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Home Office

Country Information and Guidance

Nigeria: Women fearing gender-based harm or violence

Version 2.0

August 2016

Preface

This document provides country of origin information (COI) and guidance to Home Office decision makers on handling particular types of protection and human rights claims. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained within this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the [European Asylum Support Office’s research guidelines, Country of Origin Information report methodology](#), dated July 2012.

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please email [the Country Policy and Information Team](#).

Independent Advisory Group on Country Information

The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. It is not the function of the IAGCI to endorse any Home Office material, procedures or policy. IAGCI may be contacted at:

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5th Floor, Globe House, 89 Eccleston Square, London, SW1V 1PN.

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Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

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Guidance

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1. Introduction

1.1 Basis of claim

1.1.1 Fear of gender-based persecution or serious harm by state and/or non-state actors.

1.2 Points to note

1.2.1 This guidance deals with claims based on domestic violence, witchcraft and traditional harmful practices, such as forced marriage or female genital mutilation (FGM). For claims based on fear of being trafficked / re-trafficked, see separate country information and guidance on [Nigeria: Trafficking](#).

1.2.2 A person's gender may also be a contributory factor in relation to other risk categories. Decision makers must therefore also refer to other relevant Nigeria country information and guidance on the category concerned.

1.2.3 Decision makers should also refer to the [Asylum Instruction on Gender issues in the asylum claim](#).

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2. Consideration of Issues

2.1 Credibility

2.1.1 For information on assessing credibility, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.1.2 Decision makers must also check if there has been a previous application for a UK visa or another form of leave. Asylum applications matched to visas should be investigated prior to the asylum interview (see the [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#)).

2.1.3 Decision makers should also consider the need to conduct language analysis testing (see the [Asylum Instruction on Language Analysis](#)).

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2.2 Particular social group

2.2.1 Women in Nigeria are considered to form a particular social group (PSG) within the meaning of the 1951 Refugee Convention. This is because they share an immutable (or innate) characteristic – their gender – that cannot be changed and they form a distinct group in society as evidenced by widespread discrimination in the exercise of their fundamental rights.

2.2.2 Although women in Nigeria form a PSG, this does not mean that this will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.

2.2.3 For further information on particular social groups, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.3 Assessment of risk

i. Discrimination

- 2.3.1 Women are protected from discrimination under the constitution but customary and religious laws, including Sharia law in the 12 northern states, restrict women's rights in practice. The Government is striving to improve women's empowerment and eliminate discriminatory practices that are harmful to women. While progress has been made towards parity in primary school education, there remain significant gaps in education, political and labour force participation. Discriminatory laws and practices, violence against women and gender stereotypes continue to hinder greater progress towards gender equality. Unmarried women in particular are subject to many forms of discrimination (see [Discrimination](#) and [Constitution](#)).
- 2.3.2 There are no laws which prevent women from particular fields of employment or owning property. There are also a number of women who have been elected to the House of Representatives and the National Assembly (see [Discrimination](#)).
- 2.3.3 In general, while women do experience discrimination, it is unlikely to meet the high threshold required to constitute persecution or serious harm.

ii. Domestic violence

- 2.3.4 Domestic violence against women is widespread, underreported and is often considered socially acceptable, although attitudes are starting to change. Surveys undertaken in 2012 and 2013 indicated that around 30% of women had experienced some form of physical, sexual or emotional domestic violence during their lifetime. By comparison, statistics provided by the National Health Service show that 25% of women in the UK will be a victim of domestic violence during their lifetime (see [Surveys and statistics](#) and [Domestic violence](#)).

iii. Forced marriage

- 2.3.5 Despite being unlawful, forced marriage (often of underage girls) is still practiced, particularly in the northern, primarily Muslim, states. There are reports that poor families sell their daughters into marriage to supplement their incomes. Families sometimes reportedly force young girls into marriage as early as puberty, regardless of age, to prevent "indecent" associated with premarital sex or for other cultural and religious reasons. The prevalence of forced marriage may vary owing to factors of culture, religion, ethnic group, location, socio-economic status, education and tribe. Consequences for refusing a forced marriage can include physical violence against the person as well as total neglect and ostracism from the family and close community (see [Forced marriage](#)).

iv. Rape

- 2.3.6 Rape is widespread. Societal pressure and the stigma associated with rape reduce the percentage of rapes reported and the penalties imposed on conviction. Sentences for persons convicted of rape and sexual assault were inconsistent and often minor. Security services committed rape and other forms of violence against women and girls largely with impunity. Women detained for criminal offences, relatives of criminal suspects and sex

workers who cannot pay bribes are often targeted for rape and other abuse by police officers. Displaced women and girls face a greater risk of gender based violence, whether in camps or in host communities (see [Rape](#)).

v. Female Genital Mutilation

- 2.3.7 Although against the law and in decline, female genital mutilation (FGM) continues to be practiced with differing prevalence rates and type across Nigeria and by ethnic group, religion, residence (urban/rural), state, education and socio-economic class. A 2013 UNICEF report found that 27% of women had undergone FGM, although in the last 20 years the prevalence among adolescent girls has dropped by a half. FGM is usually inflicted on a child before she can give her informed consent but it may also be difficult for adolescent girls and women, who have not had FGM, to refuse social and extended family pressure to have the procedure (see [Female genital mutilation \(FGM\)](#)).

vi. Witchcraft

- 2.3.8 Belief in witchcraft is widespread, with poverty and other misfortunes in many parts of Nigeria attributed to witchcraft. Accusations of witchcraft remain common and there are reports of woman accused of witchcraft being killed by family members or the immediate community. Child witches are reported to be an easy target to blame for the economic misfortunes that befall families and communities (see [Witchcraft](#)).
- 2.3.9 For further information on assessing risk, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 Protection

- 2.4.1 A number of laws exist to protect women against violence and have been strengthened by the Violence Against Persons (Prohibition) Act 2015. This shows a determination to tackle violence against women, provides stiffer penalties for a number of gender-based offences such as FGM, and makes it easier for women to seek recourse and protection. However, laws were often not effectively implemented in practice (see [Legal context](#) and [Enforcement of the law](#)).
- 2.4.2 There is widespread under-reporting and reluctance amongst women to report abuse to the authorities. This is because the police are perceived as being reluctant to take violence against women seriously and pursue allegations. Prosecutions for domestic violence, for example, are low, although the courts are increasingly taking domestic violence more seriously (see [Domestic violence](#) and [Enforcement of the law](#)).
- 2.4.3 The police force is, however, working with other agencies to improve its response and attitude to gender-based violence, including establishing sexual assault referral centres and reconstituting the Gender Unit. There are also many women's advocacy groups some offering practical help and shelter to assist women (see [Enforcement of the law](#) and [Non state assistance to women](#)).

- 2.4.4 In general, the Nigerian authorities are willing and able to provide protection from non-state agents, albeit women face greater difficulties in seeking and obtaining protection than men particularly for sexual- and gender-based violence. Each case will need to be considered on its particular circumstances taking into account factors such as their age, socio-economic circumstances, education and ethnicity. A person's reluctance to seek protection does not mean that effective protection is not available. The onus is on the person to demonstrate that the state is not willing and able to provide them with effective protection.
- 2.4.5 See also country information and guidance on [Nigeria: Background information including actors of protection and internal relocation](#).
- 2.4.6 For further information on assessing the availability of state protection, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Internal relocation

- 2.5.1 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.
- 2.4.7 The constitution and law provide for freedom of internal movement and women all over the country reportedly travel on their own, be it on a long or short journey. Women's freedom of movement in Muslim communities in northern areas is however more restricted (see [Freedom of movement](#)).
- 2.4.8 In general, it will not be unduly harsh for a woman to internally relocate to escape localised threats from members of their family or other non-state actors, especially if single and without children to support, but the individual circumstances of each case will need to be taken into account.
- 2.4.9 For further information on considering internal relocation, see the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.4.10 See also country information and guidance on [Nigeria: Background information including actors of protection and internal relocation](#).

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2.6 Certification

- 2.6.1 Nigeria is listed as a designated state under section 94 of the Nationality, Immigration and Asylum Act 2002 in respect of men only.
- 2.6.2 If a woman (or girl) is refused protection decision makers should consider certifying the claim as clearly unfounded on a case-by-case basis if they are satisfied that it is so clearly without substance that it is bound to fail.
- 2.6.3 For further guidance on certification, see the appeals instruction on [Certification of Protection and Human Rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 \(clearly unfounded claims\)](#)

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3. Policy summary

- 3.1.1 Being a woman (or a girl) does not on its own establish a need for international protection. Although women may encounter discrimination in Nigeria, it is unlikely to meet the high threshold required to constitute persecution or serious harm.
- 3.1.2 Some women may be able to demonstrate a real risk of gender-based persecution or serious harm but that this will depend on their particular circumstances.
- 3.1.3 A woman will generally be able to avail themselves of effective protection from the state, albeit women face greater difficulties in seeking and obtaining protection than men particularly for sexual- and gender-based violence.
- 3.1.4 Women are able to move throughout Nigeria and it is likely that internal relocation will be an option, depending on their individual circumstances, to escape localised threats from members of their family or other non-state actors.

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4. Legal context

4.1 Constitution

- 4.1.1 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (OECD SIGI), in its 2014 Nigeria country profile, summarised the situation for women:

'The 1999 Constitution of Nigeria prohibits discrimination on the grounds of Sex, but customary and religious laws continue to restrict women's rights. As Nigeria is a federal republic, each State has the authority to draft its own legislation. However, any law that is contradictory to Federal Law or the Constitution can be challenged in a Federal Court. The combination of federation and a tripartite system of civil, customary and religious law makes it very difficult to harmonise legislation and remove discriminatory measures. Moreover, certain States in the north follow Islamic (Sharia) law, although not exclusively and only in instances where Muslims make use of Islamic courts. Adherence to Islamic and customary law reinforces practices that are unfavourable to women, including those relating to freedom of movement, marriage, and inheritance.'¹

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4.2 International instruments

- 4.2.1 OECD SIGI also stated that "Nigeria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, and the Optional Protocol in 2004. The country ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2005."²

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4.3 Violence Against Persons Prohibition (VAPP) Act 2015

- 4.3.1 The US State Department Human Rights Practices Report for 2015 stated:

'There is no comprehensive law for combating violence against women. As a result, victims and survivors had little or no recourse to justice. While some, mostly southern, states have enacted laws prohibiting some forms of gender violence or seeking to safeguard certain rights, a majority of states did not have such legislation.

'On May 25 [2015], the government enacted the Violence Against Persons Prohibition (VAPP) Act. It addresses sexual violence, physical violence, psychological violence, harmful traditional practices, and socioeconomic

¹ Organisation for Economic Co-operation and Development, Social Institutions and Gender Index, Nigeria Profile, 2014, <http://genderindex.org/country/nigeria>. Date accessed: 21 July 2016.

² Organisation for Economic Co-operation and Development, Social Institutions and Gender Index, Nigeria Profile, 2014, <http://genderindex.org/country/nigeria>. Date accessed: 21 July 2016.

violence. Under the VAPP, spousal battery, forceful ejection from home, forced financial dependence or economic abuse, harmful widowhood practices, female genital mutilation/cutting (FGM/C), harmful traditional practices, substance attacks (such as acid attacks), political violence, and violence by state actors (especially government security forces) are offenses. Victims and survivors of violence are entitled to comprehensive medical, psychological, social, and legal assistance by accredited service providers and government agencies, with their identities protected during court cases.’

‘No statutes prohibit sexual harassment, but authorities may prosecute violent harassment under assault statutes. The VAPP criminalizes stalking, with terms of imprisonment of up to two years, a maximum fine of 500,000 naira (\$2,500), or both. It does not explicitly criminalize sexual harassment, which it legally defines as physical, verbal, or nonverbal conduct of a sexual nature, based on sex or gender, which is persistent or serious and demeans, humiliates, or creates a hostile or intimidating environment. The act criminalizes emotional, verbal, and psychological abuse and acts of intimidation.’³

4.3.2 The same source also noted:

‘The law criminalizes rape. The VAPP provides penalties ranging from 12 years’ to life imprisonment for offenders older than 14 and a maximum of 14 years’ imprisonment for all others. It also provides for a public register of convicted sexual offenders and appointment of protection officers at the local government level to coordinate with courts and ensure victims receive various forms of assistance (e.g., medical, psychosocial, legal, rehabilitative, reintegrative) provided by the VAPP. The act also includes a provision empowering courts to award appropriate compensation to victims of rape.

‘Previous federal rape laws only protected females and only in cases of vaginal penetration. The VAPP expands the scope of existing law to include oral and anal sex and to protect males as well as females. It also includes provisions to protect the identity of rape victims.’⁴

4.3.3 The full text of the Violence Against Persons Prohibition (VAPP) Act 2015 is available on the UNHCR’s Refworld at: <http://www.refworld.org/docid/556d5eb14.html>⁵

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³ US State Department – 2015 Human Rights Practices Report, released April 2016
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 25 July 2016.

⁴ US State Department – 2015 Human Rights Practices Report, released April 2016
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>. Date accessed: 25 July 2016.

⁵ Nigeria: Violence Against Persons (Prohibition) Act, 2015 (VAPP) [Nigeria], 25 May 2015,
<http://www.refworld.org/docid/556d5eb14.html>. Date accessed: 21 July 2016.

4.4 Sharia law

4.4.1 The US Commission on International Religious Freedom, USCIRF Annual Report 2016 - Countries of Particular Concern: Nigeria, published April 2016, noted:

'Twelve Muslim-majority northern Nigerian states apply their interpretation of Shari'ah law in their criminal codes. Shari'ah criminal provisions and penalties remain on the books in these 12 states, although application varies by location. State governments in Bauchi, Zamfara, Niger, Kaduna, Jigawa, Gombe, and Kano funded and supported Hisbah, or religious police, to enforce such interpretations...The vast majority of the Shari'ah cases revolve around criminal acts such as cattle rustling and petty theft.'⁶

4.4.2 A Wilson Center report from 2011 focusing on sharia law and women noted:

'In the Sharia courts over the past twenty to thirty years, the Sharia courts have increasingly recognized and upheld women's rights to inherit (especially to inherit land), to divorce on demand (often without, or with only token payments), to custody of their children, to being able to hold their children's property in trust, against forced marriages, and so on.

'...The provisions of the Penal Codes are generally gender-neutral. However, there are some exceptions – with the exceptions generally being in favour of men. As in the 1960 ('secular') Penal Code, the Sharia Penal Codes continue to permit husbands to beat wives. Nor do they recognise marital rape (which is not recognised in general secular law in Nigeria either). Some of the Penal Codes (Niger, Kano, and Birnin Kebbi states) specify that men's testimony will be worth more than that of women. The diya (monetary compensation in cases of hurt, if the victim or his/her family are willing to accept this instead of the stated punishment) to be paid for Muslim men is higher than that of Muslim women (or non-Muslims), although qisas (retaliatory punishment) can be applied regardless of gender. In one instance, men are subject to harsher punishments than women – in Kano State, never married men convicted of zina may not only be lashed but also subject to one year's imprisonment (never-married women would liable for lashing only).

'In the Sharia Penal Codes, rape is treated as a form of zina – illicit sexual intercourse. Reporting rape is thus equivalent to confessing to zina. In the most probable situation of lack of two witnesses or a confession from the rapist, rape would be hard to prove, and so women would find themselves not only subject to zina punishments, but also liable for false witness in addition. Thus, the new Sharia Penal Codes deprive women of protection from rape and sexual assaults.'⁷

⁶ United States Commission on International Religious Freedom (USCIRF), 'Annual Report 2016 - Countries of Particular Concern: Nigeria', published April 2016, <http://www.uscifr.gov/reports-briefs/annual-report>. Date accessed: 22 July 2016.

⁷ Wilson Center, 'Women, Muslim Laws and Human Rights in Nigeria', 7 July 2011 <https://www.wilsoncenter.org/publication/women-muslim-laws-and-human-rights-nigeria>. Date accessed: 19 July 2016.

- 4.4.3 See also country information and guidance on [Nigeria: Background information including actors of protection and internal relocation.](#)

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5. Enforcement of the law

- 5.1.1 The Canadian Immigration and Refugee Board, using a range of sources, produced a detailed response to information request on 10 November 2014: [Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims \(2011-October 2014\)](#), which noted:

‘In correspondence with the Research Directorate, the National Program Coordinator of the Network on Police Reform in Nigeria (NOPRIN), a network of 46 civil society organizations working on police accountability and human rights in Nigeria (n.d.), indicated that police "characteristically exhibit bias and discriminatory attitudes in their treatment of female victims of violence" which is "informed by cultural beliefs and notions which devalue and subjugate women," and often "blame the victim" (NOPRIN 11 Oct. 2014). Sources report that police often perceive domestic violence as a family issue (Nwogugu 2014, 112; Vanguard 15 June 2013). Sources state that victims of domestic violence are often told to settle the problem themselves (ProjectAlert 16 Oct. 2014; LEDAP 16 Oct. 2014) or involve other family members (ibid.).

‘...In an interview with Vanguard, a Nigerian newspaper, a human rights activist involved with the Women's Human Rights Clinic in Lagos, which provides alternative dispute resolution to victims of domestic violence, said that "the Nigerian Police do not respond adequately to complaint[s] from women on domestic violence (Vanguard 15 June 2013). Sources report that police are "reluctant" to intervene in domestic violence (LEDAP 16 Oct. 2014; US 27 Feb. 2014, 35).’⁸

- 5.1.2 The Nigeria news website, Leadership, reported on 13 October 2014 that the Nigerian police force had reconstituted the Gender Unit of the force:

‘The action was to consolidate on the gains made by the police in stemming violence against women and girls. The statement said the unit, among other things, would ensure the implementation of a robust capacity building plan for officers in gender related issues. It also said that the measure would ensure the inclusion of gender training in Nigeria Police curriculum at all levels and see to the establishment of gender desk officers in police formations nationwide.’⁹

- 5.1.3 The US State Department 2015 country report for Nigeria noted, ‘Police often refused to intervene in domestic disputes or blamed the victim for

⁸ The Canadian Immigration and Refugee Board, ‘Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011-October 2014)’, 10 November 2014 <http://www.refworld.org/docid/548168e14.html>. Date accessed: 26 July 2016.

⁹ Leadership (Abuja) (accessed via AllAfrica), Nigeria: Acting IG Abba Reconstitutes Force Gender Unit, 13 October 2014, <http://allafrica.com/stories/201410140148.html>. Date accessed: 26 July 2016.

provoking the abuse. In rural areas courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed local customary norms.¹⁰

5.1.4 A British Council report from December 2015 noted:

‘The Lagos State Governor, Mr. Babatunde Fashola, SAN on Monday December 1st 2015 at the Lagos House Ikeja signed an Executive Order establishing a Sex Offenders’ Register in the State. The major aim of the monitoring programme and the mandated reporting policy is to reduce repeat cases by providing names and personal details of convicted sex offenders in the State in a central database.

‘J4A [Justice for All – see below] programme has supported this process through the Sexual Assault Referral centre (Mirabel) in Lagos which has provided monthly statistics of sexual violence cases to the government through the Ministry of Justice. MOJ has fully accepted the value that the Mirabel Centre provides and has ensured that they have a key role alongside all the other stakeholders in the Domestic and Sexual Violence Working Team that was established in response to the increasing incidence of sexual and gender based violence cases in the State.

‘The occasion was attended by several civil society organizations including Partnership for Justice, Women Rights and Health Project, the State executive council, Police, Government officials, Development agencies and the Media.

‘Areas of high prevalence of sexual violence as captured in the Mirabel centre statistics were highlighted and the Governor emphasized the need for a change because the State Government will not hesitate to come after those concerned.

‘The Attorney General in his speech said the DSVRT [Domestic and Sexual Violence Response Team] has identified and is monitoring 113 sexual violence cases currently at the High Court.’¹¹

5.1.5 A Vanguard report from May 2016 noted:

‘In defense of the Nigerian Police, Public Relations Officer, Lagos State Police Command, SP Dolapo Badmos, in this interview with Woman’s Own, says the police is also working assiduously to combat domestic violence.

“We are doing a lot to tackle the issue of domestic violence against women. One of the things the Lagos State Command, for example, has done is to create a Gender Desk at the police command which is directly under the supervision of the Lagos State Commissioner of Police, CP

¹⁰ US State Department, ‘2015 Human Rights Practices Report’, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252715>. Date accessed: 26 July 2016.

¹¹ British Council, ‘Establishment of Sex Offenders Register in Lagos’, 1 December 2015 <https://www.britishcouncil.org/about/press/establishment-sex-offenders-register-lagos>. Date accessed: 25 July 2016.

Owoseni Fatai. Officers attached to this department have been trained on how to handle, investigate and prosecute cases of domestic violence.

“...Apart from the Gender unit, we have five other divisions that handle cases bordering on domestic violence and sexual abuses within the state.

“These are the Isokoko, Ilupeju, Adeniji Adele and Festac divisions, as well as the State Criminal Investigation and Intelligence Department, Yaba Panti.

“...What the Command has done is to train our personnel, mostly women on how to handle issues bordering on domestic violence. When such issues are brought to them, they ensure that the offenders are adequately prosecuted. Most times, the Lagos State Police Command collaborates with the state government on extreme cases of violence against women, especially when the victims have nowhere to go or their lives are threatened. The Lagos state government provides shelter after we have taken them into protective custody. The Command has been doing a lot to ensure that offenders are adequately prosecuted through proper, in-depth and detailed investigations.

“...the leadership of the Nigerian Police, at national, state and divisional levels, has organized several trainings session, seminars and conferences to empower police officers on how to effectively and efficiently deal with issues of domestic violence. Therefore, any ignored victim of domestic violence at the Divisional Headquarters should get across to the State Police Command and report such occurrence.’¹²

- 5.1.6 ‘Justice for All’ is a programme funded by the UK’s Department for International Development and is managed by the British Council. It is implemented by a consortium of partners who have extensive experience in Nigeria and a strong track record in the justice and policing sectors, as well as experience of working with Nigerian civil society. The programme aims to support better service delivery at the federal, state and local levels with a particular focus on improving human rights and access to justice for poor and disadvantaged members of society, including woman and children.¹³
- 5.1.7 The ‘Justice for All’ programme is creating family support units (fsu)/ sexual assault referral centres (sarc) in local police stations which aim to:
- create and manage first contact between a victim and the police
 - successfully investigate the complaint and ensure the well-being, physical and mental, of the victim and improve the image of the police
 - provide specialised training to officers to staff the FSUs and respond professionally to complaints of family and gender-based violence¹⁴.
- 5.1.8 The programme reports that:

¹² Vanguard, ‘No! Our officers are handling domestic violence efficiently’, 28 May 2016, <http://www.vanguardngr.com/2016/05/no-officers-handling-domestic-violence-efficiently-police-pro-sp-dolapo-badmoss/>. Date accessed: 27 July 2016

¹³ Justice for All, <http://www.britishcouncil.org.ng/justice-for-all-nigeria/about>. Date accessed: 26 July 2016.

¹⁴ Justice for All, Model Police Stations. <http://www.britishcouncil.org.ng/justice-for-all-nigeria/about/safety-security/model-police-stations>. Date accessed: 26 July 2016.

- Mirabel Centre - A Sexual Assault Referral Centre is operating in Lagos
- Tamar Centre - A Sexual Assault Referral Centre is operating in Enugu
- Family Support Units are planned for Kano, Jigawa, Kaduna¹⁵

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6. Prevalence of discrimination and violence

6.1 Surveys and statistics

6.1.1 An academic report by Olakunle Michael Folami, published 22 January 2014, surveyed two groups of women (from Victoria Island, Lagos and Akure, Ondo State) and analysed 462 returned questionnaires to determine why domestic violence is underreported to the police. The following are extracts from the report:

‘The prevalence of domestic violence and lack of reported cases do not provide accurate demographic facts for the authorities and policy makers to create appropriate laws that could curtail the menace of domestic violence in Nigeria. According to the results of this survey, it seems unreported cases of domestic violence could not be disassociated from women's perception of the police, and the plethora of problems confronting the police, such as lack of motivation, manpower and public confidence, inefficiency, corruption, inadequate training, bribery and leadership problems.

‘Adding to the police problem, the consequences of reporting domestic violence are severe. A woman becomes a pariah to her husband, relatives, and the larger community if she reports a case of domestic violence to the police; such a woman becomes labeled and stigmatized. The economic base of many women who report domestic violence is often jeopardized because their sources of income, most especially in the rural areas of Nigeria, are largely connected to their husbands. The unreported cases of domestic violence to the police may be a major factor why the problem persists in Nigeria.

‘Simple percentage tabulations were used to describe the reasons why most cases of domestic violence were not reported. The following factors were identified in the data collected: cultural inhibition 97(21%), distance of police post/station 194(42%), lack of legal awareness 61(13.2%), and community attitude 110(23.8%).

‘Regardless of their level of education, the respondents in the two communities indicated that they do want to report cases of domestic violence to the police. Women in Victoria Island and Akure stated police mishandling and cultural inhibition are reasons for not reporting. In Victoria Island, domestic violence victims prefer reporting to other authorities, such as family head (9.1%), community head (7.4%), family friend (32.8%), neighbours (40.5%), and traditional ruler (5.6%). In Akure, the respondents would report

¹⁵ Justice for All, Model Police Stations, <http://www.britishcouncil.org/ng/justice-for-all-nigeria/about/safety-security/model-police-stations>. Date accessed: 26 July 2016.

cases of domestic violence to the following authorities: family head (16.3%); community head (16.9%); family friend (30.9%); neighbour (7.3%); and traditional ruler (26.4%).'¹⁶

6.1.2 The report included the women's testimony:

“Reporting to police is out of the question. Our culture does not approve this, but you are protected culturally if you report to the family head, compound head, family friends, community head and other traditional figures. The traditional figures always face reality and they are decisive. Besides, reporting to the police is like a waste of time. Police cannot protect you if your husband divorces you. They simply don't have the capacity.”

“I cannot report to police because our laws are very weak and do not protect women's interests. When it comes to women's protection, our police perform very poorly. Wives survive at the mercy of their husbands. No social protection, no economic empowerment exist, many women are subjected to further trauma by reporting to the police. Also, there is no referral system (social worker, social care, public complaint) for those who reported cases of domestic violence. Moreover, police posts are far from this community. In my own case, I prefer reporting to my family friends, who can stand by the truth, regardless of whose ox is gored.”

“How should I report a problem between my husband and I to the police. Police do compound problems. They are slow in action, especially on a reported case of forceful sexual intercourse. They trivialize and treat it as a family issue. I do report cases of battery involving my husband and I to the community head because of the dispatch manner by which he handles such matter... I remembered my husband was sentenced to community work and asked to pay a fine to me before he could stop beating me.”

“Mark you, Victoria Island is an elites' community. We don't have traditional authorities here. Left to me, I do report any trouble in my family to my family friends, most especially the 'best man'. I neither reported any issue to my in-laws nor my parents. I don't report to police because police will not help matters. Police waste time, prolong issues, demand bribes and hardly take the side of law.”¹⁷

6.1.3 A This Day Live report from April 2016 noted:

‘...“Statistics indicate that one out of every three (33.3 per cent) women or girls are affected by gender based violence (GBV) globally including Nigeria.

‘...She added that rape and domestic abuse account for 5 per cent of health challenges for women of reproductive age in developing countries, with Nigeria inclusive.

¹⁶ QScience.com, 'Survey of unreported cases of domestic violence in two heterogeneous communities in Nigeria', 22 January 2014, <http://www.qscience.com/doi/full/10.5339/irl.2013.dv.4>. Date accessed: 5 August 2016.

¹⁷ QScience.com, 'Survey of unreported cases of domestic violence in two heterogeneous communities in Nigeria', 22 January 2014, <http://www.qscience.com/doi/full/10.5339/irl.2013.dv.4>. Date accessed: 5 August 2016.

“Reports also revealed that only few of violence against women cases are prosecuted while most victims and civil society organisations (CSOs) are not aware of their responsibility and do not believe in the Nigerian justice system”, she added.¹⁸

6.1.4 A UNICEF report from September 2015 noted:

‘Approximately 6 out of every 10 Nigerian children under the age of 18 years experience some form of physical, emotional and sexual violence before the age of 18 years. One in two children experience physical violence, one in four girls and one in ten boys experience sexual violence, and one in six girls and one in five boys experience emotional violence.

‘The majority of children never tell anyone about their experience and less than 5% of children who experience violence ever receive the support they need to recover.

‘The survey found that childhood violence has a long term impact that lasts well into adulthood, including poorer mental and physical health outcomes. Individuals who experienced physical and sexual violence in childhood were also significantly more likely to perpetrate intimate partner violence.

“The survey clearly shows that violence against children is not confined to marginalized groups. Violence against children transcends social and economic status – it impacts rich and poor, urban and rural, educated and out of school children. It is a problem that affects all corners of society.” said the Federal Commissioner Board of the National Population Commission, Dr. Gunde Lakoju.¹⁹

6.1.5 The CLEEN Foundation [a Nigerian justice sector reform organisation] gave a summary of its findings from a 2012 National Crime and Safety Survey in which a total of 11, 518 respondents were interviewed nationwide between April and May 2012. The following information has been extracted from the survey in regard to women:

- Four percent of respondents admitted being victims of rape/attempted rape. South-south and Northeast led the victimization rate with 5%. When asked where the rape occurred, more than 1 in 3 (37%) of the victims said it happened in their own homes, 34% said near their homes, 26% said it occurred in the school or work place with 3% saying it happened elsewhere.
- Nearly one in every three respondents interviewed admitted having been a victim of domestic violence (31%). There was an upsurge in respondents’ admission of being victims of domestic violence in Nigeria. Whether this increase is a function or a spike in reporting as a result growing level of awareness or actual increase in the crime requires

¹⁸ This Day, ‘FG Tasked on New Policies to Check Violence against Women’, 28 April 2016, <http://www.thisdaylive.com/index.php/2016/04/28/fg-tasked-on-new-policies-to-check-violence-against-women/>. Date accessed: 29 July 2016.

¹⁹ UNICEF, ‘Release of the findings of the Nigeria Violence Against Children Survey’, 10 September 2015, http://www.unicef.org/nigeria/media_9588.html. Date accessed: 29 July 2016.

further investigation. The findings of the 2012 survey revealed that domestic violence ranks amongst the top four most committed crimes in Nigeria.

- The findings of the survey revealed that most crimes are unreported. Just a little above 2 in every 10 respondents (21%) who suffered crime victimisation reported to the police.²⁰

6.1.6 To provide a comparison it should be noted that the NHS stated that statistics show that 25% of women in the UK will be a victim of domestic violence during their lifetime.²¹

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6.2 Discrimination

6.2.1 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (OECD SIGI), in its 2014 Nigeria country profile, summarised the situation for women:

'Nigeria has a National Gender Policy that focuses on women empowerment while also making a commitment to eliminate discriminatory practices that are harmful to women. However, significant gender gaps in education, economic empowerment and political participation remain in Nigeria. While progress towards parity in primary school education has been made, there remains a significant wage and labour force participation gender gap. [The World Economic Forum's 2014 Global Gender Gap Index assessed the UK at 26th and Nigeria at 118th out of 142 countries surveyed. (1st having the smallest gap)²²].

'Discriminatory laws and practices, violence against women and gender stereotypes hinder greater progress towards gender equality. Nigeria has a particularly high maternal mortality rate and women access to quality health care is limited, particularly in rural areas.²³

6.2.2 The US State Department (USSD) 2015 Country Report on Human Rights Practices noted:

'Although the constitution provides the same legal status and rights for women as for men, women experienced considerable economic discrimination. The law does not mandate equal remuneration for work of equal value, and the law does not mandate non-discrimination based on gender in hiring. No laws bar women from particular fields of employment,

²⁰ CLEEN Foundation, 'Summary of Findings of 2012 National Crime and Safety Survey', <http://www.cleen.org/SUMMARY%20OF%202012%20National%20Crime%20&%20Safety%20Survey.pdf.pdf>. Date accessed: 26 July 2016.

²¹ NHS Choices, 'Getting help for domestic violence', 14 July 2014, <http://www.nhs.uk/Livewell/abuse/Pages/domestic-violence-help.aspx>. Date accessed: 25 August 2015.

²² WEF, 'Global Gender Gap Index 2014', http://www3.weforum.org/docs/GGGR14/GGGRMainChapterAppendices_2014.pdf. Date accessed: 21 July 2016.

²³ Organisation for Economic Co-operation and Development, 'Social Institutions and Gender Index: Nigeria Profile', 2014, <http://genderindex.org/country/nigeria>. Date accessed: 21 July 2016.

but women reportedly could not work in heavy manufacturing and construction in the same way as men. Women often experienced discrimination under traditional and religious practices.

'Women generally remained marginalized. No laws prohibit women from owning land, but customary land tenure systems allowed only men to own land, with women gaining access to land only via marriage or family. Many customary practices also did not recognize a woman's right to inherit her husband's property, and many widows became destitute when their in-laws took virtually all the deceased husband's property.

'In the 12 states that adopted sharia, sharia and social norms affected women to varying degrees. In Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. In 2013 the Kano State government issued a statement declaring that men and women must remain separate while using public transportation.

'The testimony of women received less weight than that of men in many criminal courts. No laws bar women from arranging surety bonds for bail for persons detained by police, but women were not permitted to provide such bail arrangements at most police detention facilities.'²⁴

- 6.2.3 A Daily Trust article from April 2015 about the general election noted "According to the Deputy Director Gender Division of the Independent National Electoral Commission (INEC) Mrs Blessing Obidiegwu, 14 females were elected into the House of Representatives and eight women won as senators in the recent National Assembly election."²⁵
- 6.2.4 The British Council's 2012 report, [Gender In Nigeria: Improving The Lives Of Girls And Women In Nigeria](#), gave a detailed overview of the issues faced by women in Nigeria.²⁶

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6.3 Rape

6.3.1 The US State Department 2015 country report for Nigeria noted:

'Rape remained widespread. According to a study published in February [2015], almost 20 percent of college students surveyed reported at least one incident of rape. In 2013 Positive Action for Treatment Access, an NGO focused on HIV treatment, released a countrywide survey of 1,000 preadolescents and adolescents (ages 10 to 19), which noted three in 10 girls reported their first sexual encounter was rape.

²⁴ US State Department – 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252715>. Date accessed: 21 July 2016.

²⁵ Daily Trust, 'How women performed in the 2015 general election', 26 July 2016, <http://www.dailytrust.com.ng/news/home-front/how-women-performed-in-the-2015-general-elections/74832.html>. Date accessed: 21 July 2016.

²⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review: Nigeria, 16 December 2013, <http://www.refworld.org/docid/52f8adc74.html>. Date accessed: 21 July 2016.

‘Societal pressure and the stigma associated with rape reduced the percentage of rapes reported and the penalties imposed for conviction. Sentences for persons convicted of rape and sexual assault were inconsistent and often minor. In the Northeast Boko Haram continued to abduct women and girls, subjecting them to sexual violence and forcing them into domestic and sexual slavery, sometimes under the guise of forced marriage.

‘In September [2015] the Nigerian Feminist Forum submitted a statement to the chairman of the NHRC highlighting a significant increase in the number of cases of sexual assault and rape reported by female university students. In one instance a lecturer at the University of Lagos was indicted for raping an 18-year-old female applicant.’²⁷

6.3.2 The OECD SIGI Index for 2014 similarly stated that ‘Societal pressure to keep silent, victim-blaming and stigma surrounding sexual violence mean that few women report sexual assaults. Although accurate figures as to prevalence are unavailable, rape and sexual violence is recognised as a widespread, serious problem in Nigeria’.²⁸

6.3.3 A Premium Times report from November 2015 noted:

‘A human rights lawyer, Evans Ufeli, has said that despite overwhelming reported cases of sexual assaults, Nigeria has recorded only 18 rape convictions in its legal history.

“The Nigerian criminal code recommends life imprisonment for rape convicts and 14 years for attempt rape, but only 18 people have ever been convicted in Nigeria,” said Mr. Ufeli, who had been handling sexual assault cases for over a decade.

‘The lawyer said that sexual abuse matters in law courts are sometimes frustrated by the government, which usually acts as the prosecution.

“Government agents who are saddled with checking sexual assaults, especially the police and public prosecutors, compromise their profession,” Mr. Ufeli said.

‘Several child rights advocates who spoke at the gathering urged parents and guardians to allow their children, while they are still in their formative years, to be vocal about sexual matters as a solution to the rising cases of child abuse.

‘The advocates also said that the perpetual silence on the issue of child rape had done a lot to worsen the matter because it “sends no serious warning to would-be rapists.”

²⁷ US State Department – 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252715>. Date accessed: 25 July 2016.

²⁸ OECD, SIGI Index 2014, Nigeria, undated, <http://genderindex.org/country/nigeria>. Date accessed: 26 July 2016.

“It’s high time people started speaking about rape; parents must allow their children to discuss matters that are sexually-explicit in nature,” said Itoro Eze-Anaba, who runs the Mirabel Centre, a rehabilitation facility for victims of child abuses which is run in collaboration with the Partnership for Justice.

‘Mrs. Eze-Anaba noted that rape matters must evolve from being about the victim to being about the perpetrator. “A good percentage of those who have been assaulted have had to face the consequences of their ordeal despite their innocence,” she said.

‘Timilehin Oyebode, a sexual assault victim, said that paedophilia is “a psychological problem that requires only psychological solution” and that rapists don’t necessarily deserve jail sentence.

“The first step that must be taken in reducing sexual assaults on children is to support victims to have the courage to openly speak about their experiences,” said Ms. Oyebode, the Chief Executive Officer of Attitudinal Development International, who said she started suffering sexual abuses at age five.’²⁹

6.3.4 The UN High Commissioner for Refugees (UNHCR) December 2015 Protection Monitoring Report for North East Nigeria noted: ‘Cases of rape or sexual assault were reported in 676 households, with the highest proportion of incidents reported in Taraba (51%), with Adamawa (23%) and Borno (13%) thereafter.’³⁰

6.3.5 A report from April 2016 in This Day noted a high level of rape in Enugu over a two year period but a lack of funding hampered effective prosecution of such cases.³¹

6.3.6 A UN News Centre report from April 2016 noted:

‘The plight of 219 Chibok schoolgirls abducted two years ago is all too common in Nigeria’s conflict-affected north-eastern communities, and up to 7,000 women and girls might be living in abduction and sex slavery, senior United Nations officials warned today.

‘...At the hands of their captors, they have suffered forced recruitment, forced marriage, sexual slavery and rape, and have been used to carry bombs. “Between 2,000 and 7,000 women and girls are living in abduction and sex slavery,” said Jean Gough, Country Representative of the UN Children’s Fund (UNICEF).’³²

²⁹ Premium Times – Only 18 rape convictions recorded in Nigeria’s legal history-lawyer, 9 November 2015 <http://www.premiumtimesng.com/news/top-news/192895-only-18-rape-convictions-recorded-in-nigerias-legal-history-lawyer.html>. Date accessed: 25 July 2016.

³⁰ UN High Commissioner for Refugees – North East Nigeria: Protection Monitoring Report, December 2015 <http://www.refworld.org/docid/56bd9c9d4.html>. Date accessed: 25 July 2016.

³¹ This Day – Enugu Records 472 Rape Cases in 2 Years as father Defiles 3 Children, 21 April 2016 <http://www.thisdaylive.com/index.php/2016/04/21/enugu-records-472-rape-cases-in-two-years-as-father-defiles-three-children/>. Date accessed: 25 July 2016.

³² UN News Centre – In Nigeria’s restive northeast, fate of thousands of abducted women remains unknown-UN, 14 April 2016 <http://www.un.org/apps/news/story.asp?NewsID=53687>. Date accessed: 25 July 2016.

6.4 Domestic violence

6.4.1 Nigeria is divided between a majority Muslim north and a largely Christian south. There are three legal principles that operate in the north and south of the country. The south operates on the basis of a criminal code, while the north applies the penal code and Shari'a law. In Northern Nigeria, for example, Section 55 of the Penal Code is based on punitive philosophy rather than a criminal legal procedure that allows a husband to discipline his wife. Once a woman is married, she is culturally expected to endure whatever condition comes her way in her matrimonial home. 33

6.4.2 A report by Damilola Oyedele, Senior Correspondent, Foreign Affairs/Gender, Thisday Newspaper published on 4 July 2014 by D+C Development and Cooperation (Germany), stated:

'In Nigeria...many women choose to stay in abusive marriages because of the stigmatisation which accompanies single or divorced women. The police do not help... They have been reported to advise victims to go home and settle the issues, saying that women have to accept to be disciplined by their husbands when they 'misbehave'.

'...A rising number of families now take cases of assault against their married daughters more seriously. The country, in recent times, has witnessed a higher number of cases of DV (domestic violence) against women being reported to the police.

'Religious organisations, which hitherto had attributed such issues to spiritual or demonic attacks on marriages, are now changing their positions. Due to cultural and spiritual sensibilities, most of them would not outright recommend divorce, but would advocate "temporary" separation. Up to now, faith-based organisations had shunned divorced women, allowing them no leadership roles, but recent events have changed the perception towards this group. Churches as well as mosques now offer counselling and even economic support to women who have had to leave their spouses.

'The courts of law are also taking the matter of DV more seriously. Magistrates used to advise squabbling couples to "go and maintain the peace" and explore reconciliation possibilities even in cases of domestic assault brought before them.

'Despite the changing attitudes, many cases of domestic assault are still not persecuted (sic). Only cases of murder and grievous bodily harm get charged to court. DV persists due to a faulty justice system.

'The National Assembly has hitherto refused to incorporate international instruments and conventions that protect women into Nigerian law, on grounds that some of their provisions violate cultural and religious beliefs.

³³ QScience.com, Survey of unreported cases of domestic violence in two heterogeneous communities in Nigeria, 22 January 2014. <http://www.qscience.com/doi/full/10.5339/irl.2013.dv.4>. Date accessed: 5 August 2016

'However, part of Nigerian society is ahead of its judicial system. Josephine Effah Chukwuma, Executive Director of Project Alert, a Nigerian NGO that works to protect women's rights, says public perception and understanding of domestic violence and its negative consequences are growing.

"Significant progress has been made as a result of mass sensibilisation", she claims. "Fathers and brothers are seeking help for their daughters and sisters now."

'Chukwuma stresses that "the silence has been broken". She says the support systems are getting better, but there is definitely room for further improvement, especially on the part of government agencies (the police, hospitals and courts). "Most of the support services are given by NGOs," she points out. Meanwhile, most women in Nigeria's disadvantaged north are still treated as second-class citizens, including physical and sexual abuse.'³⁴

- 6.4.3 The Immigration and Refugee Board of Canada, in a response of 10 November 2014, 'Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011-October 2014), noted:

'In a statement published in the Nigerian newspaper, Premium Times, the Chairman of the Nigerian National Human Rights Commission (NHRC) stated that domestic violence laws, in the states that have them, are "still quite poorly implemented" (Premium Times 25 Nov. 2013). In a telephone interview with the Research Directorate, a representative of the Legal Defence Assistance Project of Nigeria (LEDAP), a non-governmental organization of lawyers that provides free legal assistance to "poor and vulnerable victims of human rights violations," indicated that of the states with domestic violence legislation, Lagos State, is the "most organized" and the "only state where the state-level domestic violence law is being applied in practice" (16 Oct. 2014). In a telephone interview with the Research Directorate, the Executive Director of ProjectAlert, a non-governmental women's rights organization that promotes and protects the rights of women and young girls and that founded Nigeria's first women's shelter, Sophia's Place, in Lagos, indicated that legislation is not being enforced in the states with domestic violence laws, but stated that it is "being used in court" in Lagos State, although there are still "problems with enforcement" (16 Oct. 2014).'³⁵

[This response also gives useful information on legislation and enforcement; state protection and recourse, including government gender sensitisation, reporting and seeking assistance, police response, judiciary, protection orders in Lagos state; domestic violence recourse; legal aid and NGO responses and shelters and services.]

³⁴ D+C Development and Cooperation (Germany), Miles apart, sisters in pain, 4 July 2014 <http://www.dandc.eu/en/article/domestic-violence-and-sexual-abuse-are-found-all-over-world-nigeria-and-india-being-prime>. Date accessed: 5 August 2016

³⁵ Canada: Immigration and Refugee Board of Canada, Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011-October 2014), 10 November 2014, <http://www.refworld.org/docid/548168e14.html>. Date accessed: 26 July 2016.

6.4.4 The US State Department 2015 country report for Nigeria, stated, 'Domestic violence remained widespread, and many considered it socially acceptable.'³⁶

6.4.5 A This Day report from May 2016 noted:

'Four days to the end of his administration on May 25 last year, the then president, Dr. Goodluck Jonathan, signed the Violence Against Persons (Prohibition) Bill into law. The act not only addresses emerging forms of violence, it provides commensurate penalties for offences as well as compensation for victims of violence which had never before constituted a part of our laws.

'...available reports indicate that incidences of violence against these vulnerable groups have increased, rather than reduce [sic]. The challenge of implementing the law is at the heart of what is necessary to tackle the menace.

'...While spousal abuse cuts across both sexes, women are predominantly the victims in our country. Yet abused women rarely report the violence for fear of being stigmatised by the society. Where incidents are reported or noticed by third parties, the advice is usually reconciliation, while our policemen and women are known to actively discourage reports of assault between spouses, trivialising such occurrences as 'domestic'.

'...our religious leaders also advise forgiveness, even in the most bizarre of instances. Inevitably, the victim and the abuser (where summoned) are usually advised to go home and find a way to settle their differences, rather than make public the injury or the violence within.

'Again, most abused women who opt to remain in the most challenging of marriages claim stability for their children as the excuse for their 'fortitude'. Unfortunately, they fail to understand that children who witness abuse as a common occurrence in their lives are more likely to grow up believing violence is normal within marriage, and are more likely to replicate similar behaviour as adults.

'...The fear of being ostracised, the lack of material and financial resources and the general lack of sympathy and support from the public have also contributed immensely to the growth of domestic violence in many Nigerian homes. Curbing these tragic incidents is therefore a collective responsibility.

'While it is possible to institute criminal action against the abuser in our country, the investigative and prosecutorial capacities of our law enforcement agencies are a huge disincentive for taking such action. Civil suits for damages can be filed where a conviction is obtained, but again, the system takes too long, giving sufficient time for interventions by 'well-

³⁶ US State Department – 2015 Human Rights Practices Report, released April 2016
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252715>. Date accessed: 25 July 2016.

meaning' relations as well as religious and community leaders to dissuade the abused from seeking solace from the law courts.'³⁷

6.4.6 A Vanguard report from May 2016 noted:

'Women Lawyers in Lagos State under the auspices of International Federation of Women Lawyers, FIDA, has pledged to stand against any form of domestic violence against women and children in the society. The Chairperson of FIDA, Lagos branch, Mrs. Mrs. Eliana Martins said that despite various laws in the country that protect the rights and well being of women and children from all forms of violence and abuse, majority of these affected folks are not knowledgeable about their rights.

'Speaking during a community outreach in Lagos, Martins regretted that the few with understanding of these rights are scared of stigmatization and threats from the perpetrator...

"Some women are going through a lot of emotional abuse in their homes, a man will wake up in the morning and be telling his wife how foolish she was, how she cannot accomplish anything. Imagine living with a man that abuses you daily in front of your children...It is emotional abuse and the law prohibits it.

"...There are other forms of violence that our law has prohibited like sexual abuse, physical abuse, starvation, economic abuse, intimidation, harassment, and stalking, hazardous attacks with poisonous and offensive substances, damage to property among others." Martins said that their association will handle 15 cases this year on pro bono basis for women and children who are victims of domestic violence.

'She however encouraged women and children to speak out as their well being determines the happiness of home and strength of the society, "To access justice in Lagos has nothing to do with whether you are married or not, working or not. As long as you are in Lagos state, living together in the household, even if it is house girl the person is covered by law."

'She explained that there are various procedures to seek justice and someone can also do that on behalf of another person, "For instance if someone have a mentally challenged daughter was raped, or unconscious person, you don't need their consent before seeking justice.""³⁸

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6.5 Female genital mutilation (FGM)

6.5.1 The [Nigeria Demographic and Health Survey 2013](#) covers FGM in chapter 18 and includes data on prevalence and variation among different ethnic groups.³⁹ See also [Types/variation of FGM in Nigeria](#)⁴⁰ for a description of

³⁷ This Day – The Menace of Domestic Violence, 6 May 2016
<http://allafrica.com/stories/201605060300.html>. Date accessed: 25 July 2016.

³⁸ Vanguard – Women lawyers offer to fight violence against women, children, 27 May 2016
<http://www.vanguardngr.com/2016/05/women-lawyers-offer-fight-violence-women-children/>. Date accessed: 25 July 2016.

³⁹ Nigeria Demographic and Health Survey 2013, <http://dhsprogram.com/mwg->

the types of excision and also the [UNICEF map](#)⁴¹ of the geographical distribution of FGM across the country.

- 6.5.2 The July 2008 UN Committee for the Elimination of Discrimination Against Women, *Concluding Observations*, observed that: 'The Committee notes the continued high incidence of female genital mutilation in some areas of the country.'⁴²
- 6.5.3 A UNICEF report of 22 July 2013, 'Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change', showed that 19.9million (27%) of girls and women had undergone FGM in Nigeria. The executive summary of the report analyses prevalence and trends in female genital mutilation/cutting in 29 countries. Drawing on data from more than 70 nationally representative surveys over a 20-year period, the report finds that the practice has declined in Nigeria, with the prevalence among adolescent girls dropping by about half.⁴³
- 6.5.4 A 28 Too Many Key Country Statistics for Nigeria (May 2013) noted:
'The estimated prevalence of FGM in girls and women (15-49 years) is 29.6% (DHS 2008)(FGM/C data from the 2008 Nigeria Demographic and Health Survey should be used with caution as the definition of FGM/C was not used consistently by interviewers across regions).This is appears to have increased by 10.6% from 19% in 2003 (DHS 2003).
'The prevalence of FGM in girls and women within the 15-19 age group is estimated at 21.7%, which appears to be 12.2% less than FGM prevalence in the 35-39 age group which is estimated at 33.9% (DHS 2008). There seems to have been an 8.8% increase in prevalence for girls and women in the age group of 15-19 when compared with figures from 2003 (DHS 2003), which estimated FGM prevalence to be at 12.9%. Similarly, figures suggest an increase (11.7%) in prevalence for women in the age group of 35-39 from 22.2% in 2003 (DHS 2003).
'Figures also suggest an 11.2% difference in FGM prevalence between girls and women (15-49 years) who live in urban and rural areas, with estimated FGM prevalence at 36.8% and 25.6% respectively (DHS 2008).
'The most prevalent type of FGM practised in Nigeria is 'flesh removed' (Types I and II) (45.4%), with 5.3% having Type III (DHS 2008).'⁴⁴

internal/de5fs23hu73ds/progress?id=pWU7XbRAgcQMOZAHld_ZS5sDqXgMbx74_jjzH7aBhDk,&dl.
Date accessed: 26 July 2016.

⁴⁰ An Overview of Female Genital Mutilation in Nigeria, TC Okeke, USB Anyaehie, and CCK Ezenyeaku, 2012. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507121/>. Date accessed: 2 June 2015

⁴¹ UNICEF, 'Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, 22 July 2013 http://www.unicef.org/publications/index_69875.html. Date accessed: 26 July 2016.

⁴² UN Committee for the Elimination of Discrimination Against Women – Nigeria, *Concluding Observations*, July 2008 <http://www.refworld.org/publisher,CEDAW,,NGA,4efb2f122,0.html>. Date accessed: 26 July 2016.

⁴³ UNICEF, 'Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, 22 July 2013 http://www.unicef.org/publications/index_69875.html. Date accessed: 26 July 2016.

⁴⁴ 28 Too Many – Key Country Statistics Nigeria, May 2013 <http://28toomany.org/countries/nigeria/>.

6.5.5 A 2012 report, An Overview of Female Genital Mutilation in Nigeria, by TC Okeke, USB Anyaehie, and CCK Ezenyeaku noted:

‘In Nigeria, FGM has the highest prevalence in the south-south (77%) (among adult women), followed by the south east (68%) and south west (65%), but practiced on a smaller scale in the north, paradoxically tending to be in a more extreme form. The national prevalence rate of FGM is 41% among adult women...

‘...of the six largest ethnic groups, the Yoruba, Hausa, Fulani, Ibo, Ijaw, and Kanuri, only the Fulani do not practice any form...

‘In most parts of Nigeria, it is carried out at a very young age (minors) and there is no possibility of the individual's consent. Type I and Type II are more widespread and less harmful compared to Type III and Type IV. In Nigeria, there is greater prevalence of Type I excision in the south, with extreme forms of FGM prevalent in the North. Practice of FGM has no relationship with religion. Muslims and Christians practice it, but it is more widely spread in Christian predominated parts of Nigeria...

‘FGM is widespread in Nigeria. Some sociocultural determinants have been identified as supporting this avoidable practice. FGM is still deeply entrenched in the Nigerian society where critical decision makers are grandmothers, mothers, women, opinion leaders, men and age groups.’⁴⁵

6.5.6 The same report also stated:

‘...girls usually undergo the practice without their informed consent, depriving them of the opportunity to make independent decision about their bodies.

‘[The respondents] regarded FGM as a tribal traditional practice (our custom is a good tradition and has to be protected), as a superstitious belief practiced for preservation of chastity and purification, family honor, hygiene, esthetic reasons, protection of virginity and prevention of promiscuity, modification of sociosexual attitudes (countering failure of a woman to attain orgasm), increasing sexual pleasure of husband, enhancing fertility and increasing matrimonial opportunities. Other reasons are to prevent mother and child from dying during childbirth and for legal reasons (one cannot inherit property if not circumcised)’⁴⁶

6.5.7 An article published on 29 November 2010 in the Journal of Medicine and Medical Sciences, ‘A review of determinants of female genital mutilation in Nigeria’, in a section titled “Socio-Cultural Determinant”, stated: ‘Socio-cultural determinant is the major determinant of FGM. It also influences lifestyle and behavior. Many people continue FGM because it is part of the

Date accessed: 26 July 2016.

⁴⁵ An Overview of Female Genital Mutilation in Nigeria, TC Okeke, USB Anyaehie, and CCK Ezenyeaku, 2012. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507121/>. Date accessed: 26 July 2016.

⁴⁶ An Overview of Female Genital Mutilation in Nigeria, TC Okeke, USB Anyaehie, and CCK Ezenyeaku, 2012. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507121/>. Date accessed: 26 July 2016.

societal norms handed down by their mothers and grandmothers and any attempt to discontinue the practice is met with societal pressure and risk of isolation.’⁴⁷

6.5.8 In a section entitled ‘Lifestyle and Behavior Determinants’ this article continued, ‘FGM is usually not a choice made by girls. The decision is made by parents, grandparents, guardians and members of the extended family claiming to act in the girl’s best interest.’⁴⁸

6.5.9 A 2011 paper by Alfred A. Abiodun, Benjamin A. Oyejola and Obalowu Job, ‘Female Circumcision in Nigeria, Prevalence and Attitudes’, noted, ‘There is a marked decrease of the practice in the younger age cohorts compared to the older age cohorts. As the level of education increases, the likelihood of supporting the practice of female circumcision reduces and regular use of media of communication such as radio and television is an influential factor against the practice of female circumcision in Nigeria.’⁴⁹

6.5.10 An April 2013 Immigration and Refugee Board of Canada report stated that ‘Sources indicate that circumcision is practiced by the Yoruba and Ibo at the following times in a girl or woman’s life:

‘...at infancy (ibid.; CWSI 24 Apr. 2013), such as a few weeks to a month old (ibid.); upon marriage, when she is ready to go to her husband’s house (ibid.; CDHR 25 Apr. 2013); at the same time of other girls in the area who are getting married (CWSI 24 Apr. 2013); seven to eight months into pregnancy (ibid.).

‘On 7 December 2010, Modern Ghana, an online Ghanaian news website (Modern Ghana n.d.), reported that FGM is still practised in some parts of Nigeria and that in “some instances an adult female who probably escaped FGM during childhood would be forced to be circumcised before her marriage.” [...] The CWSI [Centre for Women Studies and Intervention] representative said that women can be circumcised after they have been married for several years (CWSI 24 Apr. 2013). However, she said that women would not be circumcised once they are over 30 years of age since it is usually “young” women that undergo the practice (ibid.).’⁵⁰

6.5.11 A further Immigration and Refugee Board of Canada request response from November 2015 noted:

⁴⁷ Journal of Medicine and Medical Sciences, ‘A review of determinants of female genital mutilation in Nigeria’, 29 November 2010, <http://www.interestjournals.org/jmms/december-2010-vol-1-issue-11/a-review-of-determinants-of-female-genital-mutilation-in-nigeria>. Date accessed: 26 July 2016.

⁴⁸ Journal of Medicine and Medical Sciences, ‘A review of determinants of female genital mutilation in Nigeria’, 29 November 2010, <http://www.interestjournals.org/jmms/december-2010-vol-1-issue-11/a-review-of-determinants-of-female-genital-mutilation-in-nigeria>. Date accessed: 26 July 2016.

⁴⁹ Female Circumcision in Nigeria, Prevalence and Attitudes, 2011, <https://unilorin.edu.ng/ejournals/index.php/science/article/viewFile/308/190>. Date accessed: 2 June 2015.

⁵⁰ Immigration and Refugee Board of Canada, ‘Nigeria: Whether Yoruba and Ibo cleansing rituals for women in their thirties include circumcision in the states of Ogun, Niger, Anambra, and Adamawa; whether women who have been accused of killing a family member through witchcraft would be circumcised during a cleansing ritual (2012-April 2013)’, 29 April 2013, http://www.ecoi.net/local_link/264515/378265_en.html. Date accessed: 26 July 2016.

'Some sources note that there are variations in how FGM is practiced in the country (Norway 14 Nov. 2012, 3; Lecturer 6 Mar. 2015). In correspondence with the Research Directorate, a lecturer in sociology at the University of Ibadan in Oyo State, whose research interests include family studies and who has written on gender issues, declared that variations on FGM occur in particular families and households, and are influenced by factors such as "religion/Christianity, modernity, westernization, level of education, exposure, [and] economic status," adding that "[t]here are no rigid traditional and cultural specifications in recent times" (ibid.). Similarly, the English summary of a report on FGM in Nigeria, published by Landinfo: Norwegian Country of Origin Information Centre, states that "FGM is practised by all larger ethnic groups in Nigeria, but other social factors influence the practice and cause great variation within these ethnic groups" (Norway 14 Nov. 2012).

'...Sources report that FGM is more prevalent in the southern states of Nigeria.

'...[It was] stated that..."if the woman refuses [to undergo FGM] her husband may reject her"...[A] lecturer stated that "definitely if husbands support their wives there is little or nothing the society can do" with regards to forcing a woman to undergo FGM.'⁵¹

6.5.12 The Violence against Persons (Prohibition) Act 2015 prohibits female circumcision, making it a federal offence, with the following penalties:

'6(2) A person who performs female circumcision or genital mutilation or engages another to carry out such circumcision or mutilation commits an offence and is liable on conviction to a term of imprisonment not exceeding 4 years or to a fine not exceeding N200,000.00 or both.

'6(3) A person who attempts to commit the offence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,000.00 or both.

'6(4) a person who incites, aids, or counsels another person to commit the offence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,00.00 or both.'⁵²

6.5.13 A This Day report from February 2016 noted:

'At a recent two-day media dialogue on FGM/C Abandonment in Nigeria organised by the Advocacy Unit, Child Rights Information Bureau (CRIB) of the Federal Ministry of Information, in collaboration with UNICEF, to mark the World Zero Tolerance to Female Genital Mutilation/Cutting in Osogbo, Osun state, the National President of Inter-Africa Committee on

⁵¹ Immigration and Refugee Board of Canada, 'Nigeria: Prevalence of female genital mutilation (FGM) among the Urhobo, including the consequences for refusing to undergo this procedure, particularly pregnant women; state protection available (2014-March 2015)', 16 November 2015, <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?docid=56498d834>. Date accessed: 26 July 2016.

⁵² Nigeria: Violence Against Persons (Prohibition) Act, 2015 (VAPP) [Nigeria], 25 May 2015, <http://www.refworld.org/docid/556d5eb14.html>. Date accessed: 26 July 2016.

Harmful/Violence Practices against Women and Children (FGM), Prof. Modupe Onadeko observed that there was no single benefit from female genital mutilation and cutting.

‘According to her, it has now become a punishable offence for any medical practitioner, be he/she a nurse or doctor to be involved in the practice of female genital mutilation/cutting, hence the Harmful/Violence Practices against Women and Children aspect was introduced into the curriculum of the medical profession.

‘She said, though the prevalence of cutting is more in the South-west and South-south, some tribes are however practicing the unclassified types including one which is often referred to as medical circumcision.

‘...According to her, who is also the Community Health Physician and Consultant Reproductive/Family Health University College Hospital, Ibadan, FGM/C affects women and young girls in various ways such as: Infections (genital abscesses), problems having sex (pain), depression and anxiety, painful menstrual periods, urinary problems, Vesico Vaginal Fistula (VVF) or Recto Vaginal Fistula (RVF), Problems in childbirth (need to cut the vagina to allow delivery and the trauma that results, often compounded by re-stitching).

‘She allayed fears that women who were not circumcised are more prone to promiscuity than the circumcised ones, noting that about 99.9 per cent of commercial sex workers had their genitalia mutilated.’⁵³

6.5.14 A Premium Times report from May 2016 noted:

‘The Circumcision Descendants Association of Nigeria have advocated the provision of alternative means of livelihood for their members as a way of curbing Female Genital Mutilation practice in south-west Nigeria.

‘At a Summit to End FGM in Nigeria held in Ibadan, Monday, the group said the FGM agenda would be difficult to achieve without the “full involvement” of their members.

“The practice of Female Genital Mutilation/Cutting (FGM/C) has generated heated debates in the international development arena as an issue linked to women’s rights and gender inequality,” said Abiola Ogundokun, Chairman, Board of Trustees, of CDAN.

“However, it is noteworthy that unknown to the NGOs and principal actors of the FGM campaign, the registered CDAN is equally committed to the same campaign and agenda of the United Nations as contained in our constitution.

“It is unfortunate that the desired efforts of the association have not been utilised for the successful advancement of the project in order to bring the act to an end. Hence the need of this timely proposed summit.”

⁵³ This Day, ‘Nigeria: Fighting Female Genital Mutilation on All fronts’, 25 February 2016, <http://allafrica.com/stories/201602250374.html>. Date accessed: 26 July 2016.

'Mr. Ogundokun, a magazine publisher and politician, said CDAN had made repeated attempts to collaborate with NGOs in the past but failed due to "lukewarm attitude of some of the NGOs."

"To eradicate FGM from the South West zone of Nigeria and further penetrate other regions, we need to do a lot more. We should increase community awareness and knowledge on the health hazards associated with FGM."

'Scores of CDAN members across the South West, donning uniformed local attires inscribed with 'Say No to FGM,' attended Monday's summit where they watched video clips on the hazards of female circumcision.

'Mr. Ogundokun said several deliberations within the rank and file of CDAN membership had resulted in a majority decision for the approval of zero tolerance to FGM.

"We so hereby declare our resolution that 'A Total Stop to FGM/C' is now in place and we encourage the fullest cooperation of all members and to be obedient to this decision jointly agreed upon," he said.

"I will however like to appeal to both government and organizations connected to this campaign worldwide to look at the other side of the profession that has been earning us economic support.

"To also consider the need for support to this family whose source of livelihood is being taken from them in a manner that will provide alternative sources of income to alleviate the possible economic effect that may likely affect their families.

"As this is the case of demand and supply, it is definite that the refusal of the supplier will bring an end to the demand.

"Government should also consider a programme for the circumciser's family to limit the effect on the loss of revenue."

'Money is the reason'

'Gift Abu, a nurse and activist, said native customs contribute to the practice of FGM across the country.

"The circumcisers are the issues," Ms. Abu told Premium Times.

"So if we get to them first, and get their consent for them to drop their knives and accept the campaign, then FGM will be history."

'Ms. Abu said the campaign succeeded in convincing about 70 percent of the circumcisers to stop the practice, with the remaining ones being reluctant to follow suit.

"But I think with this summit, others will join the campaign as well," she said.

"There is a very peculiar reason (for their reluctance), for the women.

"For the men, they'll tell you because if they don't circumsize the girl, she becomes promiscuous. And for the women, they'll tell you we want our girls to be disciplined.

“And then, the monetary aspect of it. They do it for money, it’s their livelihood. They’ll tell you it’s what keeps my family, it’s what I use in training my children and feeding.

“So money is very important for those who don’t have what to do. Some of them don’t have any other thing they are doing apart from circumcision. It’s like a profession to them. So leaving the practice, it’s like where will they start from?

“Another thing we are also looking at is, we want you to stop this, we will empower you. If you say you don’t want to stop because of this reason, we will empower you. We’ll start from there.

‘Gboye Otunla, Organizing Secretary, CDAN, said the summit provided an avenue to show their willingness to collaborate with NGOs and others to end FGM.

“But one thing we want them to know, that’s why we organized this, you cannot do this thing effectively without involving the circumcisers,” Mr. Otunla said.

“Because they don’t know..., people take their children to them.

“If we can persuade them, that those things are no longer good. That is what we have done in our meetings. And we have gotten convinced that we should cooperate with the whole world. This thing should be totally eradicated.”⁵⁴

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6.6 Witchcraft

6.6.1 A UNHCR 2009 research paper noted:

‘Witchcraft beliefs vary among cultures, but the term will be generalized here to mean “harmful actions carried out by persons presumed to have access to supernatural powers.” Belief in witchcraft shapes perceptions and provides an answer to ‘why me?’ when misfortune strikes. “Unexpected hardship or bad luck, sudden and incurable diseases, all can be accounted to the actions of evil people, to magical forces...the diagnosis of witchcraft opens up the possibility of combating the causes of hardship.”⁵⁵

6.6.2 An information response of 24 April 2013, by the Research Directorate of the Immigration and Refugee Board of Canada, noted:

‘The CDHR [Committee for the Defence of Human Rights] representative stated that “witch branding” takes place when a woman is blamed for a negative incident that occurred in the community and labelled a witch (25 Apr. 2013).

⁵⁴ Premium Times, ‘Nigerian genital cutters give conditions for ending Female Genital Mutilation’, 24 May 2016, <http://www.premiumtimesng.com/news/headlines/204040-nigerian-genital-cutters-give-conditions-ending-female-genital-mutilation.html>. Date accessed: 26 July 2016.

⁵⁵ UNHCR, ‘Witchcraft allegations, refugee protection and human rights: a review of the evidence’, January 2009, <http://www.unhcr.org/4981ca712.pdf>. Date accessed: 29 July 2016.

'The CWSI [Centre for Women Studies and Intervention] representative indicated that if a woman has been accused of witchcraft, she may have to carry out "traditional rites," but this depends on the area and cultural beliefs (CWSI 24 Apr. 2013). She indicated that one such traditional rite could be giving the community gifts like gold (ibid.).

'The CDHR representative said that a woman accused of witchcraft could be killed by "close relations" or "kinsmen" (CDHR 25 Apr. 2013). She added that this practice is "rampant" in some states, such as Akwa Ibom, Cross River, but is also practiced in other states as well (ibid.). The Director of Widows for Peace through Democracy (WPD), a UK-based advocacy organization for widows in developing countries (n.d.), without specifying ethnic groups, stated that:

'WPD is well aware ... that women, especially older widowed women, may, in some ethnic groups, particularly in rural areas, be accused of being witches where unexplained deaths occur, (for example, in context of HIV and AIDS), unprecedented natural disasters happen, or harvests inexplicably fail. Expulsion from the village and the community; exclusion or forced seclusion; in extreme cases death by stoning might be carried out. (WPD 25 Apr. 2013)⁵⁶

- 6.6.3 BBC trending: 'The tragic case of Nigeria's 'bird' woman', 20 October 2014, showed a scene of a dying woman, burnt and blooded, who witnesses claimed had been a black bird who had been flying in the sky in Lagos, before striking an electrical cable, falling to earth and transforming into a woman. The same eyewitnesses say she confessed to being a witch.' The article went on to say:

'Accusations of witchcraft remain common in this part of the world says Hermione Harris, a social anthropologist at the School of Oriental and African Studies in London. "In a secular society like ours it's very hard to grasp a belief in supernatural forces." But the notion of witches and wizards is embedded in a form of Pentecostal Christianity that is popular in Nigeria, she explains.⁵⁷

- 6.6.4 A Voice of America News report from June 2015 noted:

'Police in Nigeria say a 60-year-old man burned a young girl to death after accusing her of being a witch. Allegations of witchcraft in Nigeria can be very dangerous.

'...Plateau State police spokesman Emmanuel Abuh says police believe he attacked the girl because she refused to admit to him that she was a witch.

⁵⁶ Canada: Immigration and Refugee Board of Canada, 'Nigeria: Whether Yoruba and Ibo cleansing rituals for women in their thirties include circumcision in the states of Ogun, Niger, Anambra, and Adamawa; whether women who have been accused of killing a family member through witchcraft would be circumcised during a cleansing ritual (2012-April 2013)', 29 April 2013, http://www.ecoi.net/local_link/264515/378265_en.html. Date accessed: 26 July 2016.

⁵⁷ BBC trending: The tragic case of Nigeria's 'bird' woman, 20 October 2015 <http://www.bbc.co.uk/news/blogs-trending-29644681>. Date accessed: 26 July 2016.

While much of public religious life centers around Christianity and Islam, traditional beliefs are still prevalent in Nigeria.

'Ishaya Bajama is a civil rights activist who works in Plateau State. He says spiritual healers often use allegations of witchcraft to explain mental or physical illnesses that communities might not be familiar with, or might not have the money or ability to treat.

"A lot of things that people don't have solution for, they are always ascribed to spiritual problems. But a lot of it has to do with social sickness or social misfit," said Bajama.

'These allegations are no laughing matter, Bajama says. Poverty, lack of education and lack of medical care often combine to stigmatize people accused of being witches — or worse.'⁵⁸

6.6.5 A Bhekisisa report from April 2016 noted:

'Children labelled as witches in Nigeria are often abandoned, shunned by society and turfed out into the streets.

'The rescue of a two-year-old Nigerian child has attracted extensive social and online media coverage across the world. Abandoned by his family after being accused of being a witch, the boy was saved by an aid worker who found him in Uyo, southeast Nigeria. The boy, known as Hope, is said to have been riddled with worms and had to have daily blood transfusions to be revived.

'The unfortunate truth is that Hope is one of only a lucky few who survive the neglect, abuse, and physical and mental health insults that arise from the stigma created by child witch hunting in Nigeria.

'Belief in witchcraft is central in Nigeria society – particularly in the Niger Delta region. Researchers have especially focused on my people, the Ibibio of south eastern Nigeria.

'Anthropological research has shown how most Ibibio believe that certain people are witches. They argue that, through various supernatural feats, these people impoverish, harm or kill their fellow human beings. Other research shows both urban and rural people in the Ibibio society are entrapped in the deep-rooted fear of witches. It is enshrined in communal consciousness.

'Having spent most of my life among the Ibibio in both urban and rural settings, I can bear witness to the truth of these observations. I grew up in Uyo, the town in which Hope was rescued.

'Child health researchers, including psychologists, social workers and economists, believe that the stigmatisation of children as witches in Nigeria is a relatively recent phenomenon.

⁵⁸ Voice of America News, 'Girl Burned to Death after Witchcraft Allegation', 19 June 2015, <http://www.voanews.com/content/girl-burned-to-death-in-nigeria-after-witchcraft-allegation/2829215.html>. Date accessed: 26 July 2016.

'Some research notes the trend has become widespread since the early to mid-1990s. As a result, thousands of children have been accused of being witches. Many have been tortured, or even killed.

'Others are subjected to inhumane abuse. They suffer severe beatings, maiming, burns caused by fire, boiling water or acid, poisoning, attempts to bury them alive, abandonment, rape and trafficking. They are denied access to health care and vaccinations. And they are blamed when they become ill and their diseases spread to other members of the family and community.

'There are two factors that play a role in child witchcraft being perpetuated in Nigeria: religion and poverty.

'One researcher has argued that the religious discourse of the new Christian Pentecostal movement has heightened the belief that child witches exist. The movement generally attributes failure and misfortune to the devil.

'For some religious leaders there is the lure of economic gain attached to child witchcraft accusations. The purported capacity to deliver people from the power of witches can generate huge earnings for pastor-prophets who engage in deliverance sessions. Research shows that those religious leaders encourage congregants to repeatedly attend church programmes, pay tithes regularly and give offerings and vows, all with the aim of generating more and more income from their followers.

'Widespread poverty is another explanatory factor. In 2006 the United Nations Development Programme reported that within the Niger Delta region high rates of poverty and environmental degradation are especially prevalent.

'Researchers argue that poverty and other misfortunes are in many parts of Nigeria attributed to metaphysical causes. As a result, child witches are simply an easy target to blame for the economic misfortunes that befall families and communities in this region.

'Interestingly, research notes that the belief in child witchcraft is also considered to be reflected in and perpetuated by Nigerian popular media. Nollywood, the Nigerian movie industry, has been blamed for making films that have played a role in popularising and disseminating the belief in child witches. Many of the older movies were produced by Pentecostal churches.

'Fortunately there has been a turnaround in the past few years. Nigerian Pentecostal churches have started to join the fight against child witchcraft stigmatisation. After a series of meetings promoted by concerned government agencies, several religious and civil liberty organisations are working together to end the trend.

'Some are actively helping to create awareness of the issue and mobilise people through sermons, in print media and even through Nollywood. Churches have started to produce movies that highlight the ills of witchcraft accusations, offering hope to victims and their families.

'But the case of Hope indicates that there is more to be done.

'There is an urgent need for legislative reform to deter future incidents of abuse due to child witchcraft stigmatisation. Nigeria needs laws that prohibit

discrimination based on witchcraft beliefs. Even more importantly, the laws need to be effectively enforced so that religious leaders and community members who choose to continue down this treacherous path are brought to book.

'Ultimately, it comes down to revitalising the Nigerian economy and bringing people out of poverty. As long as people find it impossible to make ends meet they will continue to look for solutions in the supernatural.'⁵⁹

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6.7 Forced marriage

6.7.1 There are three types of marriage in Nigeria: Statutory Marriage, Customary Marriage and Islamic Marriage. The Lawyers Chronicle: [Types of Marriages Under Nigerian Law](#) gives details of the laws and customs attached to each of these marriages.⁶⁰

6.7.2 Nigeria has signed and ratified the Maputo Protocol which states that 'no marriage shall take place without the free and full consent of both parties', and it further states that 'every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised'.⁶¹

6.7.3 A 2011 research paper noted:

'In situation of crises, women bear the brunt of the problems arising from such crises. Apart from this, they (women) constitute about 70% of those who are poor in the world, in the developing world they are the poorest. In the Niger Delta, the situation is not different, as the women suffer both the confiscation of their agricultural land by the government and multinationals on the one hand, and rape and other assault by oil workers and soldiers on the other hand. They are also denied access to the oil wealth as well as remain the most vulnerable group to production of oil that has caused environmental crisis.'⁶²

6.7.4 The Canadian Immigration and Refugee Board, in a response of 9 December 2012, looked at forced marriage in Nigeria - [Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities](#);

⁵⁹ Bhekisisa, 'What's behind children being cast as witches in Nigeria?', 15 April 2016, <http://bhekisisa.org/article/2016-04-15-whats-behind-children-being-cast-as-witches-in-nigeria>. Date accessed: 26 July 2016.

⁶⁰ The Lawyers Chronicle, 'Types of Marriages under Nigerian Law', undated, <http://thelawyerschronicle.com/types-of-marriages-under-nigerian-law/>. Date accessed: 3 June 2015

⁶¹ Make every women count, Maputo Protocol, http://www.makeeverywomancount.org/images/stories/documents/AfricanUnion_Maputoprotocol_July2003.pdf. Date accessed: 26 July 2016.

⁶² Krepublishers, 'The Travail of Women in the Crises in the Niger Delta Area', 2011, <http://www.krepublishers.com/02-Journals/T-Anth/Anth-13-0-000-11-Web/Anth-13-1-000-11-Abst-Pdf/Anth-13-1-027-11-636-Akubor-E-O/Anth-13-1-027-11-636-Akubor-E-O-Tt.pdf>. Date accessed: 27 July 2016.

[information on legislation, including state protection; ability of women to refuse a forced marriage.](#)⁶³

The report stated that 'Okeke indicated that consequences for refusing a forced marriage could include "total neglect" and "ostracism" (26 Oct. 2012). The Women's Rights Watch Nigeria project coordinator stated that refusing a forced marriage "could be dangerous for the victim" (18 Oct. 2012). The project coordinator provided the example of the death of a woman in a forced marriage whose legs were "chopped off" by her husband to stop her from constantly trying to leave him (Women's Rights Watch Nigeria 18 Oct. 2012). Okeke said that a girl's hand was cut off for escaping a forced marriage (26 Oct. 2012). Media sources report on girls attempting to escape forced marriages and returning to their families, who then force the girls to return to their husbands (Daily Champion 2 July 2010; The Times 28 Nov. 2008). Media sources also report that the husbands of girls attempting to escape forced marriages have beaten them (Daily Champion 2 July 2010) and raped them (The Times 28 Nov. 2008).'

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6.7.5 The December 2012 CORI Thematic Report Nigeria: Gender and Age considered child marriage in detail: early marriage/abuses and violations of rights linked to early marriages/social discrimination/effectiveness of state protection/access to justice.⁶⁵

6.7.6 The US State Department 2015 Country Report for Nigeria stated:

'The law sets a minimum age of 18 years for marriage for both boys and girls. According to the 2013 NDHS, 43 percent of women between ages 20 and 24 reported being married or in a union before age 18, and 17 percent reported being married or in a union before age 15. Fewer than half the country's state assemblies adopted the Child Rights Act of 2003, which sets the minimum marriage age, and most states, especially northern states, did not uphold the federal official minimum age for marriage. The government engaged religious leaders, emirs, and sultans on the problem, pointing out the health hazards and improving their awareness of it. Certain states worked with NGO programs to establish school subsidies or fee waivers for children to help protect against early marriage. The government did not take legal steps to end sales of young girls into marriage. According to credible reports, poor families sold their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent "indecent" associated with premarital

⁶³ Canada: Immigration and Refugee Board of Canada, 'Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage', 9 November 2012, <http://www.refworld.org/docid/50b4ab202.html>. Date accessed: 26 July 2016.

⁶⁴ Canada: Immigration and Refugee Board of Canada, 'Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage', 9 November 2012, <http://www.refworld.org/docid/50b4ab202.html>. Date accessed: 26 July 2016.

⁶⁵ CORI, 'Thematic Report Nigeria: Gender and Age', December 2012, <http://www.refworld.org/docid/514830062.html>. Date accessed: 5 August 2016.

sex or for other cultural and religious reasons. Girls abducted by Boko Haram were also subjected to forced marriage.’⁶⁶

6.7.7 The GirlsNotBrides website noted on child marriage in Nigeria:

‘In Nigeria, 43% of girls are married off before their 18th birthday. 17% are married before they turn 15.

‘The prevalence of child marriage varies widely from one region to another, with figures as high as 76% in the North West region and as low as 10% in the South East.

‘While data shows a 9% decline in the prevalence of child marriage since 2003, action is needed to prevent thousands of girls from being married in the coming years.

‘...Poverty, poor educational attainment and strong social and religious traditions are drivers of child marriage in Nigeria.

‘Education is a strong indicator of whether a girl will marry as a child. 82% of women with no education were married before 18, as opposed to 13% of women who had at least finished secondary education.

‘In northern Nigeria, parents have complained that the quality of education is so poor that schooling cannot be considered a viable alternative to marriage for their daughters.

‘...The Nigerian Constitution does not establish a minimum age of marriage. The Child Rights Act, which was passed in 2003, sets the age of marriage at 18 years-old. However, only 23 of Nigeria’s 36 states have taken concrete steps to implement the minimum age of marriage.

‘...A Technical Working Group on Ending Child Marriage was formed at the end of 2015. Spearheaded by the Ministry of Women Affairs and Social Development, the group is composed of over 30 members, including civil society organisations.

‘Its aims are to develop and implement a holistic multi-sectoral strategy for ending child marriage in Nigeria, as well as raising awareness, encouraging behaviour change, and ensuring the monitoring and evaluation of laws and policies.

‘In May 2015, the Violence Against Persons Prohibition Act was adopted to address the issue of female genital mutilation/cutting and other harmful traditional practices such as child marriage.’⁶⁷

6.7.8 The [Social Institutions and Gender Index: Nigeria](#) (Discriminatory Family code) also provides a useful overview.⁶⁸

⁶⁶ US State Department – 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dlid=252715>. Date accessed: 26 July 2016.

⁶⁷ Girls Not Brides: Child Marriage around the World, Nigeria, undated, <http://www.girlsnotbrides.org/child-marriage/nigeria>. Date accessed: 26 July 2016.

⁶⁸ Organisation for Economic Co-operation and Development, ‘Social Institutions and Gender Index: Nigeria Profile’, 2014, <http://genderindex.org/country/nigeria>. Date accessed: 5 August 2016.

- 6.7.9 Freedom House, in its 2016 world report noted, 'Despite the existence of strict laws against...child marriage, these offenses remain widespread, with low rates of reporting and prosecution.'⁶⁹ The BBC reports on a 26-year-old woman from Sokoto who was forcibly married to a Nigerian senator (22 Oct. 2010). After taking her case to the Nigerian high court, the judge said that the case was under the jurisdiction of the Islamic court, and that, based on the constitution, the federal court could not intervene in matters before the Islamic court. The judge also indicated that the forced marriage was not a violation of the woman's human rights, and dismissed the case.'⁷⁰
- 6.7.10 For information about the treatment of women by Boko Haram including abduction, forced marriage, forced conversion, forced recruitment and sexual abuse see country information and guidance on [Nigeria: Fear of Boko Haram](#).

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7. Non-government assistance

- 7.1.1 The October 2011 report financed by the Spanish Agency of International Cooperation for Development, [Analysis Of The History, Organisations And Challenges Of Feminism In Nigeria](#) gives details of women's movements today including those providing assistance to victims of abuse.⁷¹
- 7.1.2 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (OECD SIGI), in its 2014 Nigeria country profile, noted, 'Women's rights organisations are active in providing support services to victims of domestic violence and other forms of violence against women, as well as raising awareness, and pushing for legislation to address domestic violence to be introduced.'⁷²
- 7.1.3 The US State Department 2014 country report for Nigeria noted:
 'Project Alert on Violence Against Women, a Lagos-based NGO, continued various outreach efforts to combat domestic violence, including training programs for police on domestic violence, support groups for women, programs for male abusers, and assistance to faith-based organizations in counseling victims. In addition Project Alert also operated a shelter, Sophia's Place, for victims of domestic violence, which offered counselling and legal aid. The Women's Rights Advancement and Protection Alternative and the

⁶⁹ Freedom House, 'Freedom in the World 2016 – Nigeria', January 2016

<https://freedomhouse.org/report/freedom-world/2016/nigeria>. Date accessed: 26 July 2016.

⁷⁰ Canada: Immigration and Refugee Board of Canada, 'Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage', 9 November 2012,

<http://www.refworld.org/docid/50b4ab202.html>. Date accessed: 5 August 2016

⁷¹ Analysis Of The History, 'Organisations And Challenges Of Feminism In Nigeria', 2011 <http://www.nawey.net/wp-content/uploads/downloads/2012/05/Feminism-in-Nigeria.pdf>. Date accessed: 5 August 2016.

⁷² Organisation for Economic Co-operation and Development, 'Social Institutions and Gender Index: Nigeria Profile', 2014, <http://genderindex.org/country/nigeria>. Date accessed: 20 April 2015.

Nigerian Women's Trust Fund also served as leading voices in the campaign to reduce violence against women.'⁷³

- 7.1.4 The [Nigeria Stability and Reconciliation Programme](#) (NSRP) stated that it works to address violence against women and girls by supporting partners in creating physical 'safe spaces' for young people aged ten to 24 in which they learn to manage conflict non-violently and to report and to challenge gender-based violence. They also learn skills that encourage them to participate in leadership, mediation and peace building initiatives.. The site lists the other organisations it works with.⁷⁴
- 7.1.5 An International Directory of Domestic Violence Agencies (Hot Peach Pages) provides a list of [Nigeria Domestic Violence Agencies](#) .
- 7.1.6 The UN Office on Drugs and Crime (UNODC) also maintains a database of NGOs operating in Nigeria, which can be sorted by area of work including anti-trafficking activities. However it is not clear from the database if all the organisations are currently active or the extent and / or nature of the activities. The database is available on UNODC website:
<https://www.unodc.org/ngo/showExtendedSearch.do>

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8. Freedom of movement

- 8.1.1 The US State Department 2015 report noted that the constitution and law provide for freedom of internal movement and that there are no laws barring women from particular fields of employment.⁷⁵
- 8.1.2 The current Bradt Travel Guide for Nigeria noted, 'Nigerian women all over the country travel on their own, be it on a long journey by bus or for a short hop on the back of an okada [commercial motorcycle used as a vehicle for hire].'⁷⁶
- 8.1.3 The Organisation for Economic Co-operation and Development's (OECD) Social Institutions and Gender Index (SIGI) reported with regard to women in purdah:

'Women's freedom of movement is restricted in that in some cases they are obliged to obtain their husbands' permission to obtain a passport or to travel

⁷³ US State Department, 'Country Reports on the Human Rights Practices for 2014' (section 6), 25 June 2015, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392>. Date accessed: 26 July 2016.

⁷⁴ Nigeria Stability and reconciliation Programme, <http://www.nsrp-nigeria.org/wp-content/uploads/2014/10/E187-NSRP-3.2-Violence-against-women-FINAL-WEB.pdf>. Date accessed: 26 July 2016.

⁷⁵ US State Department – 2015 Human Rights Practices Report, released April 2016 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2015&dliid=252715>. Date accessed: 27 July 2016.

⁷⁶ Bradt Travel Guide, 'Women Travellers', <https://books.google.co.uk/books?id=omL5460steUC&pg=PA77&lpg=PA77&dq=employment+travel+women+nigeria&source=bl&ots=xljQ7nr6WW&sig=MFJUKLPsb4vruM0wCvFIUZUaJWo&hl=en&sa=X&ved=0CEwQ6AEwCWoVChMI2t7B6YXExwiViEAaCh0FyQI0#v=onepage&q=employment%20travel%20women%20nigeria&f=false>. Date accessed: 5 August 2016.

outside the country. Women in purdah (in Muslim communities in northern areas) cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women's freedom of dress in that Muslim women must be veiled in public. Widows in these regions face the greatest degree of discrimination: they are confined to the home and must keep their heads shaven and wear mourning dress.'⁷⁷

- 8.1.4 See also country information and guidance on [Nigeria: Background Information including actors of protection and internal relocation](#).

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⁷⁷ Organisation for Economic Co-operation and Development (OECD), 'Social Institutions & Gender Index 2014: Nigeria, Undated, Restricted Civil Liberties', <http://genderindex.org/country/nigeria>. Date accessed: 5 August 2016.

Version Control and Contacts

Contacts

If you have any questions about the guidance and your line manager or senior caseworker cannot help you or you think that the guidance has factual errors then email [the Country Policy and Information Team](#).

If you notice any formatting errors in this guidance (broken links, spelling mistakes and so on) or have any comments about the layout or navigability of the guidance then you can email [the Guidance, Rules and Forms Team](#).

Clearance

Below is information on when this version of the guidance was cleared:

- version **2.0**
- valid from **17 August 2016**

Changes from last version of this guidance

Update of country information, and inclusion of accepted recommendations following IAGCI-commissioned review.

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