

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	407
Land:	Nigeria
Kilde:	Immigration and Refugee Board of Canada
Titel:	Nigeria: Availability and effectiveness of state and police response in both urban and rural areas of southern Nigeria, for people who refuse to participate in ritual practices
Udgivet:	14. november 2016
Optaget på baggrundsmaterialet:	13. januar 2017

Immigration and Refugee Board of Canada

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Responses to Information Requests

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14 November 2016

NGA105659.E

Nigeria: Availability and effectiveness of state and police response in both urban and rural areas of southern Nigeria, for people who refuse to participate in ritual practices (2014-October 2016)
Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Legislation and Legal Protection

In correspondence with the Research Directorate, a professor of comparative religious studies at the University of Ilorin, in Nigeria, who has researched and published work on Yoruba religion and culture, indicated that the Constitution of Nigeria makes provisions for protection of people who do not wish to undergo rituals (Professor of comparative religious studies 19 Oct. 2016). In correspondence with the Research Directorate, a doctoral candidate at Murdoch University who has researched ritual practices in Nigeria for five years indicated that there are some ritual practices that "dehumanise, deprive and (economically) dispossess the victims" (Doctoral Candidate 4 Nov. 2016). The same source indicated that there are "a number of laws" to protect victims against any violent and criminal acts, such as the 2015 *Violence Against Persons (Prohibition) (VAPP) Act*, which provides assistance "for women seeking recourse and protection" (ibid.). For further information on the VAPP in relation to female genital mutilation (FGM) and VAPP enforcement, see Responses to Information Requests NGA105628 of September 2016 and NGA105404 of January 2016. The doctoral candidate added, however, that "in practice laws are not always implemented effectively" (ibid.). In correspondence and a telephone interview with the Research Directorate on 2 November 2016, a junior fellow at the University of Bayreuth who has researched witchcraft beliefs in Nigeria and Ghana and who provided information based on his personal viewpoint, similarly stated that although the law is there in principle, in practice people cannot necessarily rely on the police (Junior Fellow 2 Nov. 2016). The same source further indicated that there are many different cultural groups, each with their own rituals and customs: some rituals are family, village or community-specific, and that making generalizations regarding available protection is difficult (ibid.).

The doctoral candidate at Murdoch University stated that "each state in Southern Nigeria has [its] own customary laws that govern their culture and traditional norms" (4 Nov. 2016). Further and corroborating information about legal protection from rituals could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

2. Police

Sources indicated that people can report to the police if they do not want to undergo a ritual practice (Doctoral Candidate 4 Nov. 2016; Legal Practitioner 1 Nov. 2016). In correspondence with the Research Directorate, a legal practitioner in Nigeria who works on women's rights issues indicated that someone in this situation can either submit a complaint to have such a ceremony stopped or to seek protection (ibid.). According to the legal practitioner, actions taken by police may include the police going to the community and telling the community that the complainant should not be compelled to participate in the ritual practices, and making statements that "no harm should come to the person as she or he has been placed under protection" (ibid.). The same source stated that the police may provide police personnel to guard the person (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The junior fellow stated that, although going to the police may yield temporary relief and the police may urge restraint, this "may be [the extent of the response]" (Junior

Fellow 2 Nov. 2016). The same source gave the view that "the custodians of cultural or traditional rites ultimately determine the fate of the individual" who is undergoing ritual practices (ibid.).

The doctoral candidate stated regarding victims of ritual practices that, to his knowledge, the police response is not "recognised and institutionalised" (Doctoral Candidate 4 Nov. 2016). He further stated that "based on his direct observation and research experience over five years in Southern Nigeria, Nigerian police officers appear to be discriminatory in their treatment of [victims of] ritual practices," particularly for women, and that this attitude is informed by "customary norms and the subjugation of women in most Southern [Nigerian] societies" (ibid.). The same source added that a lack of trust in the police also inhibits the reporting of ritual practices, especially by women (ibid.). Further, according to this source, police officers are themselves a part of the culture in which ritual practices take place, and they can have difficulty recognizing whether ritual practices are criminal or not, as they weigh the evidence also against the religion, rites and intent of ritual practices (ibid.). Similarly, the junior fellow indicated that because Nigerian police officers themselves also come from these communities where different rituals apply, they "have to respect the culture and traditions" and are reluctant to provide protection to someone who is refusing to undergo a ritual (Junior Fellow 2 Nov. 2016). The same source stated that whether the police provide protection also depends on who brings the case; if it is someone more influential, with more education, connections and financial resources, then the police might be more likely to provide protection (ibid.).

The doctoral candidate indicated that the Nigerian police "has started collaborating with other governmental agencies, state governments and women's advocacy groups to improve its response and attitude to harmful ritual practices, including establishing [a] Gender Unit at ... [the] police command," which aims to prosecute perpetrators and provide shelter for victims (Doctoral Candidate 4 Nov. 2016). The doctoral candidate gave the example of the "Justice for All" program, funded by the UK's Department for International Development (DfID), which has focused on providing family support, improving human rights, and access to justice for poor and disadvantaged members of society, including women and children (Doctoral Candidate 4 Nov. 2016). The same source indicated that the program created family support units and sexual assault referral centres in local police stations, and has been providing training to police officers in order to manage the first contact with a victim, carry out investigations of complaints, and ensure the well-being of the victim (ibid.). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The legal practitioner stated that, to the best of her knowledge, there are "no other state authorities that can offer the type of protection that the Nigerian police can offer in these cases" (ibid.). Without providing details, the junior fellow indicated that there are social welfare units in state ministries, but like the police, they have very limited capacity to intervene (Junior Fellow 2 Nov. 2016). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Information on instances in which state or police authorities were involved in a case of refusal to submit to a ritual practice could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Courts and Other State Authorities

The doctoral candidate stated that "prosecutions for ritual practices are rare, although the courts are increasingly taking ... harmful rites more seriously" (4 Nov. 2016). Further and corroborating information on prosecution of cases by courts in Nigeria involving a person who refused to undergo ritual practices could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Civil Society and Non-State Actors

The legal practitioner indicated that NGOs and Community Based Organizations (CBOs) can provide "some services or protection" from ritual practices, including advocacy campaigns on "the ills associated" with such practices, engaging the services of lawyers if there is a need to "institute a fundamental rights procedure," and safe house schemes (Legal Practitioner 1 Nov. 2016). The same source stated, however, that there are only a limited number of safe houses in Nigeria, because "very few NGOs and CBOs provide this service" (ibid.). Without providing details, the doctoral candidate gave the example of an NGO called Legal Defence Assistance Project of Nigeria (LEDAP) which is comprised of lawyers and which provides shelters and free legal assistance to poor and vulnerable victims of "harmful social practices," promotes and protects the rights of women, especially related to domestic violence and reproductive health, and works to improve the legal and human rights framework for economic and social justice (4 Nov. 2016). Without providing information on specific examples, the junior fellow stated that human rights, women, or child advocacy organizations "occasionally" provide assistance in cases of forced ritual practices (2 Nov. 2016). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The junior fellow indicated that since ritual practices are governed by customary law and enforced by traditional leaders such as chiefs, community leaders, and family-heads, and there is often a lack of police or state presence, especially in rural areas, a person being forced to undergo a ritual may appeal to the higher level of the traditional hierarchies (Junior Fellow 2 Nov. 2016). However, the same source stated that whether

they would respond depends on the kind of ritual that someone refuses to undergo and the power structures involved (ibid.). For further information and examples, see Section 7 of this Response.

5. Societal Factors

Without providing details, the legal practitioner stated that social factors such as a victim's gender, class, family, education level, rural or urban status, or ethnic group, will have an impact on how the police respond (Legal Practitioner 1 Nov. 2016). The Professor of comparative religious studies similarly stated there is a close link between educational and financial levels and the access to protection from victimization in rituals, and that poverty and a lack of education are significant constraints (Professor of comparative religious studies 19 Oct. 2016). According to the same source, there is little chance of accessing protection from victimization from ritual practices when someone is poor or uneducated (ibid.).

The junior fellow stated that whether a person can refuse to undergo a ritual depends on the person's power, connections, and resources, and that if a person can pay, they are more likely to access police protection, adding that urban areas are less governed by traditional beliefs and can be places of refuge, if the person has the means to support themselves (2 Nov. 2016). The doctoral candidate similarly indicated that the police response to a report of a forced ritual practice differs depending on whether the person reporting it is a man or a woman and the victim's capacity to pay bribes to police, noting that police support for women in ritual practice complaints remains rare (Doctoral Candidate 4 Nov. 2016). According to the same source, police respond more quickly to "upper-class women" than those of lower social status, because those with higher standing "have the money and the influence to secure protection themselves" (ibid.).

The doctoral candidate added that in rural communities, women are reluctant to report ritual practices to the police because there is a common view that often ritual practices are not spoken about and women do not report such situations due of fear of stigmatization and gossip, shame, a lack of perpetrator accountability, and a lack of privacy, and also because in small rural communities the police and other support workers often know both the victim and the perpetrator (ibid.).

6. Response to Specific Rituals

6.1 Chieftaincy

According to the doctoral candidate, the police are not involved with chieftaincy matters because "most relevant ritual practices are accommodated in customary law"; however, he noted that the police may have the responsibility to investigate if serious offences during rituals are reported (Doctoral Candidate 4 Nov. 2016). The same source added that the intervention of the police and state governments through their Ministries of Chieftaincy and Community Affairs is "sometimes needed," such as during conflicts between people vying for chieftaincy titles (ibid.). For further information on chieftaincy, particularly a Yoruba person refusing a chieftaincy title, see Response to Information Request NGA103996 of November 2012.

6.2 Blood Rituals and Human Sacrifice

The doctoral candidate gave the view that "human sacrifices and blood rituals are not generally accepted in most communities in southern Nigeria" (ibid.). The same source stated that blood oaths are usually done privately, and that if the ritual involves human sacrifice and it is reported to the police, the perpetrator will be arrested, but "if the perpetrator is well-connected with the superior police officers and other 'movers and shakers' of the society," he may "[bribe] his way out of being arrested" (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

6.3 Rituals Related to Marriage, Marital Relations, Pregnancy

The legal practitioner stated that the police would, in general, treat ritual practices related to marriage, marital relations, and pregnancy or widowhood "as a family [or] community affair and may not interfere at all" (1 Nov. 2016). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. For further information on protection in cases of domestic violence, see Response to Information Request NGA104980 of November 2014.

For further information on FGM, see Response to Information Request NGA105628 of September 2016.

6.4 Widowhood Rituals

In correspondence with the Research Directorate, the Director of Widows for Peace Through Democracy (WPD), a UK-based international NGO that partners with NGOs in developing countries on the "empowerment of widows and the elimination of the discrimination and violence" that they experience (WPD n.d.), indicated that widows in Nigeria are vulnerable to forced participation in "degrading and life threatening" mourning and burial rites, including ritual cleansing, diets, and limitations on mobility and hygiene (WPD 21 Oct. 2016). In correspondence with the Research Directorate, a professor of African history at Brock University, whose research focus includes religion and gender relations in Nigeria, gave the assessment that widowhood rites are still found among the Yoruba, but that their duration has decreased from about three months in the 1970s, to four weeks in the 2000s (Professor of African history 20 Oct. 2016). The same source added that, depending

on the location, ritual enforcement is stronger in villages than in cities, and that widowhood rites have "largely disappeared, especially among the educated" (ibid.). According to the same source, less educated women or "those with no strong social and economic support" are "most vulnerable" to undergoing ritual practices (ibid.). Similarly, the doctoral candidate indicated that widows in rural areas are more likely than widows in urban areas to "experience destructive ritual practices" (Doctoral Candidate 4 Nov. 2016). The same source added that there is "widespread underreporting and reluctance among widows to report widowhood rites to police," noting that an educated widow is better able to seek protection from the police than "illiterate and economically dependent widows," or those in rural areas (ibid.).

However, the Director of WPD stated that whether someone can refuse a widowhood ritual may depend on the education and economic status of the family, noting that "even highly educated widows who have relocated to urban areas" may be as vulnerable to being forced to undergo such rituals as illiterate and rural women (WPD 21 Oct. 2016). WPD stated that, in her view, "little is known" about the effectiveness of NGOs that aim to eliminate such practices, or criminalise those who force widows into these rites (ibid.).

In further correspondence on 1 November 2016, the WPD Director, who provided information from civil society contacts in Edo state that work on gender and reproductive rights issues, gave the example that for widowhood rituals in Edo state, a woman can appeal to the Benin Monarch through the office of the Secretary of the Benin Traditional Council if she "feels that widowhood practices are against acceptable standards set by the monarch" (WPD 1 Nov. 2016). For further information on Nigeria's Benin kingdom, see Response to Information Request NGA103082 of February 2009.

Further, the following Responses to Information Requests contain information on protection available for Nigerian individuals who refuse to take part in other specific rituals:

- NGA105601 of August 2016, on Yoruba ritual practices where a wife must have sexual relations with her father-in-law when pregnant with her first child;
- NGA105465 of March 2016, on rituals for infidelity among Yoruba Christians in Lagos;
- NGA105120 of March 2015, on Female Genital Mutilation among the Urhobo ethnic group;
- NGA104704 of December 2013, on tribal markings on male children;
- NGA104602 of November 2013, on the prevalence of ritual practices related to chieftaincy in Yorubaland;
- NGA104392 of April 2013, on cleansing rituals for women in their thirties among the Yoruba and Ibo; and
- NGA104218 of November 2012, on ritual murder and human sacrifice.

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

References

Doctoral candidate, Murdoch University. 4 November 2016. Correspondence with the Research Directorate.

Junior fellow, Bayreuth University. 2 November 2016. Telephone interview and Correspondence with the Research Directorate.

Legal practitioner. 1 November 2016. Correspondence with the Research Directorate.

Professor of African history, Brock University. 20 October 2016. Correspondence with the Research Directorate.

Professor of comparative religious studies, University of Ilorin, Ilorin, Nigeria. 19 October 2016. Correspondence with the Research Directorate.

Widows for Peace Through Democracy (WPD). 1 November 2016. Correspondence from the Director to the Research Directorate.

Widows for Peace Through Democracy (WPD). 21 October 2016. Correspondence from the Director to the Research Directorate.

Widows for Peace Through Democracy (WPD). N.d. "[Widows for Peace Through Democracy](#)." [Accessed 27 Oct. 2016]

Additional Sources Consulted

Oral sources: Baobab for Women's Human Rights; Committee for the Defence of Human Rights; Hurilaws; a law firm based in Lagos; Nigeria – National Human Rights Commission; Professor of African religious traditions, Harvard University; Professor of anthropology, University of California at Los Angeles; Project Alert on Violence Against Women; Widow Development Organization; Women's Consortium of Nigeria.

Internet sites, including: *Africa Confidential*; All Africa; Amnesty International; BBC; *Daily Trust*; ecoi.net; Factiva; *The Guardian*; *The Guardian* (Nigeria); Fédération internationale des ligues des droits de l'homme;

Human Rights Watch; IRIN; Lagos State – Ministry of Justice; Nigeria – Federal Ministry of Women Affairs and Social Development; Norway – Landinfo; *Punch*; *This Day*; UN – Office of the UN High Commissioner for Human Rights, Refworld, Development Programme, UN Women; US – Department of State; *Vanguard*.

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Date modified: 2016-01-05