that some women prefer to travel elsewhere. Then they are just as vulnerable in other places. It needs a lot of cooperation with international partners in order to address what happens to the women, and of course who can say that? This is a European context but still, in a global perspective, we have to pay attention to this.

I also think that we have to look into the fact that some of the women will say that, and I know that that is quite controversial, they prefer to be trafficked than to be smuggled. Let me explain why they say that. That is because when you are someone's investment, the traffickers hope that you will pay back the money and exploit you, so they cannot afford that you drown in the Mediterranean. They would say that when they would just be smuggled they hope that their involvement with the trafficker will protect them at a later stage, which is obviously not the case. However we have to understand the rationality between just being smuggled and entering into this kind of contracts and why it is that women might think that that would offer them any kind of protection, even though we know that that is not the case.

We have to pay more attention to the connection between trafficking and debt. Even though we have talked about it for many years, I still think that we talked way too little about it, and how it's possible to exploit people that owe you money. We see younger migrants and discounted journeys. I think that that is a clear warning sign. One thing is the recession in Nigeria but the other thing, discounted journeys, it's because at times the high level of debt, EUR 60-70,000, had prevented some to leave, as they would say, 'That's just too much, I would never be able to repay that'. Some of them would not really understand how many years it would take them to repay that. They would not pawn their family house or ancestral land because of [such an] amount of money, but when we see discounted prices; we have to really pay attention to that, because it means a new development in the market. We always have to pay attention to the political economy behind this.

Violence upon returning is not necessarily stemming from traffickers. The violence that they experience from all other kind of actors is just as serious. We should not put a hierarchy, that the violence you experience from traffickers is worse than other types of violence. Violence is violence.

We also have to pay more attention to the exploitation and the trafficking that occurs during transit, because the transit periods have prolonged in the past years in Libya, which also explains many of the pregnancies that we see. The women are waiting much longer in transit in Libya before they cross, and the situation in Libya certainly makes the women much more vulnerable while they are there.

## Discussion

**[Question] 1) Do women have a stigma when they go back after they have been trafficked – especially women with children, born after prostitution?**

**2) What are the roles of families when a woman decides to travel to Europe in a trafficking organization?**

**3) what roles do churches, like Pentecostal churches have in encouraging victims of trafficking to travel?**

[Plambech] 1) Regarding the stigma, in terms of finding a livelihood opportunity afterwards, most of the women's families, those that have a close relationship with their mother, would know what kind of job she had in Europe. It is not that no one is aware... Otherwise, she would try to keep it a public secret. Many of them sometimes mentioned feeling that it is more stigmatising to be returned and deported than to be one who has worked in the sex industry, because you are a failed migrant and they have to live with that stigma as well. It's a double stigma. Some of the women mentioned that the kind of livelihood opportunities that they feel are available to them because of this stigma are things like selling water at the market or walking around selling water or small snacks, because they do not have to interact so much with their clients. Whereas opening a business where you are located in a specific place makes you much vulnerable to accusations: 'Oh, you are a former prostitute. You are a deportee...'. They are also thinking about how to place themselves in a way where their livelihood can continue even though they would suffer from the stigma. We have to pay attention to the relationship between stigma and real livelihood opportunities when women are returned, because some of the women have faced a lot of judgements and accusations of being involved in sex [industry]. People would say, 'Do not go to that room. She is one of the cheap ladies', or other kind of things which really damage their livelihood opportunities. We cannot ignore that.

2) With regards to family involvement, it is very mixed. The idea that families are selling their daughters, I have heard that, but it is much more complex in the sense that women feel pressured to be involved in it, but it is not necessarily selling [them] and she feels she is the only one that the family hope will be able to take on this journey and manage to get to Europe. The families are involved, but there are also quite a lot of cases where the family is not involved at all, in particular among the young women who are not leaving children behind in Edo State that their mothers would have to take care of so that she would have to say, I am leaving my children here and I am leaving the country... the young women would often not say anything, they hope to call later when they arrive in Libya or Italy and say, I am here now. They know that their parents would prevent them from travelling, as they know it is dangerous. Therefore, it is both, both pushing but also preventing.

You mentioned the children. In most of the cases that I am aware of, when the children are born here, they do not bring them back to Nigeria. They would leave them here, because they think it is a better future for the child to be left in Europe. And then she will suffer from the return, hoping to come back to Europe at some point. One of the women I worked a lot with tried three times to cross the Sahara desert to go to her son in Madrid. They try, they are parenting over the phone, talking with their friends that... some of them can leave them with family members who are already here, but some of them have to leave them with very loose contacts, where 5-10 children are being taken care of by one woman while they go to work in the red-light district at night, and that would also be the case if she is returned. Every time we are in return processes, we really have to ask if they have children here that they may have not said anything about or things like that.

3) The role of the churches... it is not something that I have worked a lot with. When the women return, that is a place they would go to seek answers in terms of why they were returned, why they failed in being in Europe and why the madam or the traffickers deceived them, they do seek different kinds of answers. I know that there have been several accusations, it has not been part of my work but I am sure it exists, where priests and pastors and also the shrines are involved in the trafficking industry. The *juju* priests are paid to make this kind of oaths. We cannot separate this from the political economy or trafficking as a job market. I know it is controversial but that is how it is: they earn a lot of money on making these oaths and the churches do as well.

**[Question] Social stigma for people that return to Nigeria. Do you think the social stigma is so intense that it can qualify as individual persecution and marginalisation and impossibility of being included in the labour market in their own country so that they might possibly be victims of re-trafficking? Do you think it can be a reason to be considered as personal persecution for this people that return to Nigeria?**

[Plambech] Yes, I do think it should be considered as something you should be protected from. The stigma of prostitution and being a returnee should [receive] much more concern and how that is connected with livelihood. We see that many either want to or are forced to be re-trafficked, and then we have not really solved the women's situation. Not only the stigma but as I also mentioned the violence. It is very terrible violence that some of the women have been exposed to after arriving in Nigeria. On the second point, just to clarify, there are very few women that have that level of success, most of them do not have that at all. The few are often the madams, those who have been many years in Europe, and they have a permanent residency, they can travel back and forth, they have paid back their debt... but even though you only have one in the neighbourhood, that is the one that you could aspire to or hope to. It is not that we have many Nigerian women living in Benin City or around Edo State which are hugely successful, not at all. It is very few, most of them are not able to repay their debt and to do the other things that they hoped to do with their travel to Europe.

**[Question] Are there different profiles of men migrating to Europe, are their drivers very different from women or not?**

[Plambech] They are not very different. It is primarily about economy, employment, conflict; it is many of the same reasons but there is an increased number of women breadwinners. Because of such a high unemployment rate among young men, men cannot take care of the families so women have increasingly become the breadwinners of the family. So many of the women that we meet in Europe are either breadwinners of their own families, so they have children that they leave behind, or they are young women who are leaving Nigeria in order to take care of their families. Therefore, the trend that I mentioned starts even before they leave Nigeria. The women that I have worked with would often say, 'I left because there was no man in our family to take care of us', either because he died or because he was unemployed or because he travelled elsewhere or just did not take care of the family. So the dynamics that make women leave are also the dynamics that make it difficult for men to take care of their families.

Often when we talk about women's migration we should talk much more about the difficulties of men taking care of their families but we always pay attention to what we could do about the women, but that is certainly one dynamic. Then when they come to Europe, as you also mentioned, we have seen many more of the Nigerian men who are convicted of drug selling, whereas women are involved in sex work. So there certainly a difference in what kind of informal labour they engage in when they come to Europe.

[Makanjuola] Generally I see that across Nigeria, Edo men are oftentimes considered very lazy. They want money but often they do not want to do any work. So it is very easy to

encounter men, who are already living in Italy and have the resources to bring them over, who say to them: 'You have come over, you work for me for 2-3-4 years to pay me back all the money that I used to bring you here.'

We also rather deny the fact - I spoke with a couple of people in that state - that just as we have seen women in the sex trade, it is a new thing for men to get into the sex trade too. Many would come from those regions, especially Benin. They sell sex when they get to Europe because they would feel that for them getting involved in cocaine or hard drugs or all other kinds of criminal offences might be too much for them to bear. They would prefer to get into the sex trade for a certain period of a year or two, to repay back the person. You can hardly speak to any family in Edo state, no matter how high profile or high class they might look, who do not have somebody in their family who is involved in this migration. It is usually the breadwinner most of the time. It could be a woman, it could be a man. If that person is going abroad and they do not have the resources, the entire family can pull the resources together to then push the person to go abroad. Therefore, what I would like to say is that those persons ensure that other people get out, even when that person gets to Italy or in other parts of Europe and what they engage in is sex trade or drugs. The other people that come after them also have the likelihood of engaging in the same transactional markets if that is what they feel might give them faster resources. However, Edo men are generally considered to be quite lazy and the women are more on the higher side... looking after their house, their money and all of that... Women from Edo and Calabar, which is Cross River specifically, are considered to be very hard-working and they would do anything actually to keep their household in order.

**[Question] What is the number of female-headed households in Edo state. Is it higher in comparison to other states in Nigeria?**

[Makanjuola] There is no statistic nationally saying how many households are headed by women, but if I could just speak from my own ties with Edo state and my experience growing up within that environment, I can say that all my mother's family and everybody I grew up with within that environment were women who were either single parents or the first female child and had the responsibility of raising the family. Those who could not go abroad to engage in whatever kind of transaction had to look for wealthy men within the country to marry, and they did not mind being the ninth or tenth or eleventh wife as long as he had the money to take care of the family. So there is a lot of burden on many Edo women, not just Edo women, but Edo women are constantly proving that they... they also enter into a lot of trade ... I grew up in an environment where my grandmother, my great-grandmother, and my own mother, did a lot of trade. They moved across the country from Edo to the east and to the south as well. They moved between a lot of states doing different kinds of trade. They come to the South West, to Lagos, and engage in all kinds of trade, all kinds of things as a means of survival, because they have people who are dependent on them back home.

But apart from that, many of them do not even move outside of Nigeria. There is a well-established sex trade space for people in Edo state. Sex is very well sold in Edo state; I mean it just depends on how well it is sold. It is not like what you see in Bangkok, where you walk in a street in Bangkok and they call you 'Ponshu, ponshu'. You would never get to see that in Edo, but there is a clique, a group of people called 'run', who are not so much 'commercial sex workers' but they sell sex in another form. They have their daily jobs, their average jobs, they might work in a bank, they might be teachers ... but they still sell sex in a very professional way to people who have the money and the resources. It is about power, it is about money and about the ability to earn more money other than the income that they have. They do not consider themselves as people who sell sex or who want to sell sex. Such people too will come to Italy, they can even migrate easily but they might not be part of these people you see at night on the streets of Napoli or anywhere they stay within Italy. They have their own clientele; they are very professional and have a very well-organised system. So it comes in

different classes and in different ways, and such women would look down on those other women who often live there as plain sex workers or who are forced into the sex trade generally. So women within that state are generally considered very keen on their household while men, like I said, are mostly considered quite lazy.

I think one other thing we have also not looked at within Edo state is the issue of education. What is the level of education and exposure of women and men within those states? What is the average qualification you come across in those states? The ones I come across are really quite dedicated, they understand this issue. If you look at many of the women who are being passed across North Africa or to another part of the country, they are women who are just at their early age, and they are probably in secondary school or did not finish secondary school, and went into business or trade. Therefore, there are several dynamics that play around, compared to women from South West or women from the east like Imo. So education has a role to play. There are some parts of the country where it has been considered that women prefer to be well-educated, like Imo state for example. Many women from Imo state take a lot of pride in education, you see women in Imo state wanting to attain high political offices like governor, senator, bank manager, so education has a whole lot of dynamics to play around these issues. It is not as easy to convince an Imo state woman to go into prostitution in the way that it is for an Edo woman.

## The situation of Lesbian, Gay, Bisexual (LGB) in Nigeria

**Olumide Femi Makanjuola**, Executive Director, TIERs (The Initiative for Equal Rights), Nigeria

I will start with the background of TIERs - The Initiative for Equal Rights -, which is the organisation I work with. TIERs was founded as a response to HIV and human rights discrimination of LGB persons in Nigeria in 2005. In 2005, it was just a group of friends who just wanted to respond to a certain attack.

Most importantly, at that point there was a huge lack of knowledge about HIV prevention for men who had sex with men, especially gay men, both those who identified themselves as gay men and those who just had sex with men and did not want themselves identified as gay men. Gay men or men who had sex with men felt that they could not contract HIV through anal sex. The first research in Nigeria that specifically focused on HIV prevention for “men who had sex with men” (MSM) was conducted in 2006, and that was the beginning and genesis of LGBT conversation in a public space in Nigeria. I remember, just before that, there was an ICASA (International Conference on AIDS and STIs in Africa) Conference, and Nigeria was the host in 2006. Usually everywhere across the continent in Africa where that conference is hosted, there is a pre-conference for MSM and HIV. There was one in Abuja at that time too, and the former president, Olusegun Obasanjo, who was the president at the time, felt embarrassed by the show of ‘Men who have sex with men’ pre-conference in Nigeria and was quite upset. I remember within 24 hours he had ordered his former Chief of Staff to work with the National Assembly to draft a law that was going to curb homosexuality in Nigeria. That was the genesis of whatever happened in 2014.

Before I take you too deep into that, TIERs as an organisation is based in Lagos, Nigeria. Our genesis of work as an organisation started in 2005, and even though we are based in Lagos, Nigeria, we worked across the Anglophone West Africa sub-region. We are currently working in Ghana, Sierra Leone, and Liberia, and we did a bit of work in Gambia too. We only stopped in Gambia during the lifetime of Yahya Jammeh and his many threats to homosexuality, but now we might go back.

Some of the services provided by TIERs include legal support, HIV prevention, alternative narrative, capacity-building and structure of funding within the West African sub-region. The West Africa sub-region has one of the lowest amounts of funding when it comes to work within the LGBT human rights. Therefore, one of the goals of TIER is to highlight the importance of investment that needs to go into human rights of LGBT persons in West Africa, particularly Nigeria and as regards the role Nigeria plays in human rights of LGBT persons within the region, but also across the continent in Africa. We are close with different organisations that include the International Centre for Advocacy on Rights to Health, the International Centre for Reproductive Health and Sexual Rights, the Women’s Health and Equal Rights Initiative, Queer Alliance, and other organisations in Nigeria. We are considered one of the leading LGBT organisations in Anglophone West Africa, and that might be as a result of our growth in the last 12 years.

I am going to start with the general legislation and what the legal environment currently looks like in Nigeria for LGB persons.

Before the signing of the 2014 Same Sex Marriage Prohibition Act (SSMPA) there was not a system law. People often forget that, and keep thinking that the genesis of hate, violence or

promotion of hate towards LGB started in 2014 when that law was signed by former President Goodluck Jonathan.

There is a criminal penal code under Sections 284, 405 and 214, 215, 217 both in the criminal court and in some parts of the north where Sharia law has been practiced: all existing law that focuses on sodomy.

Even though they do not specifically focus on men, they focus on sodomy and everything else related to carnal knowledge and anal sex. The law was already silent even though it was a law that was inherited from the British Empire, but it was still in existence. A lot of people were arrested and charged under this law, not even as much as under the SSMPA.

In 2014, the Nigerian President signed the law that criminalised same sex marriage. The way they titled that law was clearly to criminalise same sex marriage. There were sections of that law that criminalised 'organisation', 'assembly', 'registration', and 'gathering'. There were sections of the law that criminalised 'aiding' and 'abetting' and 'supporting', and this extends to social organisations like TIERS and to persons like myself. For example, for me, as a person who works with TIER, it means that I could get 10 years imprisonment for the work around LGBT, and I could get 14 years for being gay. In total, I am entitled to 24 years imprisonment under that law, should I be arrested and charged under the SSMPA.

There is also the question of how do you get to arrest somebody who is gay when there is no clear evidence. What is criminalised in Nigeria – this confuses people a lot - is not the identity, it is the act. The identities are not criminalised, whether in the criminal penal code or in the new law. It is just the act that is criminalised and for you to be caught in the act they must have been an invasion of privacy, were that from a state actor or a non-state actor.

The law also prohibits gay clubs society. There are however the questions of 'What is a society?', 'What is a club?', 'What is considered a society? Is it a gathering of three-six men? What is considered a meeting?' In Nigeria there are meetings called by men only; there are meetings that are called by women only. These are generally misinterpreted by many of the state actors. There are also issues of how such law could become a tool in the hands of state actors as a form of blackmail and extorts.

There is a general understanding within the Nigerian police and even though 'bail is free' or 'the police is your friend', some things are becoming tools in the hands of Nigerian police, and I think one of them is the Same Sex Marriage Prohibition Act 2014, where people get arrested based on suspicion and they are forced to pay an average of \$ 200 to \$ 1 000 in bribes/bails. I have worked on cases where people have had to pay as much as \$ 1 000 to bail, since they did not want their parents to know yet or they did not want to be publicly outed.

It is also a society where an arrest of a gay man is seen as an achievement. When police arrest a gay man or a lesbian woman or a bisexual man or woman, they parade them in the newspaper and on TV or the government releases a statement saying, 'We've arrested a group of gay men'.

Often people bow down to paying their way out, to avoid being outed. How you pay your way out comes in different forms: it could be paying to the police; or paying blackmail to people who are aware of your sexual orientation within your area.

There is also a problem with the law: if you are charged under the new law, it is only the high court that can actually attend to the matter. It means that all the minor/small courts or lower courts cannot actually attend to the issue if you are charged under the 2014 SSMPA. In case you are charged with sexual charges, you would be referred to a higher court.

To understand how the Nigerian judiciary system works, this means you might be for five to ten-eleven years without a hearing or without even getting any attention to your case. The

interesting part of it is that of all the cases that we have been documenting since 2014 no single person has been charged under this law.

However, this law has been used as a form of arrest, but when the charges are presented, they are all under the criminal penal court. For example, just about three weeks ago, 53 men were arrested in Zaria, Kaduna state, for having an all-men party; the media claimed it to be a gay wedding. The case is still in court; we realised it was celebrating a birthday celebration, with all his other friends and they were charged with homosexuality, public indecency, unlawful gathering and other senseless charges.

The implementation of the law itself has not seen the light of day, but what we have seen is the actual implementation of existing laws, triggered by the new law signed by the former president. People have been arrested and charged under the existing criminal penal code, and LGBT persons who fear being outed to their family have often surrendered to all kinds of blackmail from state actors.

State actors who often are expected to protect individuals within the country are also part of the people who validated this crime. We have seen cases where people meet randomly online. The only place gay people or bisexual men or women meet is through social networks and apps like Grindr, Romeo, Manjam, and all those social networks that are often global. People go on these websites and register but sometimes they are not gay or lesbian. They meet people and set them up, and then blackmail them and extort money and their valuables. Most times these people go to the police to report that they have been blackmailed. You would expect that if somebody is blackmailed, the police should focus on the issue of blackmail, but sadly, the police often turn the case around and focus on the sexual orientation and gender identity, and instead arrest those who came to report the case themselves.

There is disconnection on how reporting of the cases is done at the state level. People do not want to report their cases to the police. They do not want the police to get involved. We have had cases where the police thought that contacting a human rights organisation is not helpful to them because they would not get more money, but instead they contacted the family of the people that had been arrested to get more money from the family. The family often want to 'kill' the case because they feel that it is an embarrassment to them and their family to have a son or daughter who's gay, bisexual, or lesbian.

The majority of the human right violations experienced by LGBT persons are brought both by state and non-state actors, but we have seen an increase from non-state actors in Nigeria. This has an influence on the cultural and religious views, which stem from issues of sexuality and orientation. There is a general lack of and poor knowledge of sexual orientation and gender identity across Nigeria, which goes beyond the LGBT rights-related issues.

The typology of the violations that we have seen ranges from blackmail, unlawful arrest, extortion, mob attacks, invasion of privacy and torture, to mention but a few. We have seen cases where people are stopped and searched. Those of you who have been to Nigeria, I am sure you have seen police on the street in many parts of Nigeria who do 'stop and search'. One of the things that the policemen doing 'stop and search' do is that they would actually go into your mobile phone to read your email or Facebook inbox messages, and read your personal WhatsApp messages. Should they see any messages related to same-sex relationships you would be arrested. There have been many cases.

At one point in 2016, we had to write to the Inspector General [IG] of the Police on the continuous harassment of mobile phone search of citizens at large. Even though the IG did give an instruction that there was no law that required the police to search your mobile phone, except if there was a police warrant, this in fact still happens. Many people have been arrested by police just for generally exhibiting feminine attributes publicly, maybe throwing of hands

or speaking 'like a woman', even though I do not understand how women speak or walk like a woman. One of the most bizarre cases I have seen was a case in 2014 where a gay was arrested for wearing pink, and the police said to him that pink is meant for women not for men, and therefore if you are wearing pink you must be gay. These are the undertones of a generally broken down system. Whether we agree or not, this is a sorry state, both for LGBT and for non-LGBT.

Often you come across people who are exploiting each other as a means of survival. I always personally feel that the police exploit the LGBT issue for money. They are a reflection of the broken down system of society, of people who are not properly taken care of. They have poor salaries, poor maintenance, and a poor welfare system for them, so they turn into vultures and they 'vulture' on the citizens they are supposed to protect. You see that reflection within the society.

The violations occur or are based on the real or perceived sexual orientation. Of all the people that have been arrested, none of them have been caught in the act. We have never had a case where anyone has been caught in a sexual act, so it is often based on suspicion that they are gay or lesbian.

If we look at the typology of the cases (see the graphic illustration from our [2016 Human Right Violation Report](#)) you can see unlawful threats, unlawful detention, arrest. Since 2015, we started publishing a Human Right Violation Report of those who were willing to come forth to report cases. The cases you see are not a reflection of all the cases across Nigeria, but a snapshot of what is happening among those who have reported. Many people often do not report these cases.

In 2016, we received cases from a total number of 16 states. A total number of 232 persons were involved in the violations, 152 cases, and in terms of gender, we had 28 females and 129 males. People often ask me why issues of bisexual or lesbian women are often silent in Nigeria and you get to hear more about gay men issues. I think we have to realise the culture of silence and how women are repressed within the Nigerian society. Being a woman is already an issue; being a lesbian woman is a second issue to deal with in a country like Nigeria. Women often face much more marriage pressure than men do, and women are considered secondary to men. In addition, many lesbian women within Nigeria would just prefer to keep quiet because they are used to a culture of silence, of not talking, so often they get married to their partner and just stay in whatever relationship they still want to continue.

You also see that of all the cases that we documented, we had only 37 state actors, we had 107 non-state actors, and we had 16 with both state and non-state actors. Many non-state actors were just cases that were reported in the area: for instance, you have a neighbour who is nosey, very suspicious of every person coming in. It is also an issue of class, of economic power. If you have the resources to live in an area where you can feel safe to an extent, you might feel ok, but in reality, how many gay men or lesbian women or bisexual men or women have that kind of resources? They are part of a system that is already broken. People do not have the resources, so this is also the reality of what we see every day.

Accommodation is a general problem for everybody as much as it is for an LGBT person. When you have an LGBT person being thrown out of the house by their family, they are in the street like every other child living in the street, but what we should not forget is that the main purpose why they are in the street is because of their sexual orientation. They might have been attacked because of their sexual orientation.

Violence and violation is a reality for many people in Nigeria, but we should not forget that the reason why LGBT people are exposed to violence is a result of their sexual orientation and

gender identity. That is very important, so that whenever we come across these cases you know that it is not part of the normal violence that is common within the country.

This [illustration] gives you the states where we have seen the cases [Abia, Abuja, Akwa Ibom, Anambra, Bayelsa, Benue, Delta, Ebonyi, Edo, Enugu, Imo, Lagos, Nasarawa, Rivers, Oyo, Ogun, Plateau] . The most interesting part is that of all the violations that have been documented publicly, South South continues to be very high in the amount of violations and there are many things that makes that happen especially in Rivers state. Rivers state is quite volatile, not just because of LGBT people but because it is also an environment that is facing a lot of unrest politically. You constantly see one problem or the other happening in Rivers state. There are many dramas in Rivers state. The violence is high and you see the reflection on LGBT people. We have seen a lot of highly documented cases of violence against LGBT persons in Rivers state.

All of the states mentioned are states where people have reported cases to us: South South 5, North Central 4, South East 5, and South West 3. For some reason, South West state often records the lowest form of violations. I think it is as a result of the trade that goes on within that state, and it being a business hub for West Africa and for a lot of things within the country. It is quite commercial compared to other states within the country in the South East, South Central and the South South. If you look at the numbers, Rivers state has 40, the highest of all the states.

I am not sure if you can still find the video online, – but just after the law was signed in 2014, two men were caught in Rivers state and were made to have sex publicly, they were filmed and that video circulated across Nigeria. This is a minor example of the cases you come across Rivers state, where people are paraded and recorded and the videos are circulated across the country.

Societal perception and discrimination. The treatment by state and non-state actors remains hostile towards LGBT persons. This is reflected through human rights violations documented by LGBT organisations. Like I said, a lot of the cases are cases in which nobody has been caught in the act. We have never had the case where police have come out publicly or someone said, 'I have been caught in the act'. It has all been based on perception.

LGBT persons have been subject of harassment by individuals and by family, but there were also cases where family members themselves have blackmailed people within their family because they knew they were gay or suspected them of being gay. Often, it is an initiative for commercial gain: 'I am not going to tell anybody but you have got to pay me an equivalent of \$500 and nobody is going to hear about this', or they have something they hold on to on their family member. Therefore, there are a lot of commercial transactions that go on as a result of not being outed. People fear being outed when they are not ready, not because they do not want to be outed, or not because they do not want to come out with their family. However, they fear the social repercussions that they will have to face from family, because when the family who is supposed to serve as your immediate support system fails you, then you cannot rely on the society or on the system itself, so it becomes a problem. Therefore, people face three layers of problems: the family will fail you, society will fail you, and the system, the state, will fail you.

Political actors and policy makers who could have created an enabling environment for LGBT persons continue to be the people who would see the issue of homosexuality as a tool for political gain. You only get to hear about the issue of homosexuality from government agencies towards election time.

The importance of sexuality towards political gains and towards election - we are now just two years away from another election in Nigeria, and we have begun to see many government

officials make statements about homosexuality, because unfortunately that is the one common thing every Nigerian seems to agree on across Nigeria. I think the political class uses things to distract people and homosexuality is one of them. Therefore, you have policy makers or people seeking political office who use the issue of homosexuality as a promise in their campaign, saying 'I will eradicate homosexuals. I will deal with all the uncultured and with things that are not part of our culture.' I do not think that I need to overemphasize how across the African continent the issue of sexuality, specifically homosexuality, is seen as a Western import. I think that Nigeria is one of counties that see it as such, but we also must not forget the role that western religious bodies whether from Europe or from North America play in this narrative and the investment that they put into emphasizing such narrative in countries like Nigeria, Uganda and other places alike.

Recently we went into partnership with NOIPoll, a polling company. They started conducting polls independently on their own around the issue of LGBTI rights. Actually, they started with same sex marriage in 2013, but we felt that it was good to engage them and structure the questions beyond just same-sex marriage, because we believe and we realised that same-sex marriage is not actually the issue. What we are yet to discuss is the ability of people to be human and to enjoy their free humanness without having any limitations as a result of sexual orientation.

We commissioned NOIPoll in 2015 and then again in 2017. The 2015 report can be found on our website, or you can just google 'NOIPoll LGBT Survey'<sup>5</sup>. In the 2017 report, which was released on the 17<sup>th</sup> May, only 13% of Nigerians surveyed said they would accept a family member being homosexual compared with 11% in 2015. In 2015 we had 11%, saying they would accept family members who were homosexuals but that went a bit higher to 13%. However, it is still a shame that in a country of 18 million only 13% would accept a family member that is gay. You can see it by gender nationwide, age group and geopolitical zone.

Among the Nigerians surveyed, 39% accepted that lesbian, gay and bisexual Nigerians have equal rights to public health care, housing and education, which is a 9% increase from 2015 when it was 30%. Now, this is a clear way to understand how issues of human rights are perceived when it comes to LGBT. I honestly feel quite disappointed when we have to debate public health, access to housing, education and ordinary citizen's human rights. It goes to show that a lot of Nigerians feel that LGBT people do not have rights to these things.

In the reports that you can download from the website, 90% of Nigerians believe Nigeria would be in better place without LGBT people, which was also a reflection of a deeper lack of knowledge because LGBT people are not the ones giving bad roads, bad economy, siphoning public funds. This goes to show how the issue of homosexuality and sexual identity has continued to be a tool for political gain within Nigeria.

Perception: LGBT persons are constantly arrested by police. Reports from LGBT organizations and media have shown this. Often, the arrest is based on perceived sexual orientation, depending on the arrest and where it happens. For many reasons, that happens a lot in a city like Lagos, where you often find people bail themselves out because it is a commercial city. The police in Lagos are very commercial and they horn it, I like them for that. Once you are arrested as a gay man, all they say to you is, 'How much do you have? Do you want us to go to court?' They know you do not want them to go to court; they are very clear. They know what you fear. They know the things that are of concern to you, so they ask you, 'Let's sort

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<sup>5</sup> TIERS, Survey On Homosexuality Perception In Nigeria, 5 May 2014 (<http://theinitiativeforequalrights.org/survey-on-homosexuality-perception-in-nigeria/>).

this out. I can happily speak to my boss, who will do something about it'. So you start a negotiation.

I remember being on the phone with a police officer and we were negotiating the release of a young man, I think 21 or 22 years old, and we went down from 200,000 Naira as low as 35,000 Naira. I negotiated the 35,000 Naira and they followed him to the ATM machine, waited for him to withdraw the money and pay them, and they let him go. So the scene here is this: even though he had just finished paying them at this junction here, there is a possibility that by the time he gets to another junction somebody else might arrest him and ask him to pay another amount of money - like that boy had to pay two times in one day in different areas, one from the mainland and one of the highlands, two different amounts. One was the equivalent of \$200; the other was the equivalent of \$120. This happens all the time and people are aware of it and certainly prepared for it.

Those who cannot do anything or do not have anybody to call, do not have anybody to pay for them, or do not have any means, those are the cases you end up seeing going to court, because the police would then want to flag you, and want to make a public parade of them.

Many of the arrests are not charged under the SSMPA 2014. In many cases we come across, the struggle and the fear is beyond the SSMPA that was signed in 2014. As a gay man myself, before the law, I feared the space where I live. Even after the signing of the law, I fear the space where I live, so for many LGBT persons the fear is beyond the law and the reality of the law. It is more a social, cultural and society-related issue of how you are perceived within the society.

One of the things that you also see is arrest and how this makes headlines in the news, like the arrest I already mentioned of 53 men arrested allegedly for gay marriage. The problem with the northern states is that about 12 states practice Sharia law, but it so happened that this particular case was not referred to a Sharia court. We have a lawyer currently working on the case. They have done the first hearing. They have done the second hearing, and they have now adjourned to another sitting. The interesting part is many of the boys who were arrested were between 18 and 22 years old, and for anyone who has ever been to the northern state; this is a big shame for the boys in the north. I remember that at the last hearing, they were within the court premises but did not want to show up in court because they did not want to be identified. They were so ashamed and afraid of what people would do to them.

One of the worst experiences in the north was in Bauchi. It was the case of the Bauchi men in 2006 or thereabouts, when we walked out of the court in Bauchi state and were literally stoned by citizens and neighbours living within that court area. So you also have the issue that when people are arrested in the north, many lawyers do not want to take up the case because they fear the attacks that might come on them as lawyers. They target the lawyers of gay people and the lawyers defending homosexuality. The ratio of lawyers to population in the north is quite low compared to that in the south, South West and South South. Many lawyers who work in the north would not want to engage in a case as sensitive as this when they have larger cases in which they make more money or which can give them more publicity.

Verification of claims. Often we have had emails or contacts from LGBT people seeking asylum in countries across Europe and for a lot of those who contacted us, it is very hard to determine the level of risk that they face. I personally cannot determine their level of risk. The reality of LGBT persons in Nigeria differs from person to person, and often people recount their experience of having to prove that they are gay, even in countries in Europe.

There is no way anybody can prove they are gay, except if you have sexual intercourse with the person. Even that does not really say that that individual is gay. There are multiple complex things that people have to prove if they are persons seeking asylum. Now, for a gay

man who lives in certain areas in Nigeria your reality might be different. I will make a clear example. For a gay man living in Benin, I noticed that Benin state is quite volatile towards homosexuals. Currently we have two cases in court in Benin. One of the cases involves six young men who were reported by their neighbours ‘How can six men live in one apartment?’. The other was about two boys who were suspected of dating each other. Those two cases are currently ongoing in Benin.

When people have the opportunity to leave Nigeria and want to claim asylum, these people have to constantly prove their level of the risk, their level of sexuality, and how scary it is to go back home. I know there are a lot of people wondering, ‘There are organisations like TIERS’; people often say ‘You are there. You live there. Why didn’t they attack you?’.

However, you cannot use *my* reality as a gay man to judge the reality of many other people. Before I started doing LGBT activism work, I came from a management background, so I already had a certain level of economic power. It is also important to understand that for me, living in Nigeria, there are a lot of resources which go into securing my own personal safety. I cannot live in a house that does not have 24-hour security. Looking at the economic situation of Nigeria, how many LGB persons can afford to live in that kind of an area? I live in the supposedly highbrow area in Lagos, I live in Lekki, and I have security in my compound, which is part of the rent agreement. Probably one in every ten gay men have such opportunity or the luxury to live like that. Still, living in Lekki I am still subjected to some security threats. It does not totally guarantee my safety. Between October last year and last month, I have received email threats once a day from an email address I do not know. The email message is always, ‘We hope that you have a visa to get out of Nigeria because when we start with you, you will not know what came on you’.

Receiving such threats, I imagine seeking asylum in a country and having to (1) prove my sexuality, but also having to (2) prove that those emails came from an unknown source. It is a hypocritical system - the fact that you live there does not mean people do not suspect you or do not check how many visitors come to your house. They see how many male or female visitors you get. They hear every sound in your house, the conversations and things that happen in your house. Rich or poor, the level of risk is still high, meaning a gay person could be lynched, depending on the area where they find themselves.

Verification of claims: One of the best methods for LGBT persons applying for asylum is to present a letter from a local, trusted LGBT organisation. We have done this many times for people who have reached out to us, and we do not only provide this letter because we think they are LGBT, we also do a background check. One thing I want to make clear is that as much as I care for LGBT persons who are under threat, we must also remember that there are straight people who would want to use this opportunity as a means of integrating within the European system, which is a reality. That does not mean that everybody you come across that wants to seek asylum is straight and is pretending to be gay, and they have to prove their sexual orientation.

One of the things you can do is reach out to the organisation locally and they can help you find out, do the fact-checking, and trace their history. No matter how discreet you are as a gay man, there would be one person you confided in in Nigeria. That person can be family, that person could be a friend, that person could be anybody. Usually when people reach out to us we say, ‘Is there anybody we can speak to locally?’, and we speak to them, find out who knows them in their network of friends, try to check. Because of the way that Nigeria is, there are small pockets or circles of LGBT people. People form small cliques and friendships as a form of engaging and just belonging, in order to have a sense of belonging within the society, so there would always be one person to verify your claim.

Let me also clarify that you would come across cases where people have not experienced physical violence, but that does not mean they have not experienced other forms of violence. Physical violence is not the only thing that can make it unsafe for LGBT people to live in Nigeria. Just the fear of knowing that you are not accepted within the society is enough. The fact that, especially for effeminate gay men, you constantly have to present yourself as being masculine so that you do not face any social abuse or physical attack represents enough emotional and mental abuse. People handle the issue of mentality differently from each other: some people have the power and the money to be at peace; other people do not.

The family support system is one of the things that people often have in Nigeria. Families worry for their own children and what they would face; they would prefer that the child is not gay, so he does not have to go through public humiliation and they do not have to go through that themselves.

The return to Nigeria for LGBT people seeking asylum - the fear of going back to a place that you left because it was unsafe is enough for you not wanting to return. Often, I have seen online, I have seen campaigns where people call for persons not to be deported. We need to realise that the more public campaigning goes on for people not to be deported, the more risk we put them at when going back home. Once somebody's picture is already online, it is everywhere in the media. How do you expect such a person to go back home? How do you expect them to be safe in that kind of environment?

Online you can find the case called Chibuihe Obi, a boy that was kidnapped just about a week or two ago, just for writing about the reality of queer people in Nigeria. He was not kidnapped for being gay. He was not kidnapped for being caught 'in the act'. He was kidnapped for writing about what it means to be gay in Nigeria on an online journal.

The kidnapper overtook his Facebook page and sent messages to everybody in his contact list, asking for money, a ransom. Finally he was released late at night on a Monday. In a case like that of this boy who was kidnapped, and whose case was everywhere in the news, on Linda Ikeji, BellaNaija..., all the major news outlets, he should have the opportunity to move abroad. The trauma, the experience of being held captive for three days, is enough reason for not wanting to go back home, and it is a reality for him. He may not fear that when he goes back he is going to be attacked, but he still lives in that reality of being attacked, and that is enough justification for not wanting to go back home.

He is currently in a safe house. He will stay there for the next 2-3 months, but all he says is 'I just want to get out. I do not feel safe. My picture is everywhere. People have seen my picture. I could be attacked anywhere'. Those kinds of things are valid.

We see people whose pictures are now released online, publicised across online media. We see that they all have the same amount of fear, and they just feel unsafe being in that environment. Often, when you are deported to a country like Nigeria, you need to have a local contact who is going to help you, speak to the immigration people... So, immediately after you land, somebody goes to the gate and picks you up.

Without that, once you are deported you are handed over to the immigration officer that wants to know why you were deported, what happened, why you were seeking asylum, and many other questions. The moment that the reason for seeking asylum is found to be the issue of sexual orientation, you would be publicly humiliated. You would be abused, and a lot of the abuse might probably not be something that makes it to the media, but just being bullied by that immigration officer alone is enough. That is a first-hand experience that you get in a country where you already have a perception of not wanting to go back to.

It is also important to realise that out of all the LGBT cases you will see, not all are facing immediate attack or a threat. There are also people who are just tired of the economic

situation as a gay person, tired of the environment, tired of living in a country where you cannot be yourself. Based on that reason alone, they just want to relocate.

I have a lot of friends who went to get a Master's degree in England and other parts of the world, like the US and Canada, and after having obtained their Master's degree, they have an experience living in a country where people recognise your humanness, so they do not want to go back home. They are happy to live in a society, in a country, for a year or two, where they feel safe and secure, and where they are not constantly reminded of their sexual orientation.

It is a place where your sexual orientation is not a tool for blackmail or extortion, so they would want to live there, after having spent two or three years there. Therefore, sometimes you also see these realities of people who just want to leave Nigeria for that purpose, and who do not want to go back, so it is not just because they are under an immediate threat.

All of these are valid fears that we must recognise and we must respect. There is no right or wrong way to be gay. There is no way to show your level of threat. There is no way to prove that if you return you will be killed. There is no way to prove any of those things. However, all are valid.

We can assess all people's cases, on a case-by-case basis, and find out where they are coming from and what their situation back home is. I think that the reality of people who get returned is not far from those who get returned for trafficking and all of that. They have nothing to fall back to, especially for those who have been in the system for a year or two. They have left Nigeria. They have left their job and their family.

When they are back to Nigeria, they are back to nothing. They are in the street and they become extremely vulnerable. Returning people must be done very carefully, and after being able to examine the entire situation.

You can help limit how many people are returned back home to face further social prejudice by just contacting local organisations, or by having them contacting a local organisation themselves. These local organisations can give them a reference letter based on findings and the information gathered.

Trauma is one of the things that most LGBT people face. People ask me how I survived the trauma myself after having lived in Nigeria, and I often say to them, 'It is the only option I have. I have to get out of town every now and then'. This reality is not the reality of an average Nigerian.

Many are stuck in Nigeria, dealing with family; especially for gay men who are often considered as a head of the family, in almost all cultural contexts in Nigeria. There is the pressure of looking after your family members, of getting married. There is a lot of pressure you are facing from home.

Then there is the pressure related to being gay. You have to face that pressure at work, from colleagues who are wondering why at 35 you are not married. You have to face the pressure of neighbours who think, 'Why is a single man living in a 2- or 3- bedroom flat and he is not married?' You have to face the pressure of people in the neighbourhood who only see men, or who think that you are too girly, or that you are too masculine if you are a woman. All these are very valid reasons for people to want to seek safety.

Finally, if the risk is high enough, most of the time the person returning home is not safe, so we have to know what people are running away from. If somebody is running away from attack, returning them back home is not safe. But they might be running away from family pressure - like the case of the 27-year old girl who was going to be married off in an arranged marriage. Her family suspected that she was a lesbian and tried to marry her, but she did not

want to get married. She moved abroad and applied for asylum in Belgium, where her reasons were not enough as 'she was not facing any threat'. Decision-makers in the EU have to realise that it is not only human right defenders that face risks by working on LGBT issues. LGBT people face the same risks just by being in Nigeria.

## Discussion

**[Question] Would it be possible that TIERs is at Lagos Airport to welcome returned failed asylum seekers?**

[Makanjuola] It is impossible, because an organisation like TIER is not even supposed to be operating in Nigeria according to the SSMPA. How can we even work with the government to ensure that those who are returned are fully integrated back into society? It is difficult.

**[Question] I have a question about the Zaria case. The last thing I read was that there were still four men facing prosecution. I was just wondering if you can give us an update on that.**

[Makanjuola] The Zaria case: the initial arrest was 115, but out of the 115, it was only 53 men that could not pay their way through with the police. Those 53 were the ones who were originally caught but at the moment, out of the 53, the number of those who we have not been able to get out is 15. One of the things that our lawyers decided to do is, instead of waiting and prolonging the trial for those 53, have the court proceeding on the 15 that we were not able to get out all together, so that we would not have to prolong the trial.

**[Question] when I was in Nigeria a couple of months ago I spoke to the Heartland Alliance, and they said that it is quite a common practice, particularly in the north, for men to come together in gatherings like that, and the common term is 'Ajoh'? Is that right?**

[Makanjuola] Yes, it is common practice in the north for men to gather alone and women to gather alone, and it is common practice for these kinds of arrests to happen. One of the things that you would however *not* see is people from the north having the privilege and the opportunity to go abroad and seek asylum. I think this is due to a complex number of things generally: education, environment, access to this information, etc. Many times you see people from the South South, South East and South West having the opportunity to go abroad to either study or seek asylum, but I have come across very few people from the north who seek asylum on the grounds of sexual orientation and gender identity.

Finally, the culture of silence around the issue of sexuality is much more extreme in the north, even though the realities we see in the north. It is something you must not talk about and never mention. So, even when you have been caught or there is a rumour being passed around, nobody can talk about it.

**[Question] Thank you for highlighting how LGBT people who are not at immediate risk often have very valid reasons not to be willing to return to Nigeria. I wonder however whether all LGBT people asking for asylum are fully aware of the legitimate character of their fears, since my impression is that some people who do have diverse sexual orientation or gender identity are pushed by the logic of the asylum system to overdo it a bit and maybe invent some security incidents which in the end are found not totally convincing, casting unduly doubts on their reason to leave.**

**Do you have any advice on the issue of exploring beyond and above the immediate reason for leaving, and whether you could give us some advice on the best interview techniques to be applied in relation to Nigerian applicants seeking asylum on that basis.**

[Makanjuola] From past experience of cases of people I have met, there is the ideology that if you do not have a very sympathetic or a very violent story to tell, often people do not give the

full story, just so that you can believe them. They can see that there is a doubt, that you do not believe them, that you do not trust them.

We have to create a system for people that passes the message that you do not have to have experienced physical violence to seek asylum. People might then be honest when they apply for asylum. A lot of the cases you see are very much the same cliché: 'I was beaten, my neighbour knew...' because they feel that that is the only story that is 'sellable' for asylum. Once you can make them clear from the beginning that they do not need to have experienced physical attack or physical violence to apply for asylum, that they can have another reason not to feel safe, whether it is verbal abuse, indirectly, and in many other ways, people would be honest. The decision to determine whether they are [eligible] is valid. It comes in different justifications.

I feel that we have to give people the opportunity to be honest - and the only way to do that is by not quickly judging -, even when there is no evidence of bloodshed, no evidence of hate mail, no evidence of phone calls. People would go to any length just to prove that and would go through any means to generate that proof, just to prove that they are not safe. That is not helpful in many cases you come across, because in between you might miss people who are actually going through a very traumatic experience at home from their family, and because they feel that their traumatic experience is not valid for you, they have to lie. Sometimes the traumatic experience is even more dangerous than the physical violence that people express.

**[Question] Do you think that the level of education influences the capacity of sharing your trauma with the interviewer during the interview?**

[Makanjuola] Yes, the level of education can, but I also feel that for people who seek asylum on the grounds of their sexual orientation, first you have to know where they are coming from. They are coming with the mindset of 'I am going to be judged. I'm going to be bullied'. That is what they have always known, what they have experienced in their life. So they do not trust you, and may feel like you might not understand the trauma.

There is also a network of people sharing experiences, so when an asylum case has been granted, others would ask 'What story did you give? Why was asylum granted?' and the answer would be 'This is what I had to say.' Applicants would then think, 'But I don't have this experience. I have never been beaten; I have never been publicly humiliated. My family subjecting me to all kinds of pressure and traumatic experiences in the house'. Therefore, they already have a perception that unless they give [the interviewer] that kind of experience, they will not be believed. It is very important to understand where they are coming from, especially those who are seeking asylum as soon as they arrive. They are fresh and they just came out of a system, an environment and a cultural space where they are constantly bullied and rejected and they think you are not going to be any different from the people they see every day. It will take time to build a culture of trust with those individual cases. I think that in this process [authorities] feel that people are not being honest. We should give them the chance to just take their time and let them know that there is no reason for them to lie about violence; also reassure that the absence of violence does not mean their application will be rejected.

Finally, the major reason why people sometimes do not share their traumatic experience is that they fear they will be returned to Nigeria. They think that a traumatic experience is not enough to get asylum. The understanding of asylum in Nigeria is that you must be facing a physical attack to request asylum. That is why almost all the requests are about physical attack and violence. LGBT people come with that understanding that they have to say that they have been physically attacked.

**[Question]** Lagos is, in my opinion, a very cosmopolitan town compared to the rest of Nigeria, so I believe there are thousands of people that are homosexual, lesbian, bisexual, etc.

**Is there something like an underground scene in Lagos where LGBT people can meet?**

[Makanjuola] There used to be many underground scenes in Lagos. I remember when I first came out as a gay man, there used to be places where people go to and hang out and there were specifically gay areas, gay clubs or gay hangouts. However, there was no sign, there was no advert. There was nothing. I am talking of the early 2000s, 2002-2003. During those years, there was not so much violence like the one we are seeing now. People now hang out mostly in their private houses. I can invite ten, fifteen or twenty friends to my house to have a small party, compared to four-six years ago, when there were pockets of clubs. Some of them were specifically gay clubs; they were very accommodating of gay people. One of them was Caliente. They were really close to the highlands. They were quite accommodating of gay people but somehow something happened and they became very hostile towards gay people. I would relate that to the Prohibition Law that was signed in 2014, because nobody wanted to be caught. When the law was signed, everybody was afraid of being caught and being beating, so people were literally segregating themselves. They did not want to be seen with a gay person, or being seen that gay people are patronizing their business. Therefore, that is what you have: more underground activities, but very coordinated. Today people use Grindr or Manjam, and all social sites. You become friends with some of them; and you just meet some of them casually and then you move on, but once your friends are there, you are linked to an underground network and you become friends. These are the kinds of parties which you see happen, very, very private and discrete.

**[Question]** Just a follow-up question on that. Some research on Uganda has shown incidents where **members of the police force have used Grindr** or some of these social media outlets **to lure and potentially identify people** who may be 'different' individuals and then arrest them. Have you seen similar incidents or cases in Nigeria?

[Makanjuola] Yes, we have, but it is not as much of an issue as it is in Uganda. What we have seen more of in Nigeria are non-state actors or individuals using those methods to blackmail people and then stalk them. You register on Grindr, for example, and you chat with somebody because it is supposed that everyone who goes on Grindr or Manjam is actually gay or lesbian or bisexual. So people go on a date and then realise that they are actually being set up. They are beaten, their funds are collected, they are stripped naked of their items, and sometimes even raped. We have had a case of a lesbian woman who was raped by seven different men in one day. People may report or they may move on. One of the security situations that gets to people is when you have people coming to your house or you go to them. In a conflict zone, the level of risk is different when you travel to them, and especially in an area you do not know or where you don't have anybody that you know.

**[Question]** People from civil society organisations tell me that most of gay people in their cities are more or less limited to an association. **Do you think that in Lagos TIERS and the others can reach most of the gay community people, or do they reach just a few of them?**

[Makanjuola] I think the problem is just like in any other part of the world if you are in a city like London, Brussels and everywhere. Either way you do not have a structured system: you will never reach out to a gay person, not because you do not want to reach out to them, but nobody is walking in the streets of the city carrying an 'I am gay' sign on their head, so you do not know who is gay except through media services. In Lagos there is a population of 20 million, and there are many gay people underground. Many gay and bisexual people are married. I have friends who would never go to parties really publicly, because the moment they are seen publicly, people can put one or two persons together and say that they might or could be gay. There are a lot of people who go underground. When they talk to people in associations like mine or in another part, what they would majorly request is condoms, lubricants etc. and they would not come to your office to get it, so you have to meet them

somewhere, or you drive yourself to them and then you move on. When they have somebody trying to blackmail them, that is when they remember there is a gay organisation in Nigeria. However, when they do not have problems, people just want to conform, because sometimes there is a vague ideology, 'Maybe if I conform, maybe I will just be happy and I might just have peace of mind'. In my work, I see that people are constantly looking for anything that will give them peace of mind. If conforming will give them peace of mind although they might not be deeply happy, they will try to just conform for the sake of acceptance within society. You see that more commonly in cities like Lagos, Port Harcourt, Abuja and major cities in Nigeria. This kind of thing is very common. In all those small pocket states, there are no organisations at all, so they do not even know anybody. They do not have anywhere from where to get information; they do not know anybody they can speak to and therefore, they just go underground.

**[Question] What crimes are prosecuted by federal police and what crimes are prosecuted by state police? Is homosexuality prosecuted by federal police? Is the high court is a federal court or is it a state court?**

For us this is very important to assess the credibility of the applicant and to establish what force is involved in prosecution.

[Odiase] We don't have state police in Nigeria. The Nigeria Police is a Federal Agency with offices in the States and Local Government Areas. First, the police does not prosecute crimes. What they do is arrest, investigate and then hand the case over to the Ministry of Justice, but there is no distinction between state crime and federal crime. A crime is a crime. The police can initiate the prosecution process at any level. The difference is with respect to which court the case goes to. If it is a misdemeanour, a magistrate court can start and then it can go on appeal, to the High Court, Court of Appeal, etc., just like in any other country. As such, there is no distinction in terms of the powers of the police in the federating units and the police at the centre.

## Ritual killings, cults and chieftaincy

**David Pratten**, Associate Professor in the Social Anthropology of Africa;  
Fellow of St Antony's College, University of Oxford

I have been asked to discuss three issues today. I will try to deal with them separately though you will appreciate that they are interconnected and are linked to problematic and controversial aspects of Nigerian culture and society. The three issues are:

- murder for ritual means,
- membership of proscribed criminal cults, and
- conflicts sparked by agitation over traditional leadership positions.

These are topics that you might be forgiven for thinking are 'traditional', residual features of former, even precolonial cultural practices. But they are in fact always very 'modern' – and articulated to contemporary economic and political fears and tensions. Indeed, in recent years, with the onset of economic recession and rapidly increasing unemployment figures in Nigeria these issues of crime, cults, and chieftaincy conflict sadly appear to be assuming a more pronounced position.

I have also been asked if I can orient my comments to address issues of children and youth too - so I have also included examples on those points where relevant.

My own expertise on these topics is drawn from 20 or more years of working in southern Nigeria – specifically Rivers, Akwa Ibom and Cross River States. I am a social anthropologist and my work has focused on histories of violence, the contemporary chieftaincy politics and youth gangs, cults and vigilantes.

### Ritual killings

I will start with the very problematic issue of ritual killing. Here I am going to discuss the problems faced in interpreting 'ritual' killing; questions of definition; prevalence, victims, and policing.

I will start with the Adam case – 2005. Is perhaps the most notorious 'ritual killing' in Nigerian history. It was referred to in the press as the 'torso in the Thames' and was the shocking account of how a young boy's body had been mutilated and dismembered and thrown into the river in London. With only his torso - no arms, legs or head- to identify him, the initial police investigation focused on possible ritual motives for the murder. Initial expert opinion corroborated this view and sent the investigators to South Africa to examine links with a possible *muti* or medicine murder. Proving fruitless, the inquiry diagnosed stomach contents to pin point the boy's origin – from near Benin in Southern Nigeria.

Candles and Yoruba language writing found on the riverbank suggested again that there might be ritual, sacrificial elements to the tragedy. But after extensive further investigation, albeit without prosecution, the metropolitan police concluded that the dismembering was not ritually inspired at all, but the means by which a people-smuggling gang had chosen to hide and dispose of their cargo when they thought that their operation was about to be discovered by the police.

It is a salutary lesson, reminding us that the interpretation of ritual killing is deeply problematic. My own research on a series of murders in the 1940s in Nigeria where bodies were mutilated to imitate leopard attacks played out a similar scenario. The police thought

they were ritual murders but this was a conclusion based on prejudice and assumption not evidence.

The common definition of ritual murder in this context is that they are performed to procure body parts for ritual practices that can enhance a person's power, virility, wealth or protection. This might be for the production of 'medicines.' The terms juju and fetish are often used in this context – but the local terms for the word medicine captures a very ambiguous meaning of substances that are thought to heal, protect and empower and that are produced by combining ingredients that might include specific human body parts. The difficulty then, as in the Adam case, is to understand the meaning of body mutilation or the removal of body parts. There is a strong association between these forms of murder then and specialists in forms of animistic practice – herbalists, healers, shrine priests who might commission murders of this kind on behalf of their clients. Perpetrators are also said to include 'cultists' members of secret cults that I will come on to discuss in a moment – but this is a very general term and tends not to capture the very local conspiracy to murder that most cases involve.

There are several footnotes to add to this broad definition – One is to mention briefly the idea of 'human sacrifice' – i.e. the killing of a person as a ritual act. I have only really heard of this rumoured in relation to burial practices of very senior chiefs, and no published corroboration. Second – broadening out the definition of ritual murder to include deaths linked to ritual belief and practice - many deaths are explained as a result of oath-swearing. I.e. in a dispute, a person might swear that they are telling the truth by consuming or invoking a substance with supernatural powers. If the person dies within a stated period (usually a year), they are said to have been killed by this substance - often displaying visible symptoms (swellings in the legs) as a clue to the cause. Third, just like these oaths there are also ordeals which people sometimes undergo to determine the truth – such ordeals used to include the consumption of poisons. Possession of body parts may be linked to desecration of graves. And to a common practice of seeking empowerment or ritual substances from graves.

As I say – there are very contemporary motivations for these forms of murder. Getting rich quick is probably the primary one. In 1996 the city of Owerri in South-eastern Nigeria witnessed riots when human body parts were found in a car – the ensuing violence was directed at those who had become rich – chiefs, churches, con artists.

The prevalence of ritual murders is notoriously difficult to ascertain. Sometimes there are spikes or 'moral panics' in the press and popular consciousness that may or may not be borne out in the numbers of actual attacks. Overall, the numbers of such attacks is low and I would agree with colleagues at SOAS [School of Oriental and African Studies] in London who authored a report in 2012 that ritual murder is NOT a 'systematic practice'. Reporting from across Nigeria suggests that there is no real ethnic or local distribution to be aware of though there are probably fewer incidents in the northern states of the country.

Nevertheless, it does occur in Nigeria as elsewhere. The victims are generally identified at random and usually because they are relatively soft targets. These would include those younger and or who were mentally or physically challenged. Unlike Tanzania, which has seen an upsurge of cases where albinos were killed to produce protective medicines (possibly for artisanal miners), skin colour does not seem a major factor in Nigeria. I have heard many many stories about those with kyphosis being potential targets – i.e. hunchback.

### **Child 'Witches'**

A footnote to this re youth and children. A very worrying development over the last decade is a form of assault on very vulnerable minors and children which is linked to ideas that children possess occult powers and cause fatalities or failure. This is a phenomenon that has emerged in various African cities and in the diaspora in Europe:

- Cases of murder, attempted murder and abandonment of children have been prevalent in the Akwa Ibom state of Nigeria. One organisation puts the figure of children accused at 15,000.
- The motivations for family members to turn against their own children and accuse them of witchcraft has presented a real puzzle. Is it because of Malthusian pressures on the household economy – is it because of a fear of children's militancy/child soldiers?
- It seems that the common factor spreading these anxieties is to be found in Pentecostalist church preaching. Church sponsorship of popular movies depicting children as witches seems to have set this process in motion. In addition, practices of exorcism and deliverance in church services are key parts of a living church, a church that can identify the enemies of progress, the reason why the business, the family are not progressing, not becoming wealthy/prosperous is key to the competition between churches.
- There has been international attention focused on this problem in southern Nigeria with an international NGO campaigning (stepping stones – no safe child) – documentary films.
- Akwa Ibom state to ratify a Child Rights Act (2008).
- This has drawn attention not only to the problems of witchcraft accusation against children but trafficking and child abandonment too. Though enforcement is notoriously difficult.

In terms of the legal and policing dimension there is no specific unit set up to investigate these crimes by the Nigerian police. They of course are treated as murders under the 1990 Criminal Code and the Northern Penal code. Possession of human body parts is a criminal offence. Trial by ordeal is also criminalised – and is liable to the death penalty.

The criminal code also states that it is a misdemeanour to:

- Be in possession of human remains intended to be used in connection with the worship or invocation of any juju
- Illegal to make or sell or assist in making any juju, drug or charm intended to prevent or delay, compel or possess the power of causing any natural phenomenon or any disease or epidemic.
- Illegal to direct, control or preside at the worship or invocation of any juju that is prohibited.
- Make or use or assist in anything being or believed to be associated with human sacrifice or other unlawful practice.

Accusations often map onto existing axes of social tension – old and young/locals vs foreigners. Brings 'traditional healers' into the frame. To accuse groups of people of ritual killing is a bit like the sort of stigmatising act an accusation of paedophilia might enact. Youth often accuse elders, traditional rulers of ritual killing, suspicion of authorities and of strangers or non-indigenes. If you review very recent press reporting on police investigations into ritual killing in Nigeria then the common terms used are 'money ritual' with the use of human hearts.

Problematic conclusions – a number of vicious attacks on families with murders of children reported – much speculation that this was ritually motivated, but there is no evidence that we are privy to.

A case in Lagos in March this year involved a muslim cleric (stoning a small child while incantating). And another (reported internationally – the Times) reported on the case of twins

infanticide. And that missionary groups still provide havens for twin babies – thought to be an abomination of the spirit.

## Chieftaincy

The second topic I am going to address relates to chieftaincy – to traditional rulers. Here I am going to outline issues to do with their definition, why these positions are highly sought after and the lines of conflict associated with them.

The legacy of the colonial policy of indirect rule (i.e. ruling indirectly through local chiefs), along with post-colonial policies that promoted chiefs (often as alternative lines of political allegiance) has given chieftaincy a central role in Nigeria's contemporary political constitution.

The first important thing to say about chiefs and traditional rulers in Nigeria, however, is that there is huge variation in what constitutes a chief, what constituency a chief represents, who can be a chief, how a chief is appointed. So talking about chiefs, we have to remember that we can sometimes be talking about rather different institutions.

The second important thing to say is that despite this legacy and the labelling as 'traditional rulers' these are very modern institutions and the problems and tensions associated with them are directly linked to contemporary trends in the country. The idea of chiefs as old illiterate custodians of centuries' traditions is very outmoded.

At one level – the Oba of Benin, the Obong of Calabar, the Ooni of Ife, the Emir of Kano – these are first class chiefs who are often highly qualified, successful, wealthy members of the political establishment. And at the very local level of a village chief, the day to day life might appear rather mundane – dealing with local disputes, validating identity documents, and rolling up for every local event. However, in both instances and for all the levels of chieftaincy in between there is a strong incentive structure to vie for these offices.

This brings me to my third introductory point, which is very closely linked to the first two - which is that while chiefs are about tradition and custom they are tightly woven into the state constitution and structure. Chieftaincies on the whole tend to map onto the country's administrative structure that recognises wards, villages, clans, local government areas and states. Parallel courts and councils exist presided over by traditional rulers that are funded by the state. Moreover, many state recognised positions are remunerated – meaning that chieftaincies in Nigeria are actually part of the state bureaucracy and therefore part of the Nigerian petro-state's redistributive patronage structure.

As such they are highly sought after positions and the competition for accession – ie the disputes over chieftaincy positions can become sources of conflict in themselves. One of the exacerbating factors here is that the rules for choosing a new chief are rarely fixed or clear; or even if they appear to be they will be subject to debate and conflict.

What is also flexible and changing is the relationship between a chief and the community they lead. There is a flexible relationship between local customary identities (whether that is ethnic or sub-ethnic) and state administrative constituencies – with one often being shaped to the other over time. So in the local government area where I live each village has a village head, groups of around 20 villages are organised under five 'clans' and then there is a paramount ruler for the whole local government. However, in fact, here are only two real 'traditional' clans in this case - and there is ongoing tension in the system to control the top-spot and to manage the hostilities between the two-clan factions. In addition, there is continual pressure to create more sub-units – by splitting a village or a clan into two to create more heads and a greater number of smaller constituencies.

These are the persistent lines of tension when it comes to chieftaincy politics. Indeed, it is precisely because these offices are patronage positions with the state and precisely because of the awkward and flexible fit between administrative and chieftaincy constituencies that problems arise.

So as figure heads of these ambiguously organised ethnicities and polities chiefs are also often in the firing line in border disputes. But I will just dwell on this idea of their precarious position as patrons in the Nigerian system.

Chiefs are often highly respected custodians of these offices, but they are also in a precarious position as patrons. As such they are brokers between local communities and outside interests – a position that can be lucrative but which comes with expectations that leaders will be acting in the community not personal interest - and they are often accused of abusing their positions - especially of failing to keep law and order by accepting bribes from criminals, or of not redistributing the spoils of their office to their local communities.

To give you the clearest example: in the oil rich Niger Delta it is well established that oil companies would provide compensation for land or for pollution to oil-producing communities through their chiefs (rather than through representative bodies or local government structures). Chiefs in this context stand accused of colluding with outside agencies – it might be contractors, state officials, political parties and denying community members of rights and resources.

The most vocal constituency in this context is the youth – these are not necessarily ‘young’ men and women in terms of age, but those who are not regarded socially as elders and who, on the whole, experience high levels of underemployment and political manipulation. Tensions often arise, therefore, along generational axes with youth and elders, youth and chiefs coming into conflict.

Chiefs and the councils they preside over can control lucrative economic niches – security patrols, motor park licences, market permits. In a very recent case in the village where I have worked a chief was assassinated because he revoked access for youth to run the concession to a small palm oil plantation. The reports you read of chief’s palaces and compounds being attacked or of assassinations of chiefs are very often the culmination of protests about abuses of office from young men.

There is no special policing provision for the violence and threats to life that chieftaincy disputes – or disputes linked to chiefs – involve. And as I’ve explained there is very little by way of standardised legal provision defining the positions of chiefs and their roles. Yes, there are traditional rulers’ edicts and councils who enforce them, but ultimately chiefs can be held accountable to the communities they represent.

### **Varsity [university] cults**

My third and final topic to discuss is varsity cults. I’ll briefly mention some of the history of these groups along with their role on and off the university campus.

No doubt many of you will be aware of the North American university confraternities and sororities – male and female clubs, often named after Greek letters and with selective memberships that undergo brutalising initiations. Well, in the 1950s when some of the first Nigerian scholars studied in the United States they returned with this model of the confraternity and adapted them to the Nigerian context. Indeed the Nobel prize winning poet, Wole Soyinka, has the dubious distinction of being one of the founding members of the first ‘cult’ the Pyrates on the University of Ibadan campus in 1952.

From these beginnings – as a club, dressing up as pirates and protesting elite, colonial culture and promoting a pan Africanism, the history of campus cults in Nigeria saw them expand rapidly across new federal and state universities and to split into new groups, the Buccaneers Confraternity, the Black Axe Movement, and the Family Confraternity.

The varsity cults have become so prevalent that through the 1990s and 2000s they closed several universities:

- At the time it was unclear how to place these groups – were they secret cabals orchestrated by the military elite to counter the leftist student unions – or perhaps they were student pressure groups – protecting students from the exploitations of lecturers and the authorities.
- Either way they found fertile ground in contexts where secret societies – modes of initiation into manhood, and secret associations linked to political mobilisation (like Ogboni) are part of local historical landscape.
- Widespread set of ideas that political process and organised crime (sometimes these are the same thing) are orchestrated by covert societies, syndicates, bonded by oath and secrecy. Indeed, there is a lot of discussion around the links that these cults have amongst senior political circles – and alumni of the cults themselves.
- Yet there is also much debate with groups trying to rehabilitate their image and claim that they are not a cult.

Despite very clear and well-known laws against membership of secret cults, state level laws listing proscribed organisations, and concerted campaigns to keep the cults out of campuses, it is clear that they are as much of a problem there today as they have ever been. As they expanded so their reputations rapidly deteriorated, and although they are known as ‘cults’ they have become forms of gangs (or at least they are more like gangs than they are like religious cults following charismatic or millennial prophets and preachers):

- Young men (in particular, though not exclusively) join cults for protection and because of peer pressure – just like gangs. First year students are targeted – reports point to voluntary and forced conscription.
- With enrolment in higher education being so high – and cults operating in secondary schools, polytechnics, state, private and federal universities young people in education are very likely to be exposed to them.
- Cults tend to recruit across ethnic boundaries.
- There is a spiral of violence linked to cult vendettas and revenge – some of this is linked to assaults on members or on girlfriends which then turn into feuds and fights for supremacy.
- Assassinations and street fighting are not uncommon. Violence becomes a mode of acceptance in the group and of testing masculinity.
- Once a person has been initiated – which usually involves a violent beating (with many reports of rape) – it is very hard for them to leave or to talk about their experience beyond the group.
- In interviews I have done with cult members, we do not introduce ourselves and we meet very privately – oaths of secrecy are very seriously enforced.
- The ritual ‘cultish’ forms that these groups take are not consistent. They observe very strict linguistic and sartorial codes, handshakes, music, - perhaps there are rites observed during initiation and for a members’ burials and they use forms of medicinal protection (charms) – though they are not alone in that.
- Associations between cultism and forms of animistic worship are persistent – and calling someone a cultist is accusing them of being like a witch or committing occult forms of ritual – even ritual killing.
- Distinguishing between ways of speaking (modes of accusation) and actual beliefs and practices is notoriously problematic. As the accusation of cultism is so loaded, and powerful, it also becomes a very problematic way of justifying attacks, including extra-judicial killings on otherwise innocent young people.

One of the most notorious cases of this came in 2012 with the lynching of four students of the University of Port Harcourt (the so-called ALUU 4) – perhaps they were suspected to be armed robbers or members of the mafia confraternity – they were killed by the local vigilante group.

Recent trends have seen the university cults move beyond the campus and onto the streets. There have long been street gangs in Nigeria's cities. Since the 1980s these were known as 'area boys' (some of the groups, like the ones I work on have strong links with masquerade performances). But in recent years young men without university educations have formed gangs, also known as cults, which look and act much like their counterparts on the campuses. These groups – like Debam and Dewell in Port Harcourt – are routinely hired by political bosses during elections; they feud between themselves; they are the basis for armed robbery, prostitution and kidnapping gangs.

So these are so-called street and creek wings. Klansmen/Debam Vikings/Dewell – Dewell also closely linked to Icelanders and Outlaws – who were linked to MEND.

In 2004 the Rivers State government banned over 100 cults in the aftermath of violence that had affected the state with the sponsorship of these groups by politicians in the 2003 elections. Neither these attempts to ban cults or more recent initiatives to provide an amnesty for cult members (like the amnesty in the Niger Delta) have had much impact.

There are three consequences of this trend:

1. One is that in the oil-producing regions of the Niger Delta these gangs have formed loose alliances between university, street and creeks – linking groups of armed young men in strong factions to the militant violence of Delta politics.
2. Second - these groups are no longer confined to urban or university contexts. The groups are highly mobile and violence and crime associated with cults can emerge in otherwise remote and quiet rural communities. The village I work in has been beset with a cult war since last November despite the stationing of police special response squads and the indications are that the situation across southern Nigeria, linked to the recession, is worsening.
3. And finally cults are also the basis of international criminal syndicates - smuggling drugs, selling stolen crude oil, and/or trafficking people. In January last year, the Supreme Eye confraternity was implicated in a sex-trafficking operation in Spain.

Extensive legal provisions are in place prohibiting affiliation with proscribed societies:

- State and national level (i.e. criminal code provisions against unlawful societies).
- These cover forms of traditional secret societies, societies linked with political networks like Ogboni and the varsity cults.
- Secret Cult and Cult Related Activities (Prohibition) Bill, 2004.
- Rivers State enacted the Secret Cult and Similar Activities (Prohibition) Law in 2004.
- in 2000, Edo State enacted a Secret Cult (Prohibition) Bill which prescribed 21 years in prison for "cult members in public and educational services".

There are numerous problems relating to the policing of cults:

- Prevalence,
- Relevance of gang structures in context of insecurity,
- Identification of members,
- and patronage protection.

It is very difficult to tie these three issues together. They map onto familiar generational tensions in Nigeria, and onto the geographies of belonging that are so fiercely fought over (just recently the Northern threats against Igbo youth in the north bear this out explicitly). I am no expert on asylum applications, but clearly the 'cultural' context for applications have become more significant over time. One of the key reasons for their prevalence is not because forms of ritual, chieftaincy or cult practices are somehow backward or traditional, but precisely because they are articulated to modern, contemporary axes of inequality, competition and vulnerability.

## Discussion

**[Question] How are these different phenomena discussed among the local population? What kind of apprehensions, fears and thoughts do people have about them?**

[Pratten] One of the ways in which I'm trying to describe some of these processes in my own work looks at insecurity not as a temporary phenomenon, and at these states of uncertainty and anxiety not as kind of temporary or episodic but all the time. I suppose that's one way of explaining a way of coping that is incredibly vigilant in relation to new and suspect people in the community. So, there's a kind of vigilance around difference, which I suppose is one way in which people express these forms of anxiety. Although I haven't provided an umbrella idea, there's an underlying belief in a set of discourses and practices to do with the occult and witchcraft. I'd be very very hesitant to go down that kind of line. On the other hand, there are some features in the ways that forms of accusations about witchcraft map onto these kinds of tensions I'm talking about, whether it's against exploitations of very powerful wealthy individuals in the society, the kind of accusation that someone is a ritual killer. There's a metaphor being consumed by powerful patrons or in the way in which witchcraft accusations work the other way, not a levelling mechanism against the powerful, but actually a mechanism that diagnoses the vulnerable and identifies weaker members of the community. That is the association with child witches and more marginal figures like cult boys, who themselves have limited economic resources. There is a popular discourse that has a very high level of anxiety around cultism. It penetrates and permeates many more features of everyday life than they used to. There's recourse to sources of certainty and sources of security like Pentecostal Churches, but they are themselves diagnosing differences and identifying evil. They can actually spiral some of these prejudices, so they can be problematic.

**[Question] Some children say, 'My father was the head the village and he was part of a secret society, and therefore I was contacted to take my father's place. I wasn't accused of witchcraft or anything, but in order not to be punished, since I didn't want to be part of this group, I just escaped'. To what extent does this correspond to a certain territory? These stories are always told in the same way in various parts of Nigeria.**

[Pratten] This is a really interesting question and it's very challenging to answer, precisely because of the point I was raising about the specificity of chieftaincy disputes and how precisely modes of succession sometimes differ from village to village within the same linguistic, ethnic community. If I had to say whether it is credible that in a particular community an individual was being forced to inherit a position, I suppose it is conceivable. On the other hand, these are usually quite public offices. To be a head of a village is quite a transparent process. The identity would be known within other councils, so the idea of villages only run by kind of secret cabals without some recourse to other transparent mechanisms that might be able to shed light on a problematic constitution in a particular village is... There are counterbalancing forces that would suggest it would be hard to run a village like that! However, as I said, the specifics do strike me as being the kind of nostalgia for a kind of way in which villages might once have been governed by secret councils or secret councils of

elders. My experience is that traditional rulers, councils and their courts are held in the open, and people can go along and challenge them. It is not that it is a democratic thing, and it's clearly gerontocratic, but to be coerced into that position, it's conceivable but I guess it's not likely.

**[Question] Does forced recruitment occur in the cults in cases of sons of former members?**

[Pratten] I don't think we have that level of sociological evidence in terms of who is a member from the very beginning level, let alone whether these are family lineages. It is quite conceivable that if your father was a Viking you are Viking. That seems to make sense to me. On the other hand, I don't know if there's any compulsion. The leadership of these cults changes of course over time, whether they're at university, how long they're at university, and how this kind of lineage successions would be policed. I doubt that they could be, so I would be sceptical.

One often finds that children who go to university follow a different church or they go to a different university. There's huge variation and variety, so I don't think there is any particular pattern that you could discern. As I said, we have no data about who is a member. There was a lot of suspicion that the core members were very elite, or sons of elite. That seemed to be a rumour about powerful people controlling university campuses, because they could do so through covert means. So I think it's again inconclusive, I am sorry, but it seems a little bit unlikely that that pattern could be produced.

**[Question] It's not totally clear to me whether a specific group named Ogboni actually exists, or whether the word is used to indicate different kinds of groups since one obviously has a sort of copyright in the world. I wonder whether the information we find about the most famous Ogboni group that formed the Ogboni Fraternity (which is normally something like a Rotary club) is valid for other possible groups having the same name.**

[Pratten] Again, it's a very difficult question and I am not an expert on the question of Ogboni. The region of influence of the Ogboni society maps onto the mid-west, Yoruba-speaking states, and not anywhere else really. So there is a regional specificity to Ogboni. I'm an expert on the South East of Nigeria and we don't have the kind of Ogboni issue really, so it is very regionally specific, but it is a real thing. And it's certainly been very prominently implicated to the Reformed Ogboni society in relation to political movements over the decades. Of course, it's important to recognise that many of these organisations that are called cults tell you that they are not cults. You find this with The Buccaneers and The Vikings, just as much as you do with Ogboni. So yes, it's a thing. Are there imitations? Well, there are often lodges or different club houses of these kind of organisations that you find in different places obviously, but they fall usually under a federated umbrella. Members from one organisation should be able to access the other, so in the university cult context that often means that you can be a Buccaneer in Port Harcourt and walk into a Buccaneer confraternity meeting in Ile Ife. So you'd be among like-minded initiates. There are national networks of some of these cults. The Ogboni is quite regionally-specific really.

## Questions and Answers with experts

### Indigeneity

**[Question] Referring to individuals who are moving from one settlement to another, does it matter if you are indigenous or a settler when it comes to access to the land?**

[Makanjuola] When it comes to land, it is very important. For example I am from South West, from one of the states in South West, and my mother is from South South and my mother's mother is from South South Edo, so if my mother has land in Edo state I would not be able to get access to it because I am not considered from Edo state, because what you have is your father's side only. My father is from Osun state and because I am not from Edo state, I do not have access to their land. That is also commonly seen played out when it comes to anything that is actually quite material or power-driven. You see the issue of indigeneship being played out within the country. When there is nothing material or anything commercial or power-driven, everybody is Nigerian. That is why you often hear the Niger Delta claim to the oil resources because they claim, 'it is our oil'. At that point they are not Nigerian but from Niger Delta. 'It is our oil', because it is about the resources and the power. That is the only time we do not get to be all Nigerian.

**[Question] Is there any recent research on the topic of indigeneity? Human Rights Watch did a report on it some 10 years ago, and Crisis Group even a couple of years before.**

[Turnbull] Laura Vinson, at Oklahoma University will have a book coming out soon about violence in Jos and Kaduna state. I think it touches a lot on this topic of indigeneity, so if anyone is curious I think that may be a good resource.

[Pratten] I do not know whether you are aware of Laurent Fourchard's work on certificates of indigeneity. He led a French research project on autochthony and he is currently at CRS in Bordeaux, but I think you will find it. He is still giving papers on it. Some of them are published in *Africa*, the journal, so you might find that of use. He has noted how recent in fact certificates of indigeneity are. They do not go back a long way; they are quite a recent phenomenon, and in many ways the kind of indigeneity issue around certificates criss-crosses with a kind of youth-elders generational axis. Who are the people that need to prove their status most? Its students to get on to bursaries and scholarships at university. Graduates who are applying for civil service positions. In many ways, as Megan [Turnbull] was describing in relation to the Delta, youths who are trying to prove that they are from a certain place to get employment with oil companies or amnesty programs or whatever it might be, and need these as well. Therefore, if you are an elder and settled down, you *might* come up in relation to land and those kinds of issues, but on the whole, the people who come to chieftaincy offices or local government offices asking for certificates of indigeneity are pretty young people, students on the whole.

### Why Edo State?

**[Question] A very large percentage of the migrants and asylum seekers in Europe are from Edo, and this even though Edo state is maybe not the poorest in Nigeria. The population of Edo is fairly small, maybe 5% of the population as a whole, but still people from Edo are very much overrepresented in comparison, for instance, with the Igbo, with Yoruba, with big southern groups, much bigger southern groups. What is the possible explanation for that? Why Edo?**

[Makanjuola] It is quite amazing to see that Edo has the highest number of asylum seekers, especially in Italy, so we should not just talk just about Edo asylum seekers abroad; we should also look at it between Edo and Italy. One of the things to quickly point out to is that I think the relationship between Edo and Italy goes way back to the early eighties. When I was growing up in Edo, I spent quite some time with my grandmother and one thing I could quickly remember is that every household in Edo state is mandatory to have a family member abroad. It was a status symbol; it was a way to show class, it was a way to show 'my son is going to send me money'. So if you do not have a child abroad, as an aged mother or as an aged father, it is an insult, it says that your children are not doing well. So, first of all you have to look at it from that perspective. When it comes to class and power, for them it is just a 'show'. I would say there is also the culture where women have oftentimes been transported within states to go to Italy. They start from Italy to go back to it. Libya is one of them. Mali is one of them. Usually they start their journey from Lagos to Abidjan, in Cote d'Ivoire. They end up in Mali and then head up to other places before they finally get to Italy and the other places they want to go to. That is mostly for women.

For men, mostly, it is the cultural context where the man is expected to be the head of the family and as a first male child in the house, there are certain responsibilities you *must* take, which you are *expected* to take. Every Christmas people go home; the only people who do not go home for Christmas are people from South West. My father is from Ogun state. I do not go to my father's village for Christmas. However, all the South South people have a *tradition* of going back home.

Whenever people go back in December, they come in new acquired material things. People come to show off, so if I am the head of the house and I do not have the same fortune, my mother is embarrassed for me and she says, 'Look at him, look at him, look at him'. They go abroad, which is why you often see a lot of them want to get their residency abroad. You have to always make sure to go back for Christmas because it is a symbol, and for them it is a way to show things when going back home.

Once you are over 30, you have to go abroad. That is the ideology: that you can make it when you go abroad. In Italy, Edo people have established such a strong force within the Italian environment through either the sex trade, drug, arms and all kinds of business. When you look at it carefully, you see that when they come here, they get into the same kind of business deals and they give the perception back home that it might be a quicker road to make money.

You might think the UK, which has closer ties with Nigeria, should be the major point for migration, but no, many people do not find the UK quite attractive. It is either Italy or Germany or the Netherlands. Those three places are very important for Benin people. I think there are issues that go back a long time: how men from Edo state, black men or women generally, are sexualised; the culture of farming/agriculture in those two countries; and also the transportation of women within those states. I have been coming to Italy for the last 5-6 years, and from personal experience there have been many times – I have been to Napoli many times – that I have been sexualised in Napoli. When you try to engage people and they know that you are from Nigeria and you are black, there is a kind of sexual response or sexual reaction that you get oftentimes. All this put together shows *that* kind of relationship, but I am sure there might be other deeper relationships that existed before the early eighties that I might not been aware of.

[Plambech] A lot of these issues certainly form the migration trend to Italy. I usually talk about the connection between Edo state and Europe and Italy as a mix of multiple things at the same time. There is not just one explanation. As a migration scholar, it is not unusual at all to see that there are specific places from where a migration hub develops migration hubs like Benin City. That is what Benin City is perceived as today.

In the early eighties, one of the reasons why the connection was made with Italy, and also France, was through companies that established businesses in Edo state. Some Italian men went back to Italy with Nigerian wives, so that was one of the first groups of women who invited family members or arranged travel to come to Italy. So that is just one of the ways how the migration system started. It is always really important to look at how a migration system starts. Then at the same time there was also a demand for labour in Italy, in agriculture, and some of that labour turned into sex labour, particularly at the time when women started to borrow more and more money in order to come to Italy, and the fastest way to pay back the debt is through informal labour in the sex industry. That is where you earn the most money and it is the quickest way, as you also talked about.

Therefore, there are multiple reasons why it is Edo state, but primarily it is a state where even in the 1920s when the British were still there, there was a debate about women who were migrating from Edo state to other states within Nigeria to sell sex. The British were trying to control that and to get them back to Edo state because it was embarrassing for Edo state that women were leaving, and it is still embarrassing! Now it is embarrassing for Nigeria, which is the debate. Therefore, it is nothing new in particular but it has become transnational.

In addition, for some of the routes that they travel through, Niger and Libya, all kind of goods have been transported through them to Italy and now they have become *migrant* routes, which is something we also see in other areas of the world where you had other kinds of goods, and now it is migrants who are using these routes. I am always getting that question: Why Benin City? Why Edo state? There are several reports being made on that, some of them by IOM as well. There are multiple reasons.

They would say it is because women from Edo state are very particular but the women would of course say, 'No, we are just like...' There are many cultural explanations that I think we should pay attention to, but more often, I think it is important to look at the political economy of how this migration system was started and how it was linked to previous connections between southern Europe and Edo state. In northern Europe where I am from, Copenhagen, there also women from Benin City or men from Benin City, so it is not only that they come here to Italy and stop here. In Northern Europe, there is the same percentage of people arriving or who are from Edo state, so it is just a very particular migration system. To finalise, I would just say one more thing: there are between six to eight places around the world where the ratio of women to men entering the sex industry in Europe is higher. Edo state is one of those places. Then we have northeast Thailand; we have places in the Philippines, northeast Brazil, northeast China, and eastern Romania. Therefore, as a migration scholar, Edo state is a particular migration hub.

[Plambeck] While we talked so much about Benin City, recently what I see are also several migrants who are not from Edo state but who have spent several years in Benin City before moving onwards. A group of women that I have worked among who are actually from north eastern Nigeria - Adamawa state - wanted to migrate to Europe so they went to Benin City and spent several years there waiting for an opportunity to move onwards. Therefore, I think it is important to look at Benin City not only as the place where people from Edo state are travelling from; it is a place from where many other migrants are travelling. It is a migration hub in the same way as Agadez, or Sabah or Tripoli, so if you want to travel from Nigeria you go there because that is where there are a lot of migration facilitators who are able to produce documents or who know the routes.

I would also say it is increasingly not a migration hub; it is a deportation hub, because many of the migrants that we are now returning from the EU are going to Benin City, they are returned or they are deported. Now I see incidents where they are using their skills as migrants to facilitate new migrations. They know how to go to Europe; they cannot go there

themselves so they are helping others, it is just circular. They know what is needed, so we also have to think about the migration knowledge that we send directly back to the areas where migrants are just waiting to move onwards.

## Treatment of failed asylum seekers upon return to Nigeria

**[Question] Can you say something about treatment of failed asylum seekers upon return to Nigeria.**

[Makanjuola] The social impact of returnees is a very interesting subject, for not only Edo but generally all across the country, regarding movement and migration beyond Edo state. Even returnees from the UK or the US, they understand the system, they know how the [trafficking] system plays and they know how to get back into the system or to get other people into the system. They think, 'I know how to link those people on my link and in that system where I used to be.' But I think the realities of returnees differ according to what got you to seek asylum in the first place, and they would tell me how vulnerable you may be when you return. If it is the case of threatened lives, it depends *why* there was a threat to your life. If it is related to your sexual or gender identity, it depends what your economic power used to be and what your economic power is right now.

One of the things I always find quite interesting or you need to be worrying about is this: many of the returnee cases I often heard about in the news when there is a campaign. This has been happening especially for the UK – we worked on many cases in the UK where people are about to be returned and there is campaigning, whether through AllOut or Change.org asking the government not to return them. What we often do not understand is that those campaigns actually make people vulnerable, depending on how they got out of the country in the first place. If they finally are deported to Nigeria at the end of the day, because of the kind of system, they will be handed over to the migration officer who would want to know exactly why they have been deported, and they will probe. I do not know what kinds of documents are given to anyone when they are deported. Some people buy their way out; this is also the reality of the country. If you or your family have enough money, the moment you are deported you can contact your family in Nigeria and they can look for some 'back door', arrangements with the immigration officer or police. So the moment you are landing, somebody is at the gates with your name waiting for you, and they would just pick you so you do not have to go through that procedure of being handed over to the immigration officer or explaining why you have been deported or why you were arrested and all of that. However, for other people who are deported, they just wake up one morning and the next thing they know is that they are put on a plane for deportation.

It is different for them because then you have to think of the social impact on them when they get back. Persecution is always a problem and if their reason for seeking asylum is quite genuine, people often fear returning into that system. This will also have a social and mental impact on them generally. However, the problem is for those who return who probably applied for asylum not because of a particular reason, but just to find a route to migrate and get into the system.

People might see it just as a route to become documented within a system and then get employment and be able to get access to social welfare. There are people who are like that, who just leave the country not because they are under any threat but because they just feel it is an opportunity, or they are people who have lived abroad for 20 years and have tried to get a residency permit but failed many times and they feel that their last resort is to seek asylum. How do you deal with this kind of people? It is good for us to know because people come to us and claim they are gay, for instance, and I get them an application and I find that they have lived in Italy for five years before finally seeking asylum. For sure I will be wondering,

‘Why are you doing this after 5 years? Why did not you do it immediately when you got into the system, if you are genuinely under threat? Why did it take you 5 years to think about it?’

[Plambech] I wanted to touch on return and deportation. We recently did two research programs, one looking at how to compare those who are ‘assisted voluntary returns’ with those who are ‘forced returns’ - How do they fare when you look at that over long time and not only during the time when people are monitored or they are in the assisted system when they return to Nigeria? The other one was more to look at the connection between the reasons why you left Nigeria and how you then fare when you come back. There are many things to say about that and I will talk about that tomorrow.

Even though I have said that several go back to Benin City, one thing that we saw is that at the same time many people choose to stay in Lagos, because it is embarrassing to return to their village or the place where their family is, and some people cannot find their family because they have been away so many years and the family has changed, and for some women in particular it is difficult to locate where the family is when they come back. There are a few NGOs assisting with that.

Within the next couple of years, I would say, Lagos will turn into a new kind of migration hub, consisting of deportees who are returned from Europe and waiting to migrate yet again. It is becoming what other scholars have called a deport-spora, rather than a diaspora. We will see how that that will influence the migration to Europe. The other part is that when we compare those who are ‘assisted voluntary returns’ and those who had the asylum application declined and are then sent back, after one year they fare almost the same. So even though they are ‘assisted voluntary returnees’ under IOM and they have been offered different kinds of humanitarian packages, opening up a business— there is difficulty in establishing themselves when they are back in Edo state or wherever they return to. The reality of Nigeria is so complicated, so that when you have been six-seven years in Italy or in Europe and you are sent back with the message that you have to re-establish your life with a small sum of money and open up a business, that will work for three-six months while you still have IOM and NGOs supporting you and monitoring you, but after a year or two, we could not see any difference between those who are ‘assisted voluntary returned’ and those who are sent back otherwise. Therefore, the re-integration and the ‘assisted return’ scheme really needs to be adjusted and bettered, which is very complicated.

## Inheritance

**[Question] Many of our applicants declared that their father had died and that they cannot get their inheritance. So how is inheritance ruled in Nigeria? How can you prove that you are the true heir? Because most of our applications now are focused on the land that your father left you and you cannot get.**

[Makanjuola] On average, people do not do wills in Nigeria, whether they are educated or not. I had the same problem when my father died in 2000. We discovered that he did not have any will before he died. He was an educated man but he did not have any will. Therefore, it plays out differently in different families. Some families will find a sensible, amicable way to sort out the inheritance and prioritise the children of the man and his wife. Some very greedy families, which is what you might often see, want to predate on their brother’s property, land, house, car. What I am not sure of - and this is not to discredit those people who seek asylum application based on that, because my case might be different - I am not too sure how not having access to your father’s inheritance can make it unsafe for you to live in Nigeria. I am not too sure, I might not be able to speak from that view. We have seen cases in Nigeria locally where brothers of the late man literally send a hired killer to kill the children, because maybe their own brother would have left all his properties to his children but they want that

property. Therefore, you might see a case where the family send a hired killer so that they get rid of all the children, and then they can inherit the property and have access to the property. In that case, I can understand why people might want to leave Nigeria for that purpose, if your life has been put at risk through a hired killer, or murderer, or all kind of things really. However, if it is just a case of 'I want *this* land, I do not want *that* land', I am not sure how it plays out. I think it is different from family to family and how families are able to settle these things amicably.

Surely, the issue of inheritance is a big deal in Nigeria, not only for the children, but even for the wife. The moment a man dies, even brothers and uncles you have never been aware of for your entire life, will show up on the very day he dies and they will claim how they have contributed to sending him to school or how they contributed to starting a business for him. That is a clear reality, whether they are educated or not educated, it is the same, but as I said families will handle this differently from each other.

**[Question] is violence common in cases of inheritance?**

[Makanjuola] Yes, it is. It depends on where you come from. If you are from South East, it is quite common. Actually, in South East, women are not entitled to inheritance, so if you are the first female child in the family you are not entitled to your father's inheritance. You are only entitled to inheritance from your husband's house when you get married, and if you do not get married, it means you do not have any inheritance. You can only get part of it if your brothers decide to give you some of the inheritance. This is how it plays in South East. In South West it is also the same thing – women are not entitled to inheritance, but the problem with South West, where I come from, is the dynamics of power. Women are considered a secondary object within the family. All the male children must have collected their own share of the property before they give any to the women, and when you try to be stubborn, that is where we have seen cases where it can become really violent and diabolical too, especially with land, through *juju*, a very diabolical way. There are many things that people would generally fear. It depends, like I said, on the family; it depends on how much you are successful yourself. Therefore, some people who are already successful will let go. Another case might be a child who might just be hoping on that property that his father left, or that land that is all he has left in his entire life. Then he would want to fight back, and when he wants to fight back, it gets violent and obviously, they would have more power than him. So this is the reality, but it differs from family to family.

[Makanjuola] There is no state protection for widowers or widows. I would think these applicants are mostly women who are widows because women who have lost their husband in Nigeria often have to contest their husband's property from their husband's brothers. It is a reality for the women and even when there is a clear will from the husband people still contest that. You also see this being played out between two brothers, so if a man has two sons or three sons and has a favourite among the sons, he would probably leave all his property to him. The other two sons would surely get violent. It could be physical, it could be diabolical, and it could be in many forms. They will get violent however way they can get violent. It is a general reality, and it differs from place to place. If you are already successful as an individual, you can let go and continue your life and acquire your own personal property for yourself, but if all you are dependent on is your father's property, then you have to do everything possible to get hold of it.

