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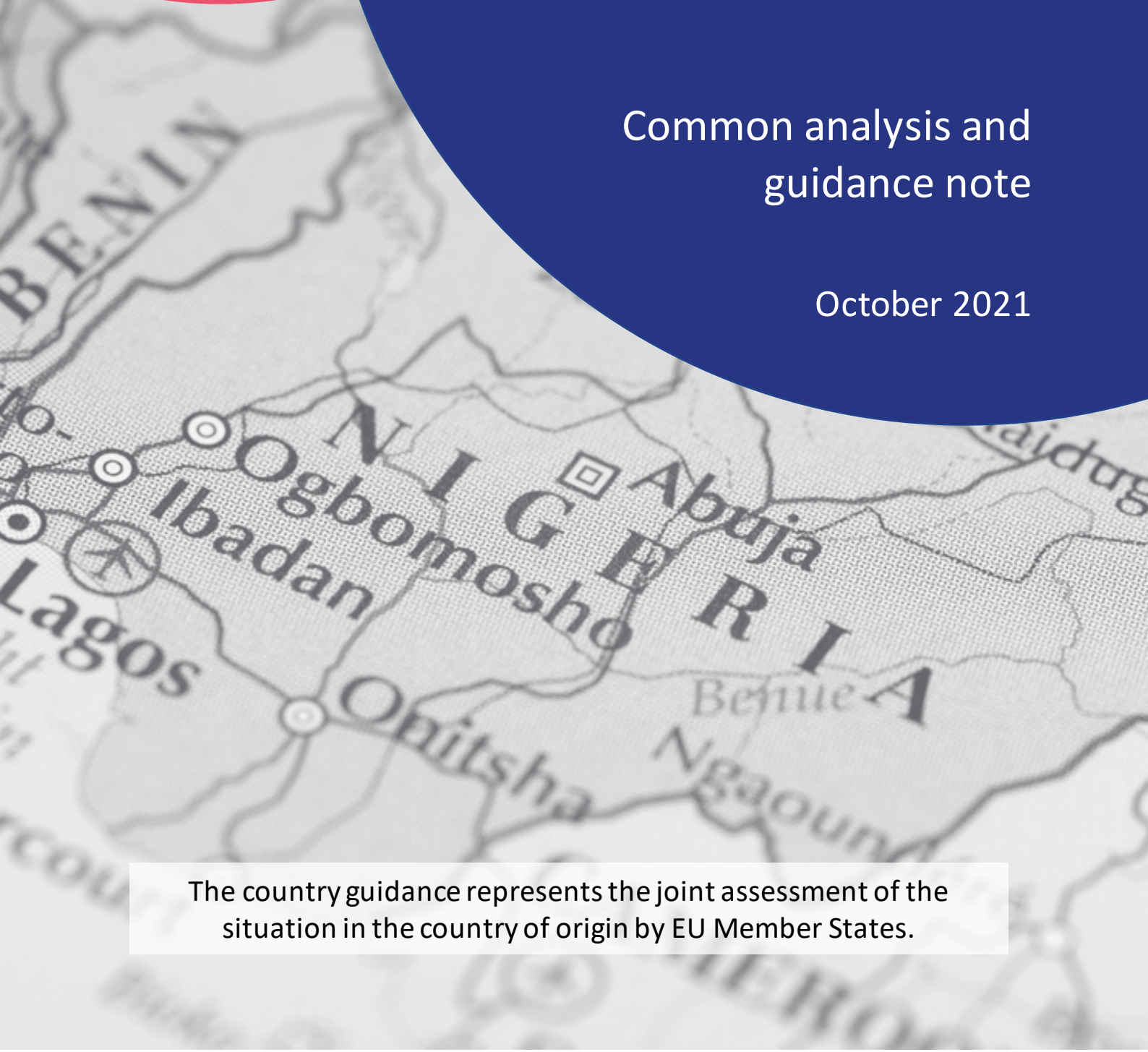
Country Guidance: Nigeria

Common analysis and guidance note

October 2021



The country guidance represents the joint assessment of the situation in the country of origin by EU Member States.

An electronic version of this publication is available at

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European Asylum Support Office

Country Guidance:

Nigeria

Common analysis and guidance note

The country guidance represents the common assessment of the situation in the country of origin by senior policy officials from EU Member States, in accordance with current EU legislation and jurisprudence of the Court of Justice of the European Union (CJEU).

This guidance does not release Member States from the obligation to individually, objectively and impartially examine each application for international protection. Each decision should be taken on the basis of the individual circumstances of the applicant and the situation in Nigeria at the moment of the decision, according to precise and up-to-date country information, obtained from various relevant sources (Article 10 of the Asylum Procedures Directive).

The analysis and guidance provided within this document are not exhaustive.

Update: October 2021

Contents

Introduction

Why is this country guidance developed?

The country guidance is intended as a tool for policy-makers and decision-makers in the context of the Common European Asylum System (CEAS). It aims to assist in the examination of applications for international protection by applicants from Nigeria, and to foster convergence in decision practices across Member States.

On 21 April 2016, the Council of the European Union agreed on the creation of a senior-level policy network, involving all Member States and coordinated by EASO, with the task to carry out a joint assessment and interpretation of the situation in main countries of origin. [1] The network supports EU-level policy development based on common country of origin information (COI), by jointly interpreting such information in light of the relevant provisions of the asylum acquis and taking into account the content of the EASO training material and practical guides where appropriate. The development of common analysis and guidance notes was also included as a key area in the envisaged new mandate of the European Union Agency for Asylum. [2]

What is the scope of this update?

The current version of the guidance updates and replaces the 'Country Guidance: Nigeria' (February 2019).

This update mainly focuses on the chapter of subsidiary protection, and in particular Article 15(c) QD, as well as on the profile of victims of human trafficking, including forced prostitution. Additionally, minor changes have been implemented in most sections of the document.

These changes reflect available up-to-date country of origin information and/or recent horizontal guidance and align the 'Country Guidance: Nigeria' with other available country guidance documents.

Is this guidance binding?

The country guidance is not binding. However, the guidance note, accompanied by the common analysis, should be taken into account by Member States when examining applications for international protection, without prejudice to their competence for deciding on individual applications.

[1] Council of the European Union, Outcome of the 3461st Council meeting, 21 April 2016, 8065/16, available at http://www.consilium.europa.eu/media/22682/st08065en16.pdf.

[2] European Commission, Proposal for a Regulation of the European Parliament and of the Council on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010, 4 May 2016, COM/2016/0271 final - 2016/0131 (COD), available at https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016PC0271.

Who was involved in the development of this country guidance?

This document is the result of the joint assessment by the Country Guidance Network, whose work was supported by a Drafting Team of selected national experts and by EASO. The European Commission and UNHCR provided valuable input in this process.

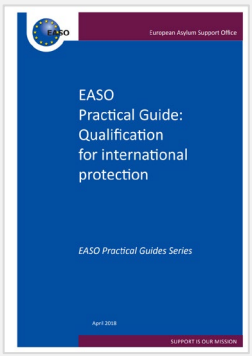
The guidance note, accompanied by the common analysis, were finalised by the Country Guidance Network in September 2021 and endorsed by the EASO Management Board in October 2021.

What is the applicable legal framework?

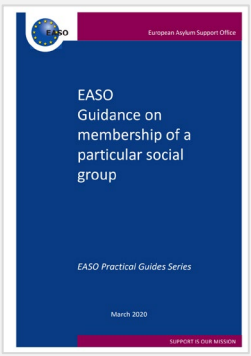
In terms of applicable legal framework, the common analysis and guidance note are based on the provisions of the 1951 Geneva Convention [3] and of the Qualification Directive (QD) [4]; as well as on jurisprudence of the Court of Justice of the European Union (CJEU); where appropriate, the jurisprudence of the European Court of Human Rights (ECtHR) is also taken into account.

What guidance on qualification for international protection is taken into account?

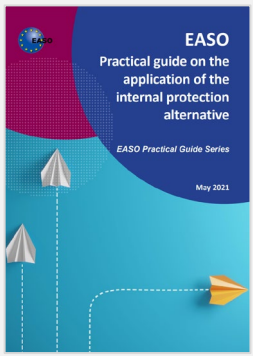
The horizontal guidance framework applied in this analysis is based primarily on the following general guidance:



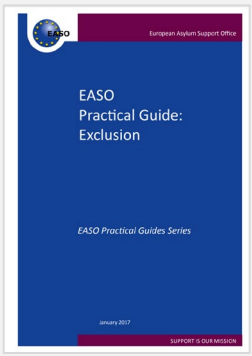
EASO Practical Guide: Qualification for international protection



EASO Guidance on membership of a particular social group



EASO Practical guide on the application of the internal protection alternative



EASO Practical Guide: Exclusion

These and other relevant EASO practical tools can be found at **https://www.easo.europa.eu/practical-tools**.

[3] United Nations General Assembly, 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees.

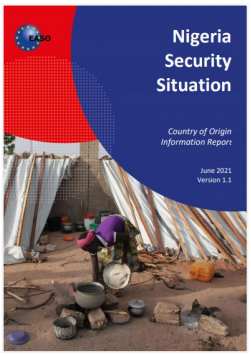
[4] Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

Relevant UNHCR guidelines are also taken into account. [5]

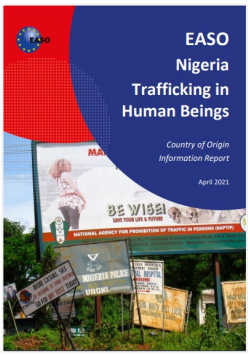
What country of origin information has been used?

The EASO Country Guidance documents should not be considered and should not be used or referenced as sources of COI. The information contained herein is based on EASO COI reports and, in some instances, on other sources as indicated. Unlike the Country Guidance, these represent COI sources and can be referenced accordingly.

This update is based on the following recent COI:

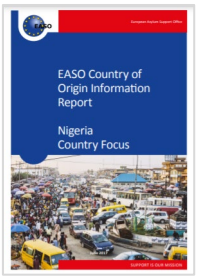


COI Report: Nigeria- Security situation (June 2021)

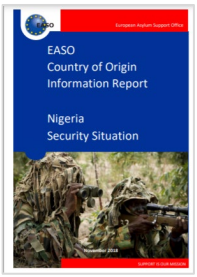


COI Report: Nigeria – Trafficking in human beings (May 2021)

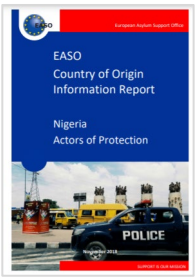
Other reports used as a basis for the analysis in this document include:



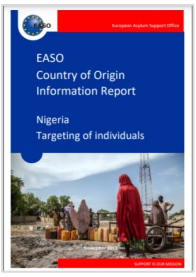
COI Report: Nigeria- Country focus (June 2017)



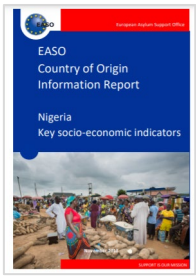
COI Report: Nigeria – Security situation (November 2018)



COI Report: Nigeria – Actors of protection (November 2018)



COI Report: Nigeria – Targeting of individuals (November 2018)



COI Report: Nigeria – Key socio-economic indicators (November 2018)

Annex II. Country of origin information references provides further details and links to all COI reports used as a basis for the analysis within this document. References within this document are to the respective sections of these COI reports.

[5] UNHCR Handbook and guidelines on procedures and criteria for determining refugee status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, as well as other guidance, policy documents and UNHCR ExCom and Standing Committee conclusions are available at https://www.refworld.org/rsd.html.

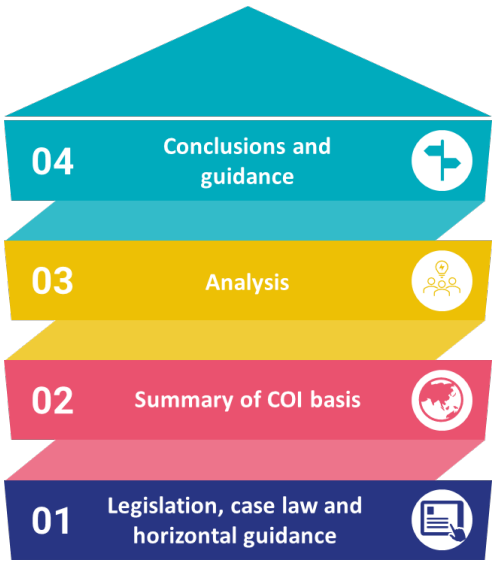
To access EASO COI reports, visit https://www.easo.europa.eu/information-analysis/country-origin-information/country-reports.

How does country guidance assist in the individual assessment of applications for international protection?

The guidance note and common analysis follow the steps of the examination of an individual application for international protection. This document looks into the relevant elements according to the QD and provides a general assessment of the situation in the country of origin, along with guidance on relevant individual circumstances which should be taken into account.

How is this document structured?

The country guidance is structured into guidance note and common analysis:



The **GUIDANCE NOTE** is the first part you will find in this document. It summarises the **conclusions** of the common analysis in a light user-friendly format, providing practical guidance for the analysis of the individual case.

The **COMMON ANALYSIS** is the second, more detailed, part. It defines the relevant elements in accordance with **legislation, jurisprudence and horizontal guidance**, summarises the relevant **factual basis** according to the available COI, and **analyses the situation** in the respective country of origin accordingly.

For additional information and to access other available country guidance, see **https://www.easo.europa.eu/country-guidance**

Guidance note: Nigeria

The guidance note summarises the conclusions of the common analysis and should be read in conjunction with it.

Actors of persecution or serious harm

Last update: February 2019
*Minor updates added October 2021

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat which would qualify as serious harm (Recital 35 QD). Generally, persecution or serious harm must take the form of conduct of an actor (Article 6 QD).

According to Article 6 QD, actors of persecution or serious harm include:

Figure 1. Actors of persecution or serious harm.

Read more in the COMMON ANALYSIS

The following are the conclusions concerning some of the actors, as indicated in applications for international protection. The list of potential actors of persecution or serious harm is non-exhaustive.

- The **Nigerian State authorities and affiliated actors**, such as the Nigerian Armed Forces (NAF), the Civilian Joint Task Force (CJTF), the Nigeria Police Force (NPF) and the Islamic Police (*hisbah*), are accused of committing a wide range of human rights violations, including unlawful killings, sexual violence and abuse, recruitment and use of child soldiers, arbitrary arrest and detention, torture and other forms of ill treatment of civilians.

Read more in the COMMON ANALYSIS

- **Boko Haram** is a Salafi-jihadist group fighting for the replacement of the secular Nigerian state with an Islamic one. It operates mainly in the North East of Nigeria but has also expanded its reach into north-western Nigeria. In 2016, Boko Haram split in Jama'atu Ahlis Sunna Lidda'adati wal-Jihad (JAS) and the Islamic State - West Africa Province (ISWAP). **JAS** is characterised by the use of more violent methods and continues to perpetrate systematic attacks against both Muslims and Christians. **ISWAP** criticised the targeting of Muslims and focused its attacks on Christians and persons not abiding by Sharia law ('infidels'), military structures, government and security personnel, traditional

leaders and contractors. However, in 2020, attacks of ISWAP against unarmed civilians, including Muslims, indicated a shift in their stance.

Read more in the COMMON ANALYSIS

- There are a number of **militant groups operating in the Niger Delta area** demanding an improvement of the conditions in the region and protesting against its environmental degradation due to oil exploitation. The Niger Delta Avengers (NDA) and, the Movement for the Emancipation of the Niger Delta (MEND) had been particularly active in the past. Since early 2018, no major incidents involving the NDA or MEND have been found in the consulted sources.

Read more in the COMMON ANALYSIS

- In the South East of Nigeria there are several **separatist groups**, among which the two main groups currently are the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and the Indigenous People of Biafra (IPOB). Both organisations mostly engage in awareness-raising activities, marches, and other non-violent gatherings. Since August 2020 violence between IPOB and the Nigerian security forces has escalated. IPOB's paramilitary wing, the Eastern Security Network (ESN) has engaged in armed clashes with Nigerian state forces.

Read more in the COMMON ANALYSIS

- Among the non-State actors of persecution or serious harm, the **herders and farmers participating in armed groups and communal militias** have become increasingly relevant. The origins of the conflict are rooted in the difficulties to access natural resources such as water and land. Furthermore, long-standing tribal, ethnic, religious and community disputes continued to lead to violence, involving communal militias.

Read more in the COMMON ANALYSIS

- **Student cults** in Nigeria, also referred to as 'university cults' or 'confraternities', resemble criminal gangs, with violent initiation rites and illegal activities such as: killings, human trafficking, sexual exploitation, slavery, drugs trafficking, smuggling, extortions, kidnapping, forced recruitment, etc. Some of the most well-known cults are the Black Axe and Eiye.

Read more in the COMMON ANALYSIS

- Trafficking within Nigeria and to other countries, including in EU Member States, is a significant problem concerning applicants from Nigeria. The **traffickers** may use deception, such as false offers of jobs and promises of safe travel to destination countries, and manipulation through traditional beliefs (juju). In some circumstances, the victims' families support and encourage the trafficking for economic reasons. The exploitation can take different forms, such as prostitution or other forms of sexual exploitation, forced labour, slavery, removal of organs, 'baby factories', etc.

Read more in the COMMON ANALYSIS

- Human rights violations may also be committed by **other criminal groups**. Some of these acts are purely criminal activities and could include kidnapping, armed robbery, murder and rape.

Read more in the COMMON ANALYSIS

- In specific situations, **other non-State actors** of persecution or serious harm may include the family (e.g. in the case of LGBTIQ persons, child and forced marriage, FGM), FGM practitioners, etc.

Read more in the COMMON ANALYSIS

Refugee status

Last update: October 2021

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:

Article 2(d) QD
Definitions

'refugee' means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply.

Article 9 QD outlines how 'persecution' should be assessed.

Article 10 QD provides further clarification on the different reasons for persecution (race, religion, nationality, political opinion, or membership of a particular social group). A link (nexus) between those reasons and the persecution or the absence of protection should be established in order for the applicant to qualify for refugee status.

Guidance on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area [6] of the applicant and presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant's actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution), noting however that the applicant does not need to be individually identified by the actor of persecution, as long as his/her fear of persecution is well-founded.

[6] Protection needs are firstly assessed with regard to the applicant's home area in the country of origin. The 'home area' in the country of origin is identified on the basis of the strength of the applicant's connections with a particular area in that country. The home area may be the area of birth or upbringing or a different area where the applicant settled and lived, therefore having close connections to it.

- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated (Article 4(4) QD).

Read more in the COMMON ANALYSIS

Guidance on particular profiles with regard to qualification for refugee status

Last update: October 2021
*See relevant common analysis sections for information concerning the last update of specific profiles

This section refers to some of the profiles of Nigerian applicants, encountered in the caseload of EU Member States. It provides general conclusions on the profiles and guidance regarding additional circumstances to take into account in the individual assessment. Please note that some profiles are further split in sub-profiles, with different conclusions with regard to the risk analysis and/or nexus to a reason for persecution. The corresponding number of the profile and a link to the respective section in the common analysis are always provided for ease of reference.

The conclusions regarding each profile should be viewed without prejudice to the credibility assessment of the applicant's claims.

When reading the table below, the following should be borne in mind:

- An individual applicant could fall under **more than one profile** included in this guidance note. The protection needs associated with all such circumstances should be fully examined.
- The **risk analysis** paragraphs focus on the level of risk and some of the relevant risk-impacting circumstances. Further guidance with regard to the qualification of the acts as persecution is available within the respective sections of the common analysis.
- The table below summarises the conclusions with regard to different profiles and sub-profiles and aims at providing a practical tool to case officers. While examples are provided with regard to sub-profiles at differentiated risk and circumstances which may increase or decrease the risk, these **examples are non-exhaustive** and to be taken into account in light of all circumstances in the individual case.
- **Persons who belonged to a certain profile in the past** or **family members** of an individual falling under a certain profile may have protection needs similarly to those

outlined for the respective profile. This is not explicitly mentioned in the table below, however, it should be taken into account in the individual assessment.

- The **potential nexus** paragraphs indicate a possible connection to the reasons for persecution according to Article 10 QD. The common analysis sections provide further guidance whether a nexus to a reason for persecution is highly likely or may be substantiated depending on the individual circumstances in the case.

- For some profiles, the connection may also be between the **absence of protection** against persecution and one or more of the reasons under Article 10 QD (Article 9(3) QD).

2.1 Individuals targeted by Boko Haram

This profile focuses on:

a. persons perceived as government supporters
b. Christians
c. persons considered as 'infidels', including those rejecting the insurgents' strict interpretation of Sharia
d. journalists
e. teachers and others working in education
f. health workers and humanitarian workers
g. IDPs

Risk analysis: Well-founded fear of persecution would in general be substantiated in the areas where the group has operational capacity.

Potential nexus: (imputed) political opinion and/or religion.

Read more in the COMMON ANALYSIS

2.2 (Perceived) Boko Haram members or supporters

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: (imputed) political opinion.

* Exclusion considerations could be relevant to this profile.

Read more in the COMMON ANALYSIS

2.3 Members of separatist movements and individuals perceived as supporting them

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- level and nature of involvement
- visibility of the applicant (e.g. high profile, prior arrest, media appearance)
- participation in gatherings or manifestations
- etc.

Potential nexus: (imputed) political opinion.

* Exclusion considerations could be relevant to this profile.

Read more in the COMMON ANALYSIS

2.4 Members of militant groups in the Niger Delta and individuals perceived as supporting them

Risk analysis: Criminal prosecution in itself does not amount to persecution. Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- level of involvement with the militant organisation
- activities of the applicant
- etc.

Former members of the militant groups participating in the DDR programme generally do not have a well-founded fear of persecution related to their past involvement.

Potential nexus: (imputed) political opinion.

* Exclusion considerations could be relevant to this profile.

Read more in the COMMON ANALYSIS

2.5 Members and (perceived) supporters of political parties

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- level of political activity
- participating as a candidate in elections
- etc.

Potential nexus: (imputed) political opinion.

Read more in the COMMON ANALYSIS

2.6 Individuals involved in and affected by conflicts between herders and farmers

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin of the applicant
- level of involvement with armed groups
- ownership of land or cattle
- etc.

Potential nexus: race (ethnicity, descent) and/or religion.

* Exclusion considerations could be relevant to this profile.

Read more in the COMMON ANALYSIS

2.7 Human rights activists, protesters, bloggers, journalists and other media workers

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- place of work
- nature of activities (e.g. those working with LGBTIQ communities may be at a particular risk)
- visibility of activities and public profile
- gender
- etc.

Potential nexus: (imputed) political opinion. In case of targeting by Boko Haram, persecution may also be for reasons of religion.

Read more in the COMMON ANALYSIS

2.8 Christian and Muslim minorities in specific areas

Risk analysis: Not all individuals under these profiles would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- gender
- in the case of the Shia minority – engagement with IMN
- etc.

Potential nexus: religion. In the case of the Shia minority, persecution may also be for reasons of (imputed) political opinion.

Read more in the COMMON ANALYSIS

2.9 Individuals accused of witchcraft

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- gender
- age (children and elderly women are generally at a higher risk)
- relevant events in the local community (e.g. death of a child, miscarriage of a pregnant woman)
- visible disabilities
- 'unusual' behaviour or attributes (e.g. being intersex)
- family status (e.g. widow, orphan)
- infertility
- etc.

Potential nexus: religion and/or membership of a particular social group

Read more in the COMMON ANALYSIS

2.10 Individuals with albinism

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- perception of the local community
- perception of the family
- etc.

Potential nexus: membership of a particular social group. In case of individuals with albinism being accused of witchcraft, see Individuals accused of witchcraft.

Read more in the COMMON ANALYSIS

2.11 Persons fearing ritual killing

Risk analysis: The risk for the individual applicant would normally not reach a reasonable degree of likelihood.

Potential nexus: in general, no nexus

Read more in the COMMON ANALYSIS

2.12 Persons refusing chieftaincy titles

Risk analysis: There is no information of acts which would amount to persecution.

Potential nexus: in the exceptional case where well-founded fear of persecution would be substantiated, (imputed) political opinion.

Read more in the COMMON ANALYSIS

2.13 Individuals targeted by student cults

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- past membership to a cult
- (perceived) intention of the applicant to reveal the secrets of the cult
- etc.

Potential nexus: in general, no nexus. In relation to the use of cults to commit violence against political rivals, see Members and perceived supporters of political parties.

* Exclusion considerations could be relevant to this profile.

Read more in the COMMON ANALYSIS

2.14 LGBTIQ persons

Risk analysis: Well-founded fear of persecution would in general be substantiated.

Potential nexus: membership of a particular social group.

Read more in the COMMON ANALYSIS

2.15 Victims of human trafficking, including forced prostitution

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- amount of 'debt' to traffickers
- whether the applicant has testified against the traffickers

- level of power/capability of the traffickers
- the traffickers' knowledge about the victims' family and background
- age
- family status (e.g. orphan, single woman)
- socio-economic background and financial means
- level of education
- availability of support network (family or other) or the family's involvement in the trafficking
- perception of local community
- etc.

Potential nexus: membership of a particular social group.

Read more in the COMMON ANALYSIS

2.16 Women and girls

The different forms of violence against women and girls in Nigeria are often significantly interlinked. Therefore, the following subsections should be read in conjunction with each other.

2.16.1 Violence against women and girls: overview

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- area of origin
- age
- being an IDP living in a camp
- family status
- socio-economic status
- level of education
- support network (family or other)
- etc.

Potential nexus: different reasons under Article 10 QD, depending on the specific circumstances of the case, for example, membership of particular social group.

Read more in the COMMON ANALYSIS

2.16.2 Violence against women and girls by Boko Haram and treatment post-violence

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to violence by Boko Haram. Risk-impacting circumstances could include:

- area of origin (mainly where Boko Haram operates)
- age
- family status (e.g. single mother)
- having been subjected to abuse
- family/society perceptions, support network (family or other)
- etc.

Potential nexus: (imputed) political opinion, religion, membership of particular social group.

Read more in the COMMON ANALYSIS

2.16.3 FGM/C

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to FGM/C. Risk-impacting circumstances could include:

- ethnic group
- family traditions
- views of the parents/mother on the practice
- age
- level of education of the parents/mother
- prevalence of the practice in the area of origin (including urban/rural dimension)
- etc.

Potential nexus: membership of particular social group.

Read more in the COMMON ANALYSIS

2.16.4 Child marriage and forced marriage

Risk analysis: Not all women and girls would face the level of risk required to establish a well-founded fear of persecution in relation to forced marriage or child marriage. Risk-impacting circumstances could include:

- prevalence of the practice in the area of origin
- ethnic group
- religion

- age
- level of education of the individual and the family
- socio-economic status of the family
- family traditions
- etc.

Potential nexus: religion and/or membership of particular social group.

Read more in the COMMON ANALYSIS

2.17 Children

2.17.1 Violence against children: overview

See also the profile Women and girls. Violence also affects boys.

Read more in the COMMON ANALYSIS

2.17.2 Children involved in student cults

See the profile Individuals targeted by student cults.

Read more in the COMMON ANALYSIS

2.17.3 Children accused of being witches

See the profile Individuals accused of witchcraft.

Read more in the COMMON ANALYSIS

2.17.4 Violence against children by Boko Haram

See the profile Individuals targeted by Boko Haram and/or Violence against women and girls by Boko Haram and treatment post violence.

Read more in the COMMON ANALYSIS

2.17.5 Children perceived as Boko Haram members or supporters

See profile Individuals perceived as Boko Haram members or supporters.

Read more in the COMMON ANALYSIS

2.17.6 Child recruitment

Risk analysis: Not all children face the level of risk required to establish well-founded fear of persecution in the form of child recruitment.

Potential nexus: The individual circumstances of the child need to be taken into account.

Read more in the COMMON ANALYSIS

2.17.7 FGM/C

See the profile Women and girls.

Read more in the COMMON ANALYSIS

2.17.8 Child marriage

See the profile Women and girls.

Read more in the COMMON ANALYSIS

2.17.9 Child trafficking

See the profile Victims of human trafficking, including forced prostitution.

Read more in the COMMON ANALYSIS

2.18 Persons with disabilities or severe medical issues, including mental health issues

Risk analysis: Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- nature and visibility of the mental or physical disability
- perception by the family and by the surrounding society
- etc.

Potential nexus: membership of a particular social group (in the case of persons living with noticeable mental or physical disabilities).

Read more in the COMMON ANALYSIS

2.19 Individuals accused of crimes in Nigeria

Risk analysis:

Prosecution for an **ordinary crime** would generally not amount to persecution.

Prosecution for **acts which are not considered criminal according to international standards** (e.g. adultery, 'sodomy') would amount to persecution.

Death penalty, irrespective of the nature of the crime, is considered to amount to persecution.

Violations of the due process of law and/or **disproportionate or discriminatory punishments** could also amount to severe violations of basic human rights.

Not all individuals under this profile would face the level of risk required to establish a well-founded fear of persecution. Risk-impacting circumstances could include:

- the area of origin of the applicant and the prevalent legal system
- the act of which the applicant is or may be accused
- the envisaged punishment
- etc.

Potential nexus:

In the case of **individuals accused of ordinary crimes**, there is in general no nexus.

In the case of criminalisation of **acts which are not considered criminal according to international standards,** persecution may be for reasons of religion or membership of a particular social group.

With regard to **some crimes punishable by the death penalty under the Criminal and Penal Code** of Nigeria, persecution may be for reasons of political opinion.

* Exclusion considerations could be relevant to this profile.

Read more in the COMMON ANALYSIS

Subsidiary protection

The contents of this chapter include:

Article 15(a) QD

Death penalty or execution

Last update: February 2019
*Minor updates added October 2021

Death penalty is envisaged under both the Nigerian Criminal and Penal Code and the Sharia and it is reported that executions take place.

The following offences are punishable by death under the provisions of the Criminal and Penal Code of Nigeria: murder; treason; conspiracy to treason; treachery; fabricating false evidence leading to the conviction to death of an innocent person; aiding suicide of a child or 'lunatic'; armed robbery (under the Robbery and Firearms Decree 1984). Death sentences can be executed either by hanging or by shooting (firing squad).

Under the various Sharia penal laws in the 12 Northern states, death penalty is applicable when convicted for one of the following offences: adultery; rape; 'sodomy'; incest; witchcraft and juju offences. The execution of death sentences under Sharia law includes hanging, stoning and crucifixion. The latter two are applicable only to Muslims.

Death penalty is also applied by military courts.

Some profiles of applicants from Nigeria may be at risk of death penalty or execution. In such cases (for example, gay men or those accused of adultery in the Sharia-implementing states, members of IPOB and MASSOB), there could be a nexus to a Convention ground, and those individuals would qualify for refugee status.

In cases where there is no nexus to a Convention ground (for example, in some cases of individuals accused of ordinary crimes), the need for subsidiary protection under Article 15(a) QD should be examined.

Please note that exclusion considerations could be relevant.

Read more in the COMMON ANALYSIS

Article 15(b) QD

Torture or inhuman or degrading treatment or punishment

Last update: October 2021

In the cases of applicants for which torture or inhuman or degrading treatment or punishment may be a real risk, there may often be a nexus to a Convention ground and such individuals would, therefore, qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground and the applicant would not qualify for refugee status, the need for subsidiary protection under Article 15(b) QD should be examined.

When examining the need for protection under Article 15(b) QD, the following considerations should be taken into account:

- Cult and gang violence: cult and gang violence are usually motivated by financial gain and power struggle. Where there is no nexus to a reason for persecution, being subjected to criminal acts such as killing, armed robbery, kidnapping, destruction of property, extortion, cattle rustling, etc. may qualify under Article 15(b) QD.

- Trafficking in human beings: human trafficking is widespread in Nigeria. Where there is no nexus to a reason for persecution, individuals at real risk of being subjected to trafficking would qualify for subsidiary protection under Article 15(b) QD.

- Arbitrary arrests, illegal detention and prison conditions: special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. It can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person would be subject to prison conditions which are not compatible with respect of human dignity, a situation of serious harm under Article 15(b) QD can occur. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world. Reports mention overcrowding in prisons and poor prison conditions, long pre-trial detention periods, and cases of use of lethal and excessive force, as well as obtaining confessions through torture by the Nigerian security forces. Therefore, some cases may qualify under Article 15(b) QD.

- Health care unavailability and socio-economic conditions: it is important to note that serious harm must take the form of conduct of an actor (Article 6 QD). In itself, the general unavailability of health care, education or other socio-economic elements (e.g. the situation of IDPs, difficulties in finding livelihood opportunities, housing) is not considered to fall within the scope of inhuman or degrading treatment under Article 15(b) QD, unless there is intentional conduct of an actor, for example, the intentional deprivation of the applicant of appropriate health care.

Please note that exclusion considerations could be relevant.

Read more in the COMMON ANALYSIS

Article 15(c) QD

Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict

Last update: October 2021

The necessary elements in order to apply Article 15(c) QD are:

Figure 2. Article 15(c) QD: elements of the assessment.

In order to apply Article 15(c) QD the above elements should be established cumulatively.

Read more in the COMMON ANALYSIS

The following is a summary of the relevant conclusions concerning the situation in Nigeria:

a. **Armed conflict**: It is found several armed conflicts in the meaning of Article 15(c) QD take place in different parts of Nigeria.

   Actors involved in armed conflicts in Nigeria include the Nigerian state security forces, Boko Haram, armed group of herders and farmers, communal militias, separatist groups such as ESN, etc.

Read more in the COMMON ANALYSIS

b. **Civilian**: Article 15(c) QD applies to a person who is not a member of any of the parties to the conflict and is not taking part in the hostilities, potentially including former combatants who have genuinely and permanently renounced armed activity. The applications by persons under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found not to qualify as civilians under Article 15(c) QD. For example:
   - Boko Haram members
   - Members of armed groups of farmers or herders
   - Militant groups in the Niger Delta
   - Members of the CJTF
   - National security forces, including NAF, the Nigerian Navy, the Nigerian Air Force, and NPF
   - Members of the ESN

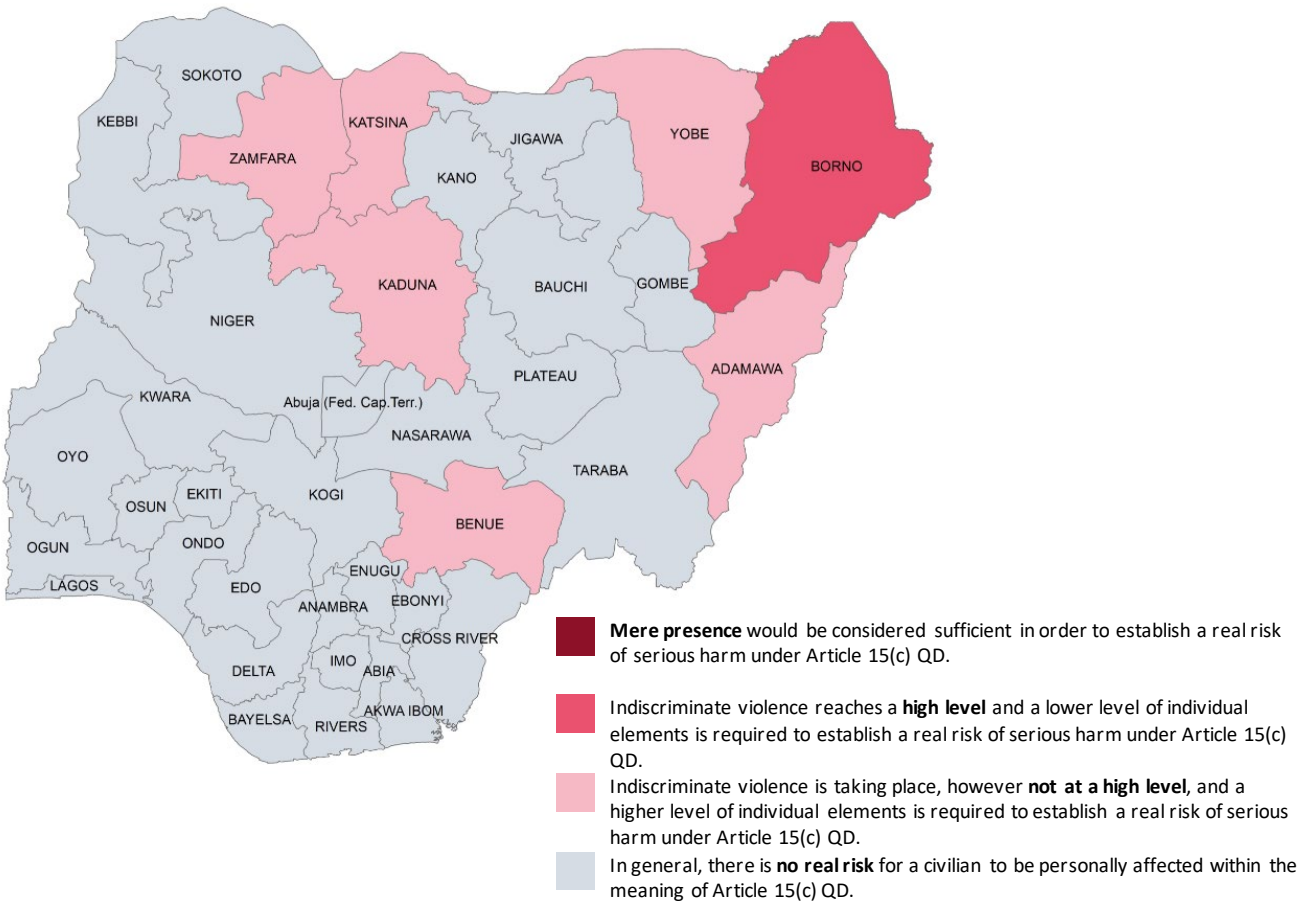
It should be noted that actively taking part in hostilities is not limited to openly carrying arms, but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant, upon his return, will be a civilian or not. The fact that the person took part in hostilities in the past does not necessarily mean that Article 15(c) QD would not be applicable to him or her.

Read more in the COMMON ANALYSIS

c. **Indiscriminate violence**: Indiscriminate violence takes place to a different degree in different parts of the territory of Nigeria. The map below summarises and illustrates the assessment of indiscriminate violence in a situation of armed conflict per state in Nigeria, as well as the Federal Capital Territory of Abuja. This assessment is based on a holistic analysis, including quantitative and qualitative information for the reference period (January 2020 – April 2021). Up-to-date country of origin information should always inform the individual assessment.

Figure 3. Assessment of indiscriminate violence in Nigeria (based on information as of April 2021).



It should be noted that there are no states in Nigeria where the degree of indiscriminate violence reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of their presence on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

For the purposes of the guidance note, the territories of Nigeria are categorised as follows:

States where it can be concluded that the 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD and where, however, **indiscriminate violence reaches a high level**. Accordingly, a **lower level of individual elements** is required to show substantial grounds for believing that a civilian returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

The state within this category is *Borno.*

States where indiscriminate violence is taking place, however not at a high level and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian returned to the territory, would face a real risk of serious harm in the meaning of Article 15(c) QD.

These states are *Adamawa, Benue, Kaduna, Katsina, Yobe,* and *Zamfara.*

States where, **in general, there is no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

These states are *Abia, Akwa Ibom, Anambra, Bauchi, Bayelsa, Cross River, Delta, Ebonyi, Edo, Ekiti, Enugu, Gombe, Imo, Jigawa, kano, Kebbi, Kogi, Kwara, Lagos, Nasarawa, Niger, Ogun, Ondo, Osun, Oyo, Plateau, Rivers, Sokoto,* and *Taraba*, as well as *the Federal Capital Territory of Abuja.*

Read more in the COMMON ANALYSIS

d. Serious and individual threat:

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences. While it is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed, the following are highlighted as possible examples of circumstances which may impact the ability of a person to assess and/or avoid risks related to indiscriminate violence in a situation of an armed conflict:

- age
- health condition and disability, including mental health issues
- economic situation

- knowledge of the area
- occupation
- etc.

Read more in the COMMON ANALYSIS

e. Threat to life or person: The risk of harm as per Article 15(c) QD is formulated as a 'threat to a civilian's life or person' rather than as (a threat of) a specific act of violence. Some of the commonly reported types of harm to a civilian's life or person in Nigeria include killings, injuries, abductions, forced displacement, rape, famine caused by food insecurity, etc. The assessment of the harm should be forward-looking.

Read more in the COMMON ANALYSIS

f. Nexus: The nexus 'by reason of' refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian's life or person) and includes:

- Harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict, *and*
- Harm which is indirectly caused by the indiscriminate violence in a situation of armed conflict. Indirect effects are only considered to a certain extent and as long as there is a demonstrable link with the indiscriminate violence, for example: widespread criminal violence as a result of a complete breakdown of law and order, destruction of the necessary means to survive. Armed clashes and/or closure or destruction of roads can also lead to food supply problems that cause famine or to limited or no access to healthcare facilities in certain areas of Nigeria.

Read more in the COMMON ANALYSIS

Actors of protection

Last update: February 2019
*Minor updates added October 2021

Article 7 QD stipulates that protection can be provided by:

a. the **State**;

b. parties or organisations controlling the State or a substantial part of the territory of the State;

provided they are **willing and able** to offer protection, which must be:

effective and of a **non-temporary nature**.

Such protection is generally provided when the actors mentioned take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by **operating an effective legal system for the detection**, **prosecution** and **punishment** of acts constituting persecution or serious harm,

○ The Nigerian State

It can be concluded that in parts of the country, the capacity of the Nigerian State to provide protection is limited, in particular in the states significantly affected by violence related to Boko Haram, herders and farmers conflicts and by particularly high levels of general criminality. The Nigerian State and its institutions may also prove inaccessible or ineffective in certain situations, such as for women and children victims of violence, for the prevention of FGM/C, for forced and child marriage, for victims of trafficking, etc. Moreover, the Nigerian state may be an actor of persecution, for example in cases of LGBTIQ persons or when implementing the Sharia in cases of adultery in the North.

Age, gender, area of origin and socio-economic status are among the factors that affect the accessibility of protection for the individual.

Read more in the COMMON ANALYSIS

○ Parties or organisations controlling the State or a substantial part of the territory of the State

No such actors are identified in Nigeria.

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In case protection needs have been established in the home area, and if it is established that there is no actor who can provide protection in the meaning of Article 7 QD, the examination may continue with consideration of the applicability of internal protection alternative (IPA).

Internal protection alternative

Last update: February 2019
*Minor updates added October 2021

The required elements in order to apply Article 8 QD are:

Figure 4. Internal protection alternative: elements of the assessment.

In relation to these elements, when assessing the applicability of internal protection alternative (IPA), the case officer should consider the general situation in the respective part of Nigeria, as well as the individual circumstances of the applicant. The burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.

Read more in the COMMON ANALYSIS

Part of the country

The demographics of the area should be taken into account, including its prominent religion, ethnicity, etc. Large cities, such as Lagos, could generally be considered as a possible IPA for different profiles of applicants, due to being more ethnically and religiously diverse.

When choosing a particular part of Nigeria with regard to which to examine the applicability of IPA, where relevant, existing ties with the place such as previous experience and/or existence of a support network could, for example, be taken into account.

Read more in the COMMON ANALYSIS

Safety

The criterion of safety would be satisfied where the following two aspects have been established:

Figure 5. IPA: examination of under the safety criterion.

Absence of persecution or serious harm

The assessment should take into account:

- **general security situation**

  The general security situation should be considered in light of the analysis under Article 15(c) QD in relation to ongoing armed conflicts, and of the analysis under Article 15(b) QD in relation to criminal violence.

- **actor of persecution or serious harm and their reach**

  In cases where the person fears persecution or serious harm by the Nigerian State, there is a presumption that IPA would not be available (Recital 27 QD). Relevant examples include LGBTIQ persons, high-profile members of IPOB/MASSOB, etc.

  The presence of other actors of persecution or serious harm, including Boko Haram, herders' and farmers' armed groups, student cults, trafficking networks, etc. is generally geographically limited.

  When assessing the availability of IPA in case of persecution or serious harm by Boko Haram, particular consideration should be given to the individual circumstances of the applicant, the way the applicant is perceived by Boko Haram, their capacity to track and target individuals in other areas or states, etc.

  For individuals who fear persecution or serious harm by other armed groups, the reach of the particular group should be assessed; in most cases the criterion of safety under IPA could be satisfied.

  In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Nigeria and the actor of persecution or serious harm is Nigerian society at large (e.g. persons with noticeable mental of physical disabilities), IPA would in general not be considered safe.

  For certain particularly vulnerable categories, such as children (e.g. regarding risk of FGM/C) and persons with visible mental or physical disabilities, if the actor of persecution or serious harm is the family of the applicant, IPA may not be available.

- **whether the profile of the applicant is considered as a priority target by the actor of persecution or serious harm**

The profile of the applicant could make him or her a priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location. Examples may include high-profile members of separatist movements, religious leaders and politicians targeted by Boko Haram, etc.

- **behaviour of the applicant**

It should be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm.

- **other risk-enhancing circumstances**

The information under the section Analysis of particular profiles with regard to qualification for refugee status should be used to assist in this assessment.

Availability of protection against persecution or serious harm

Alternatively, case officers may determine that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm as defined in Article 7 QD in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.

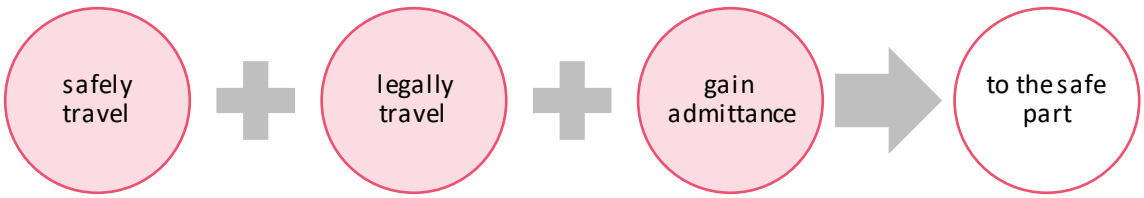
The requirement of safety may be satisfied in relation to potential IPA location in Nigeria, such as the city of Lagos, depending on the profile and the individual circumstances of the applicant.

Read more in the COMMON ANALYSIS

Travel and admittance

As a next step, the case officer should establish whether the applicant can:

Figure 6. Travel and admittance as requirements for IPA.



- ✓ **Safely travel:** The number of incidents of violence in roads (e.g. robberies, kidnappings) has been increasing in different parts of Nigeria. Therefore, the safety of travel should be carefully assessed, in particular when the IPA assessment concerns a location which is not accessible via an airport. In such cases the assessment should take into account the specific travel route that the applicant will be expected to follow and the road security situation in the area.

- ✓ **Legally travel:** There are no legal or administrative restrictions for Nigerians to travel in Nigeria.
- ✓ **Gain admittance to:** There are no legal or administrative restrictions or requirements for Nigerians to be admitted in any part of the country. Indigeneity facilitates settling in a given area; however, it does not constitute a requirement.

The individual circumstances of the applicant should also be taken into account in this context.

There are no legal or administrative restrictions or requirements for Nigerians to travel or be admitted in any part of the country. The safety of travel has to be assessed carefully based on relevant COI.

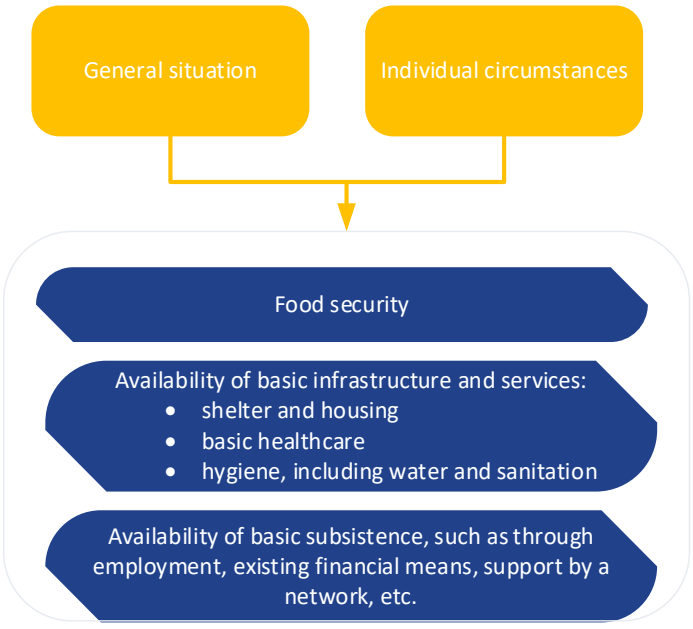
Read more in the COMMON ANALYSIS

Reasonableness to settle

According to Article 8 QD, IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

In applying the reasonableness test, it should be examined whether the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure their own and their family's subsistence and to the availability of basic healthcare. The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

Figure 7. IPA: assessment of the reasonableness requirement.



General situation

The general situation in the area under consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

Based on the available COI, it is found that in order to establish the reasonableness of IPA, the analysis should take into account the individual circumstances of the applicant, such as socio-economic background, education, profession, etc. Support by state authorities, NGOs and social networks, including but not limited to the family (for example, it could also include colleagues, friends) could also be an important consideration, especially with regard to certain profiles.

Read more in the COMMON ANALYSIS

Individual circumstances

In addition to the general situation in the area of potential IPA, the assessment of the reasonableness to settle in that part of the country should take into account the individual circumstances of the applicant, such as:

- religion
- ethnicity
- status of 'indigenes' vs 'settlers'
- local knowledge
- age
- gender
- state of health (illness or disabilities)
- social, educational and economic background
- support network
- etc.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms. These elements could have an impact when determining to if it would be reasonable for the applicant to settle in a particular area. It should be noted that these factors are not absolute and they would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA.

Read more in the COMMON ANALYSIS

Conclusions on reasonableness: commonly encountered profiles

The list below includes general conclusions with regard to some profiles, which are commonly encountered in practice. For further guidance on elements which are to be assessed in this regard, see the common analysis section Conclusions on reasonableness: particular profiles encountered in practice.

The individual circumstances of the applicant should always be taken into account.

In cases where the applicant is a child or the applicant is accompanied by a child, the best interests of the child shall be a primary consideration.

In general, IPA in in Lagos or elsewhere in Nigeria (excluding states/areas with security problems) may be considered reasonable for these profiles, including where they have no support network in the IPA area.

- **Single able-bodied men**
  Although the situation related to settling in the IPA area entails certain hardship, it can still be concluded that such applicants are able to ensure their basic subsistence, shelter and hygiene, taking into account the fact that their individual circumstances do not pose additional vulnerabilities.

- **(Married) couples of working age**
  The individual assessment should further take into account whether, in the situation of the couple, sufficient basic subsistence can be ensured for both. For couples with children, the individual circumstances and rights of the child should be taken in particular consideration, such as the access to basic education.

IPA in Lagos or elsewhere in Nigeria (excluding states/areas with security problems) may be considered reasonable, depending on the individual circumstances of the applicant.

- **Single able-bodied women**

Women may encounter additional difficulties in relation to education, work, housing, etc. The assessment should take into account factors such as age, family status, socio-economic background, religion and ethnicity, local knowledge, support network, etc.

- **Elderly applicants**

Elderly people may face difficulties in accessing means of basic subsistence, in particular through employment. The availability of financial means and/or a support network should be taken into account, as well as the age and state of health of the applicant.

- **Victims of trafficking**

The assessment should take into account factors such as the age, state of health, socio-economic background of the applicant, the availability of support network, etc.

In general, IPA would not be considered reasonable for these profiles in case they have no support network in the IPA area.

- **Unaccompanied children**

Due to their young age, children are particularly vulnerable and in general need to depend on other providers for their basic subsistence.

- **Applicants with severe illnesses or disabilities**

Individual circumstances, such as the availability of sufficient financial means, should, however, be taken into account.

Exclusion

Last update: October 2021

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

The examples in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

Applying the exclusion clauses where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

Exclusion should be applied in the following cases:

Grounds for exclusion			
Refugee status	• a crime against peace, a war crime, or a crime against humanity • a serious non-political crime outside the country of refuge prior to his or her admission as a refugee • acts contrary to the principles and purposes of the United Nations	Subsidiary protection	• a crime against peace, a war crime, or a crime against humanity • a serious crime • acts contrary to the principles and purposes of the United Nations • constituting a danger to the community or to the security of the Member State [in which the applicant is present] • other crime(s) (under certain circumstances)

It should be underlined that the determining authority has the burden of proof to establish the elements of the respective exclusion grounds and the individual responsibility of the applicant; while the applicant remains under an obligation to cooperate in establishing all facts and circumstances relevant to his or her application.

Read more in the COMMON ANALYSIS

In the context of Nigeria, the need to examine possible exclusion issues may arise, in particular, in cases of applicants who may have been involved in the following:

- armed conflict involving Boko Haram and the Nigerian security forces
- crimes committed during violent clashes between herders and farmers or between communal militias
- crimes committed by student cults and criminal gangs
- crimes committed by trafficking networks
- etc.

The Qualification Directive does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events occurring in the recent and more distant past, such as in the context of the armed conflict (civil war) in Biafra in 1967-1970 or the *coups d'état* and military regimes in 1966-1979 and 1983-1998.

Read more in the COMMON ANALYSIS

The following subsections provide guidance on the potential applicability of the exclusion grounds in the context of Nigeria.

a. Crime against peace, war crime, crime against humanity

The ground of 'crime against peace' is not found to be of particular relevance in the cases of applicants from Nigeria.

In December 2020 the Office of the Prosecutor of the International Criminal Court concluded that there is reasonable basis to believe that war crimes and crimes against humanity had been committed by Boko Haram since July 2009 and by the Nigerian military since the beginning of the non-international armed conflict with Boko Haram since June 2011.The Prosecutor of the ICC has also examined alleged crimes falling outside of the context of this conflict.

The violent clashes between herders and farmers and/or between communal militias have increased over the years, resulting in a growing number of deaths on both sides and serious human rights violations, including rape, abduction and attacks leading to the destruction of entire villages. Taking into account the evolution of the conflict, crimes committed in this context could also give rise to considerations under Article 12(2)(a) QD/Article 17(1)(a) QD as 'crimes against humanity'.

b. Serious (non-political) crime

Criminal violence constitutes a serious security and public safety concern in Nigeria, especially crimes committed by organised groups, such as cults, traffickers in human beings, bandits engaged in cattle rustling, etc. An increasing level of violence and firearms proliferation is noted across the country, particularly manifesting in ransom kidnapping along highways and in schools, armed robbery and other forms of violent crime committed by gangs.

The cases of several profiles must be carefully examined, taking into account the applicant's activities, role, responsibilities, etc. Examples include members of student cults, traffickers or members of other criminal organisations, members of militant groups in the Niger Delta, etc.

The personnel of some Nigerian authorities and of the *hisbah*, may also be found responsible for serious (non-political) crimes.

Child marriages, domestic violence, FGM/C, and other widespread practices in Nigeria could also amount to serious (non-political) crimes under Article 12(2)(b) QD/Article 17(1)(b) QD.

c. Acts contrary to the purposes and principles of the United Nations

Although the Nigerian government has proclaimed many organisations as terrorist, the assessment should take into account the objective situation and the acts of the group and of the individual applicant.

(Former) membership in armed groups such as Boko Haram could trigger relevant considerations and require an examination of the applicant's activities under Article 12(2)(c) QD/Article 17(1)(c) QD, in addition to the considerations under Article 12(2)(a) QD/Article 17(1)(a) QD or Article 12(2)(b)/Article 17(1)(b) QD.

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

d. Danger to the community or the security of the Member State

In the examination of the application for international protection, the exclusion ground under Article 17(1)(d) QD is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member States or criminal activities of the applicant.

Common analysis: Nigeria

The common analysis represents the joint assessment of EU Member States of the situation in the country. It is based on common country of origin information, published by EASO, which is analysed in accordance with the 1951 Geneva Convention and the Qualification Directive (recast), further taking into account the jurisprudence of the CJEU and ECtHR and general EASO guidance.

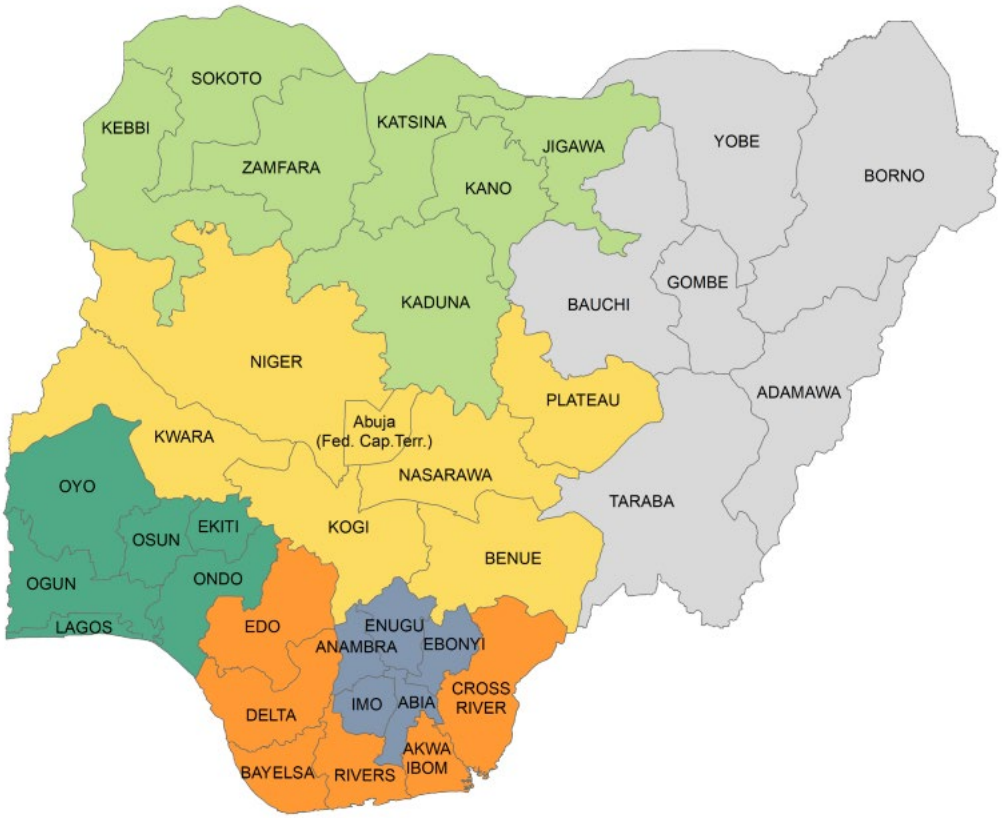
General remarks

Last update: October 2021

[Main COI references: Security situation 2021, 1.1; Key socio-economic indicators, 1; Country focus, 6.5.4]

Nigeria is a Federal Presidential Republic. It is divided into 36 states, and Abuja, which has the status of Federal Capital Territory (FCT). The 36 states and the FCT are grouped into six geopolitical zones.

Figure 8. Geopolitical zones in Nigeria.



- **North-Central** (seven states): Niger, Kogi, Benue, Plateau, Nasarawa (Nassarawa), Kwara and Federal Capital Territory of Abuja
- **North-East** (six states): Bauchi, Borno, Taraba, Adamawa, Gombe and Yobe
- **North-West** (seven states): Zamfara, Sokoto, Kaduna, Kebbi, Katsina, Kano and Jigawa
- **South-East** (five states): Enugu, Imo, Ebonyi, Abia and Anambra
- **South-South** (six states): Bayelsa, Akwa Ibom, Edo, Rivers, Cross River and Delta
- **South-West** (six states): Oyo, Ekiti, Osun, Ondo, Lagos and Ogun.

Other geographical areas, frequently referred to in COI sources, include the Niger Delta and the Middle Belt:

- **Niger Delta:** (9 states): Abia, Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers [Security situation 2021, 1.4.1.1.]

- **Middle Belt:** the geographical belt of the South of Northern Nigeria and the North of Southern Nigeria. Besides the six states of the North-Central and FCT, Adamawa, Taraba and the southern parts of Kaduna and Bauchi are also considered as part of the Middle Belt. The definition of the Middle Belt can vary depending on the source. [Security situation 2018, 3.2.1]

Nigeria is the most populated country in Africa, with an estimated population of almost 210 million as of March 2021. It is a highly diverse country with regard to ethnic groups and languages. There are more than 250 ethnic groups, of which the main groups are: Hausa, Fulani, Yoruba, Igbo (Ibo), Ijaw, Kanuri, Ibibio, Tiv, Edo/Bini. The main spoken languages, of the 519 living languages in the country, include English, pidgin English, Hausa, Yoruba, Igbo, Fulani, Ijaw. English or pidgin English and Hausa are used for inter-ethnic communication.

In the north, the main ethnic groups are Hausa and Fulani, and several other groups such as Kanuri in the North East. The Middle Belt has many smaller, differing but related groups. Nigeria's south is divided into a Yoruba-speaking area in the west and an Igbo-speaking area in the east. The main group in the Niger Delta are the Ijaw, although there are several other smaller ethnic groups. It should also be noted that parts of Nigeria are multi-ethnic, especially the urban areas.

The religious adherence of the population is nearly equally divided between Christians and (predominantly Sunni) Muslims, while a minority is composed of practitioners of indigenous religions or persons with no religious affiliation. Islam is the dominant religion in the north, while Christianity is dominant in the south of Nigeria. Religious syncretism, the mix of religious practices from different traditions, is also common.

1. Actors of persecution or serious harm

This chapter looks into the topic of 'actors of persecution or serious harm'. It focuses on the main actors in Nigeria, their areas of presence and control, the violations they have reportedly committed, and, where applicable, their structure and organisation.

The contents of this chapter include:

Preliminary remarks

Last update: October 2021

Article 6 QD defines 'actors of persecution or serious harm' as follows.

Article 6(d) QD
Actors of persecution or serious harm

Actors of persecution or serious harm include:
a) the State;
b) parties or organisations controlling the State or a substantial part of the territory of the state;
c) non-State actors, if it can be demonstrated that the actors mentioned in points (a) and (b), including international organisations, are unable or unwilling to provide protection against persecution or serious harm as defined in Article 7.

Risks to which a population of a country or a section of the population is generally exposed do not normally create in themselves an individual threat which would qualify as serious harm (Recital 35 QD). Generally, persecution or serious harm must take the form of conduct of an actor (Article 6 QD). For example, it cannot simply be the result of general shortcomings in the health system of the country of origin. [7]

The notion of **'State'** within the meaning of Article 6(a) QD should be broadly interpreted. It encompasses any organ exercising legislative, executive, judicial or any other function(s) and acting at any level, be it central, federal, regional, provincial or local. It could, for example, include the civil service, armed forces, security and police forces, etc. In some cases, private entities may also be given State powers and therefore be considered a State actor of persecution or serious harm.

Parties or organisations controlling the State or a substantial part of the territory of the State can refer to two possible scenarios:

- Parties or organisations amounting to de facto State actors because they exercise elements of governmental authority; or
- Parties or organisations controlling a substantial part of the State's territory in the context of an armed conflict.

Non-State actors against whom protection is not effectively provided are also recognised as actors of persecution or serious harm in the meaning of Article 6 QD. Non-State actors could, for example, include individuals and groups, such as militant groups, extremist religious groups, ethnic groups, criminals, political parties, and family members, including members of the extended family, etc.

A wide range of different groups and individuals could be actors of persecution or serious harm in Nigeria. Specific relevant examples include Boko Haram, student cults, armed groups of farmers and herders, traffickers, etc.

1.1 Overview: areas of control and/or activity

Last update: October 2021

[Security situation 2021, 1.3.1, 1.3.2, 1.4.1]

In Nigeria, a wide range of different groups and individuals can be considered as actors of persecution or serious harm. Moreover, the distinction or relationship between certain actors is not always clear and may evolve with the changing security context. The motivation of some actors of persecution or serious harm may also be complex and multifaceted and change over time.

The following subsections highlight the main actors of persecution and/or serious harm in Nigeria in a non-exhaustive manner. Their areas of control/activity are outlined below.

- The **Nigerian state forces** control the majority of the territory of Nigeria.

[7] CJEU, *Mohamed M'Bodj v État belge*, C-542/13, Judgment of 18 December 2014, C-542/13, paras. 35-36.

- In the period from January 2017 to December 2019, military operations by the Nigerian security forces against ISWAP and JAS, often viewed together as Boko Haram, reduced the territorial control of these armed groups. However, **Boko Haram** still exercises control in some areas in the North-East region. Boko Haram has further expanded its activities in the North-West and in Niger state in the North-Central region.
- **Herders and farmers** conflicts take place mainly in the Middle Belt zone, encompassing states in the North-West, North-East, and North-Central regions, and increasingly in southern Nigeria.
- **Separatist movements** concentrate their activities in the South-East and South-South regions.
- **Cults** are particularly relevant in the South-West and South-South regions.
- **Criminal gangs** are particularly active in the North-West and in North-Central regions, in particular Niger state, and the Niger Delta.

1.2 The Nigerian State and state-affiliated actors

Last update: October 2021

Some Nigerian State authorities and affiliated actors, such as the Nigerian Armed Forces (NAF), the Nigeria Police Force (NPF), the Islamic Police (*hisbah*), and the Civilian Joint Task Force (CJTF), are accused of committing a wide range of human rights violations, including unlawful killings, sexual violence and abuse, recruitment and use of child soldiers, arbitrary arrest and detention, torture and other forms of ill treatment of civilians [Security situation 2021, 1.6.1, 1.3.1.7].

NAF is accused of extrajudicial executions, mass deaths in custody, torture, fumigation, arbitrary arrests, unlawful detention. The Military Special Board was set up to investigate the alleged human rights violations related to events of 30 May 2016 in South East Nigeria, but did not find any wrongdoing by the army [Targeting, 2.5.1.1]. NAF was found guilty of killing hundreds of members of the Islamic Movement in Nigeria (IMN) in 2015, according to the Kaduna State Judicial Commission of Inquiry [Targeting, 3.8.3.1].

The **NPF** has been involved in abuses of human rights such as acts of extortion, beatings, illegal detention, sexual harassment. In response to allegations of extrajudicial killings and other abuses, the NPF introduced a voluntary Code of Conduct in January 2013, which provides a set of guiding principles and standards of behaviour for police officers. The NPF has also introduced human rights officers at all police stations, however their ability to prevent human rights abuses is limited for various reasons, including due to lack of authority at the local level [Actors of protection, 3.3].

A special police unit, the **Special Anti-Robbery Squad (SARS)** had been established to curb armed robbery. Some of the unit's personnel were reported to have intimidated, arbitrarily arrested, extorted, tortured, raped, and killed citizens [Security situation 2021, 1.3.1.2]. In October 2020, SARS was disbanded following widespread protests. The largely peaceful country-wide protests had been met with violent response by the Nigerian security forces [Security situation 2021, 1.3.1.1, 1.3.1.2]. The NPF subsequently announced that they would set up a new Special Weapons and Tactics (SWAT) team to replace the old unit, provoking widespread concern and further protests [Security situation 2021, 1.3.1.2].

There are a number of groups formally or informally linked to state authorities. One prominent example are the **Islamic police (*hisbah*)**, operating in the Sharia-implementing states. They are reported to arrest and torture LGBTIQ persons and women accused of immorality, and to target Christians sporadically [Targeting, 2.5.3.2]. *Hisbah* also have coercive disciplinary functions, such as forcibly preventing persons of different sexes to mix in the public transport system; enforcing a dress code, especially on women in educational institutions; preventing the performance of music and films; seizing and destroying alcoholic drinks, etc.

CJTF is a state-sponsored and state-aligned paramilitary group. It cooperates with the Nigerian security forces and has the task of protecting local populations and internally displaced persons (IDPs) from Boko Haram's attacks [Targeting, 2.5.4.2]. It is reported that CJTF has committed serious human rights violations, such as extrajudicial killings, arbitrary arrests, acts of torture and recruitment of children [Targeting, 2.5.4.4]. Furthermore, they are reported to have become part of the local war economy, participating in criminal networks, while acting as a local police force [Security situation 2021, 1.3.1.6].

Lockdowns due to the Covid-19 pandemic are reported to have led to additional security force abuses and instances of police brutality [Security situation 2021, 1.3.1.7]. Armed forces have also responded with increased airstrikes and ground operations in areas affected by banditry [Security situation 2021, 1.4.1.1].

In December 2020, the Office of the Prosecutor of the International Criminal Court concluded that there is reasonable basis to believe that war crimes and crimes against humanity had been committed by the Nigerian military from the beginning of the non-international armed conflict with Boko Haram since June 2011. The Prosecutor of the ICC has also examined alleged crimes falling outside of the context of this conflict. [8]

1.3 Non-State actors

This section includes several non-State actors.

1.3.1 Boko Haram, including JAS, ISWAP and Ansaru

Last update: October 2021

[Main COI references: Targeting, 2.1; Security situation 2021, 1.3.2.1]

A number of armed groups are operating on the territory of Nigeria, among which Boko Haram is considered the most powerful one. Boko Haram is a Salafi-jihadist group fighting for the replacement of the secular Nigerian state with an Islamic one based on a strict compliance to the Sharia law, throughout the country. It operates in the North East of Nigeria, in particular in Borno, Adamawa and Yobe, exerting violence against westerners, Christians and Muslims considered 'infidels'. Boko Haram still exercises control in some areas in the North-East region. It has further expanded its activities in the North-West and in Niger state in the North-Central region.

[8] Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, 11 December 2020, https://www.icc-cpi.int/nigeria , Preliminary examination: Nigeria https://www.icc-cpi.int/Pages/item.aspx?name=201211-prosecutor-statement, https://www.icc-cpi.int/nigeria

Since its rise in 2009, the Boko Haram insurgency has adversely affected some 15 million people, displaced over two million people and caused an estimated 20 000 to 30 000 deaths. As a result of brutal tactics deployed by Boko Haram, a group called Ansaru, which is reportedly linked to Al Qaeda, broke away in early 2012. In 2020, Ansaru conducted its first attacks in five years in Kaduna state.

The indiscriminate killings of civilians and, in particular, of Muslims caused divisions within the Boko Haram. In 2016 Boko Haram split into two factions: Jama'atu Ahlis Sunna Lidda'adati wal-Jihad (JAS), led by Abubakar Shekau, and the Islamic State - West Africa (ISWAP), led by Abu Musab al Barnawi. However, this distinction is often not reflected in media reports, which refer to Boko Haram.

JAS is characterised by the use of more violent methods and continues to perpetrate systematic attacks against both Muslims and Christians. Anyone who does not support the group is perceived as a supporter of the government and may be targeted. It is reported that the group is more active in south-central Borno, including in Maiduguri, and along the Cameroonian border. It also has bases in the north-western part of Nigeria, particularly Niger state. On 19 May 2021, JAS's leader Abubakar Shekau with his troops were ambushed and captured by ISWAP in the Sambisa Forest. It is estimated that JAS has 1 500 – 2 000 members.

ISWAP (also now known as ISIS-WA) has criticised the targeting of Muslims, focusing its attacks on Christians and persons not abiding by Sharia law ('infidels'), military structures, government and security personnel, traditional leaders and contractors, and has tried to gain the support of local communities by providing services. However, attacks of ISWAP in 2020 suggested a shift in its stance against targeting Muslim civilians. In the same context, a source indicated that ISWAP seemed to shift its focus towards targeting unarmed civilians rather than governmental, military, and INGO targets, becoming a deadlier faction than the original Boko Haram and than JAS. This faction's stronghold lies in Lake Chad and the group has a permanent presence in the Alagarno forest. Its influence also extends into the northern Borno countryside, and southwards into Yobe state and parts of south-central Borno. It has a presence around Maiduguri and its operations extend into North Adamawa. ISWAP is also building the capacity of radical groups in the north-west of Nigeria. ISWAP has become politically entrenched and seems to pose an even larger challenge to the Nigerian military than the remainder of Boko Haram/JAS. It is estimated that ISWAP has 3 500 to 5 000 members and it is both militarily stronger than JAS and expanding its reach.

In its insurgency, Boko Haram has committed widespread human rights violations across Northern Nigeria, such as: suicide bombings, massacres, burning down of entire villages, attacks on places of worship and schools, and the killing of people in such sites; attacks on IDP camps, cruel and degrading treatment following sentences by its 'courts', extrajudicial executions, political assassinations, abduction on a massive scale, including of children, forced displacement, child recruitment, grave violation of the rights of women and girls such as slavery, sexual violence, forced marriages and forced pregnancy, etc.

Illegal checkpoints on roads have become a daily occurance, particularly in northern Borno. While in previous years Boko Haram commonly used bombings, in recent years it has shifted towards armed assault and hostage taking. Reportedly, approximately 90 % of those kidnapped by Boko Haram in 2020 were taken from roads that are main supply routes. The new strategy of the Nigerian state forces of concentrating their troops in 'super camps' and IDPs in 'garrison towns' has enabled Boko Haram to expand its activities in rural parts of the country. In 2020, it was further observed that cooperation and collaboration between (motorcycle) bandits and Boko Haram factions continued in several northern states. Both ISWAP and JAS dispose of millions of rounds of ammunition, thousands of assault rifles and assorted firearms, and hundreds of military vehicles, including armoured tanks

and self-propelled artillery. Nigerian armed forces have used air strikes to target training camps and hideouts of the group. In 2020, violence continued to escalate.

Boko Haram has a decentralised structure composed by a number of cells and hierarchical layers. The primary sources of funding of Boko Haram are extortions, robberies and looting, cattle and livestock rustling, Islamic donations, local enterprises, kidnappings for ransom, arms smuggling and bank robberies.

Several incidents and killings of those who tried to leave or refuse to join Boko Haram are reported.

Boko Haram was added to the UN Security Council sanctions list in 2014. According to the Global Terrorism Index, the group ranked as the second deadliest terrorist group in 2019. In February 2020, ISWAP was included in the ISIL (Da'esh) and Al-Qaeda UN sanctions list. In December 2020, the Office of the Prosecutor of the ICC concluded that there is reasonable basis to believe that war crimes and crimes against humanity had been committed by Boko Haram since July 2009. [9]

1.3.2 Militant groups in the Niger Delta

Last update: October 2021

[Main COI reference: Targeting, 2.2]

The Niger Delta comprises of the states of Ondo, Edo, Delta, Bayelsa, Rivers, Imo, Abia, Akwa Ibom and Cross River. A number of militant groups operated in the area. Their members demand an improvement of the conditions in the region and protest against its environmental degradation due to oil exploitation.

Between 2006 and 2009, after the decline of the Niger Delta People's Volunteer Force (NDPVF), the most active militant group was the Movement for the Emancipation of the Niger Delta (**MEND**). MEND is an umbrella organisation whose political objectives have focused on demanding local control over oil resources and development of the region. The group has made use of kidnapping and car bombing with the aim of kidnapping foreign oil workers, attacks against oil pipelines and oil bunkering.

In the last years, MEND had a limited presence due to the imprisonment of some of its leaders and due to a large-scale amnesty and Disarmament, Demobilisation, and Reintegration (DDR) programme introduced in 2009. The DDR has also provided financial benefit for approximately 30 000 former militants.

The cut to the programme funding in 2015, along with the government's failure to improve the socio-economic conditions in the Delta region, and actions by security guards of oil installations, led to a new insurgency in 2016 and to the emergence of several militant groups, in particular of the Niger Delta Avengers (**NDA**). In 2016, the group launched a large number of attacks on oil

[9] Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, 11 December 2020, https://www.icc-cpi.int/nigeria, Preliminary examination: Nigeria https://www.icc-cpi.int/Pages/item.aspx?name=201211-prosecutor-statement, https://www.icc-cpi.int/nigeria

infrastructures and it continued to be active in 2017 and early 2018. Since then, no major incidents involving the NDA have been found in the consulted sources [Security situation 2021, 1.3.2.4].

Maritime kidnappings have become common in the Niger Delta, as militants have turned to piracy [Security situation 2021, 1.3.2.4].

1.3.3 Separatist movements

Last update: October 2021

[Main COI reference: Targeting, 3.3]

In the South East of Nigeria there are several groups aiming for secession, among which the two main groups are the Movement for the Actualization of the Sovereign State of Biafra (**MASSOB**) and the Indigenous People of Biafra (**IPOB**). Both organisations claim to be non-violent and aim to reach secession through referendum. They mostly engage in awareness-raising activities, marches, and other gatherings. However, the leader of IPOB has reportedly endorsed violence as means for resuscitating Biafra.

In March 2016, MASSOB and IPOB issued a joint statement that all Fulani herdsmen should retreat to northern Nigeria, as 'their safety [could] no longer be guaranteed'.

MASSOB was banned by the Nigerian authorities in 2001 and its members were accused of being 'armed criminals and robbers'. In 2017, the Nigerian authorities declared IPOB a terrorist organisation.

Since August 2020 violence between IPOB and the Nigerian security forces has escalated, with reported killings of civilians and retaliatory security incidents. Violence has taken the form of armed clashes and IPOB has also been accused of attacks against police stations. In December 2020, IPOB established a paramilitary wing, the Eastern Security Network (ESN) and armed clashes with Nigerian state forces ensued. A ceasefire was declared in January 2021, however clashes continued. [Security situation 2021, 1.3.2.5, 1.4.1.1]

1.3.4 Herders and farmers and communal militias

Last update: October 2021

Among the non-State actors of persecution or serious harm, herders and farmers participating in armed groups and communal militias have become increasingly relevant. Herders' groups are mainly composed of Fulani Muslims, while the farmers are mainly Christian, particularly in the Middle Belt and southern states. In the North-West and North-East there are also Muslim farmers. The origins of the conflict are rooted in the difficulties to access natural resources such as water and land. Nowadays, it also has profound ethnic and religious implications and is becoming more politicised.

Long-standing tribal, ethnic, religious and community disputes have also continued to lead to violence, conflict and unrest, involving communal militias. The lines between the farmer-herder clashes, inter/intra-communal clashes and banditry are becoming increasingly blurred in the North-West and North-Central.

Growing insecurity has led to groups of farmers and herders forming militias, which are often backed by political, religious or ethnic leaders. In north-western Nigeria herders have found protection and support in so-called 'bandits', whilst farmers are supported by community and state-sponsored vigilantes. Clashes between vigilante groups and the herdsmen are on the rise. Community vigilante, civilian self-defence militias, and youth groups have also started reprisal attacks against other armed groups [Security situation 2021, 1.4.1.1].

Between 2015 and 2018, it has been estimated that at least 3 641 people have been killed and 300 000 have been displaced as a result of the conflicts. Severe violations of human rights are reportedly committed by both, herders' and farmers' militias, including mass killings and mass destruction of houses, crops, cattle, etc. Fulani militias are also reported to have committed rape, maiming, abduction, robbery, eviction, burning down villages, pillaging etc. Vigilante groups have faced accusations of taking the law into their own hands, acting illegally and participating in extrajudicial killings. [Security situation 2021, 1.3.2.2.]

Attacks by Fulani militias are reportedly well planned, increasingly premeditated, using weaponry including machine guns and AK 47s. Herders use less sophisticated weaponry. The Yan sakai vigilante group is reported to use locally made guns, machetes and clubs [Security situation 2021, 1.3.2.2].

The farmer-herder conflicts centre around Nigeria's Middle Belt (encompassing states in North-Central, North-West and North-East regions). Violence has also expanded to the South-West and South-East regions [Security situation 2021, 1.3.2.2, 1.4.1.1].

Nigeria Watch recorded 1 012 fatalities due to inter-communal violence in 2019, related to clashes over land located in boundary areas, grazing spaces, chieftaincy and market issues, as well as sharing formula for royalties paid by oil companies. In 2020, Nigeria Watch reported 700 fatalities due to inter-communal clashes. [Security situation 2021, 1.4.1.1]

[Additional COI references: Security situation 2018, 2.3.9, 3.2.2; Targeting, 3.7.2]

1.3.5 Student cults

Last update: October 2021

[Main COI reference: Targeting, 2.3]

Student cults in Nigeria, also referred to as 'university cults' or 'confraternities', resemble criminal gangs [Security situation 2021, 1.4.1]. Some of the most well-known cults are the Black Axe and Eiye. Cults are banned in several states; however, enforcement is weak [Security situation 2021, 1.3.2.3]

Student cults are characterised by violent initiation rites and conduct illegal activities such as: killings, human trafficking, sexual exploitation, slavery, drug trafficking, smuggling, extortions, kidnapping, forced recruitment (including child recruitment), etc.

Political parties often recruit cult members and use them to kill or attack political opponents or to exercise violence during elections.

Some sources report that it is 'extremely difficult' to leave a cult after being initiated. Persons who quit the confraternities or cults may be killed, out of fear of revealing the cult's secrets [Targeting, 3.11.1.1].

Student cults mostly operate in the South-West and South-South regions of Nigeria [Security situation 2021, 1.4.1].

1.3.6 Traffickers and trafficking networks

Last update: October 2021

[Main COI references: Targeting, 2.4; Trafficking, 1.1.3, 2.1, 2.3]

Trafficking in human beings (THB) is defined in the EU Anti-Trafficking Directive as: 'The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.' [10]

The exploitation can take different forms, such as prostitution or other forms of sexual exploitation, forced labour, slavery, removal of organs, 'baby factories', etc. Trafficking occurs within Nigeria as well as to third countries.

Madams and criminal networks, including cults, are central actors to the process of sex trafficking. Traffickers may use deception, such as false offers of jobs and promises of safe travel to destination countries, and manipulation through traditional beliefs (*juju*). Violence against victims has also been used. In some circumstances, the victims' families support and encourage the trafficking for economic reasons.

1.3.7 Other criminal groups

Last update: October 2021

[Main COI references: Security situation 2021, 1.3.2.2; Security situation 2018, 3.4]

Human rights violations may also be committed by other non-State actors, such as mobs and criminal groups, etc. Some of these acts are purely criminal activities, separate from the herder-farmer violence in the Middle Belt. However, the lines between the farmer-herder clashes and banditry are becoming increasingly blurred in the North-West. Banditry includes kidnapping, armed robbery, murder, rape, and cattle-rustling. It results in forced displacement, an increase in sexual and gender-based violence, a high number of out-of-school children in the region, and it negatively impacts livelihoods, food security, and wider economic costs. Lawlessness and the lack of policing have been described as the underlying factors for an increase in banditry or criminal violence. Whilst kidnap attempts used to target mainly the rich and important political figures and their relatives, more recent data suggests that less targeted kidnappings are taking place. They focus instead on whole villages or pupils from schools, who may not be able to pay the demanded ransom, which explains the rise in fatalities from kidnapping attempts. Bandits are usually armed with small guns.

[10] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

In recent years, the violence has spread from Zamfara state to the North-Central region and other states of North-West region, including Kano, Kaduna, Katsina, Kebbi, Sokoto as well as into Niger state.

Some state governors have launched amnesty programs for gang members to surrender their weapons. However, many who were granted amnesty reportedly returned to criminal activities [Security situation 2021, 2.4.2.1].

1.3.8 Other non-State actors

Last update: October 2021

Besides the non-State actors mentioned above, the family or family members can be an actor of persecution or serious harm, such as in the case of domestic violence, violence against lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ) persons, forced and child marriages, female genital mutilation or cutting (FGM/C), etc. FGM/C practitioners, including traditional circumcisers and health care professionals, are another potential example of non-State actors of persecution or serious harm.

The reach of a specific non-State actor and their ability to trace and target the applicant depend on the individual case. The individual power positions of the applicant and the actor of persecution or serious harm should be assessed, taking into consideration their social status, wealth, connections, gender, level of education, etc.

2. Refugee status

This chapter provides a brief outline and general considerations with regard to the assessment of applications for international protection in relation to the elements of the refugee definition (Article 2(d) QD) and proceeds with the analysis of information concerning 19 particular profiles of applicants for international protection in relation to qualification for refugee status. For each profile, and in some cases for the relevant sub-profiles, it provides: COI summary, risk analysis (including findings whether the treatment that an individual under this profile risks would amount to persecution and an assessment of the level of risk) and conclusions with regard to the potential nexus to a reason for persecution.

The contents of this chapter include:

Preliminary remarks

All elements of the definition of a refugee in accordance with the QD should be fulfilled for the qualification of the applicant as a refugee:

Article 2(d) QD
Definitions

'refugee' means a third country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 [exclusion] does not apply;

According to Article 9(1) QD:

Article 9(1) QD
Acts of persecution

In order to be regarded as an act of persecution within the meaning of Article 1(A) of the Geneva Convention, an act must:

a) be sufficiently serious by its nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
b) be an accumulation of various measures, including violations of human rights which is sufficiently severe as to affect an individual in a similar manner as mentioned in point (a).

In order for a person to qualify as a refugee, there must be a connection (nexus) between one or more of the specific reasons for persecution (race, religion, nationality, political opinion or membership of a particular social group), on the one hand, and the acts of persecution under Article 9(1) QD or the absence of protection against such acts (Article 9(3) QD), on the other.

The applicability of the respective reason(s) should be assessed in relation to Article 10 QD.

Common analysis on specific profiles of applicants, based on their personal characteristics or affiliations with a certain group (e.g. political, ethnic, religious), is provided below.

An individual assessment is required for every application. It should take into account the individual circumstances of the applicant and the relevant country of origin information. Factors to take into account in this assessment may include, for example:

- home area [11] of the applicant and presence of the potential actor of persecution and their capacity to target a person of interest;
- nature of the applicant's actions (whether they are perceived negatively and/or whether individuals engaged in such actions are seen as a priority target by the actor of persecution);
- visibility of the applicant (i.e. to what extent it is likely that the applicant is known to or could be identified by the potential actor of persecution), noting however that the applicant does not need to be individually identified by the actor of persecution, as long as his/her fear of persecution is well-founded;
- resources available to the applicant to avoid persecution (e.g. relation to powerful individuals);
- etc.

The fact that an applicant has already been subject to persecution or to direct threats of such persecution, is a serious indication of the applicant's well-founded fear, unless there are good reasons to consider that such persecution will not be repeated (Article 4(4) QD). On the other hand, it should be noted that, in order to establish well-founded fear of persecution, there is no requirement of past persecution or threats. The risk assessment should be forward-looking.

A well-founded fear of being persecuted may also be based on events which have taken place and/or on activities which the applicant has engaged in since he or she left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin (Article 5 QD).

Once the required level of persecution as well as nexus have been established in relation to the home area of the applicant, the availability of protection in accordance with Article 7 QD should be explored (see the chapter Actors of protection). Where such protection is not available, the examination may continue with consideration of the applicability of internal protection alternative under Article 8 QD, if applicable according to national legislation and practice (see the chapter Internal protection alternative).

In some cases, where the applicant would otherwise qualify for refugee status, exclusion grounds would be applicable (see the chapter Exclusion). The sections below make specific references to the relevance of exclusion considerations for certain profiles.

Where the applicant does not qualify for refugee status, in particular where the requirement of nexus is not satisfied, the examination should proceed in order to determine his or her eligibility for subsidiary protection (see the chapter Subsidiary protection).

For further general guidance on qualification as a refugee, see **EASO Practical Guide: Qualification for international protection**.

[11] Protection needs are firstly assessed with regard to the applicant's home area in the country of origin. The 'home area' in the country of origin is identified on the basis of the strength of the applicant's connections with a particular area in that country. The home area may be the area of birth or upbringing or a different area where the applicant settled and lived, therefore having close connections to it.

Analysis of particular profiles with regard to qualification for refugee status

This chapter refers to some of the profiles of Nigerian applicants, encountered in the caseload of EU Member States. **It represents a non-exhaustive list and the fact that a certain profile is included in it or not is without prejudice to the determination of their protection needs.**

While the conclusions under this common analysis could provide general guidance, the protection needs of each applicant should be **examined individually**. The non-exhaustive examples with regard to sub-profiles at a differentiated risk and of circumstances which would normally increase or decrease the risk are to be taken into account in light of all circumstances in the individual case.

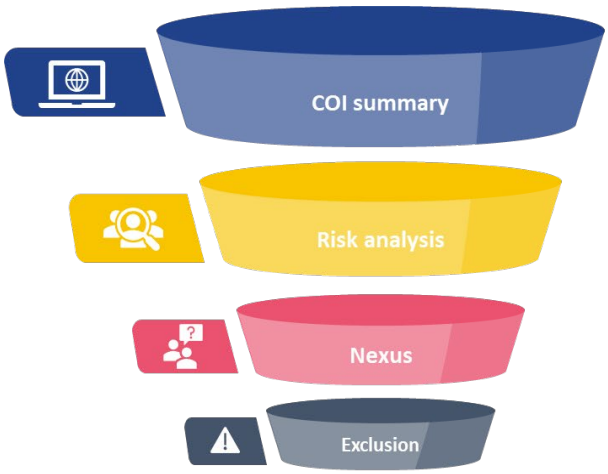
In some cases, even if the applicant no longer belongs to a certain profile, they may still be targeted and have a well-founded fear of persecution related to their **past belonging to such a profile**.

Family members, merely due to their relation to the refugee, may be at risk of persecution in such a manner that could constitute the basis for refugee status. It should also be noted that individuals belonging to the family of a person qualifying for international protection could have their own protection needs.

It should be highlighted that an individual applicant could fall under **more than one profile** included in this common analysis. The protection needs associated with all such circumstances should be fully examined.

The considerations under each profile should, furthermore, be viewed without prejudice to the credibility assessment of the applicant's claims. This common analysis deals solely with issues of risk analysis and qualification.

For each profile, the sections below provide:



COI summary
Brief summary and analysis of the available common COI, as referenced.

Risk analysis
Analysis whether the treatment of individuals under this profile may amount to persecution; and assessment of the level of risk, which highlights some of the risk-impacting circumstances, where relevant.

Nexus to a reason for persecution
Where individuals under the respective profile may have a well-founded fear of persecution, this sub-section analyses the presence of nexus to a reason for persecution in general. However, it should be underlined that more and/or different grounds may apply depending on the actor of persecution and/or the individual circumstances of the applicant.

Exclusion (if relevant)
In some cases, a further reminder that exclusion considerations may be relevant is included.

2.1 Individuals targeted by Boko Haram

Last update: February 2019
*Minor updates added October 2021

This section looks into the situation of the following sub-profiles in the areas where Boko Haram operates:

a. persons perceived as government supporters
b. Christians
c. persons considered as 'infidels', including those rejecting the insurgents' strict interpretation of Sharia
d. journalists
e. teachers and others working in education
f. health workers and humanitarian workers
g. IDPs.

For the targeting of women and girls by Boko Haram, see under Women and girls.

COI summary

[Targeting, 2.1, 3.1]

The activities of Boko Haram concentrate in North-East region, especially Borno, Yobe and Adamawa, although increasing influence and incidents are also reported in the North-East region and in Niger state in the North-Central region.

Boko Haram uses violence indiscriminately against civilians in the areas where it operates. However, some profiles are particularly targeted by the group. These include:

a. Perceived government supporters

[Targeting, 2.5.4.6, 3.1.2; Security situation 2021, 1.3.2.1]

Both JAS and ISWAP are known to target those associated with the government, including government officials and civil servants, politicians, traditional leaders, CJTF members, contractors etc. For example, Boko Haram fighters have attacked communities where CJTF militias were formed and killed anyone they suspected to be a member of the CJTF, and in some cases all young men and boys in these communities.

b. Christians

[Targeting, 3.1.4; Security situation 2021, 2.8, 2.13]

There are numerous reports of destruction of churches and killing of Christians, including reports of beheading of Christians who refuse to convert to Islam. In an incident in 2014, Boko Haram reportedly beheaded those Christian men who refused to convert and married off the women to Boko Haram fighters. Attacks against Christian communities by Boko Haram continued in 2020 and 2021, leading to many deaths and many residents fleeing.

c. Persons considered 'infidels', including those rejecting the insurgents' strict interpretation of Sharia

[Targeting, 3.1.3; Security situation 2021, 1.3.2.1]

Muslims opposing Boko Haram are considered 'infidels'. For Boko Haram, and especially JAS, Muslim religious leaders expressing disagreement with the group's methods, are a priority target. There are

reports of attacks and destruction of mosques, and the killing of Muslim worshippers. There are indications that, since 2015, the group has attacked more mosques than churches; there is no clarity on the reasoning behind that change. Furthermore, recent attacks in 2020 by ISWAP suggest a shift away from their initial stance which was against targeting Muslim civilians.

d. Journalists

[Targeting, 3.1.9]

Nigerian media outlets reporting on Boko Haram have been attacked and threatened by Boko Haram. In practice, media outlets do not send reporters in the areas controlled by Boko Haram unless they volunteer; this is due to the lack of protection by the Nigerian security forces. A number of attacks and killings of media workers have also been reported in Kano and in Abuja.

e. Teachers and others working in education and children attending school

[Targeting, 3.1.5, 3.1.7; Security situation 2021, 1.3.2.1, 1.4.1.1]

Targeting of teachers and students is due to the group's opposition to western education. Since 2009 and until September 2017, Boko Haram is reported to have killed 2 259 teachers, and to have led to the displacement of 19 000, leaving almost 1 400 schools destroyed in the North-East of Nigeria. It has also attacked universities, including the Maiduguri University. School children were also particularly targeted. For example, in December 2020 more than 300 schoolboys and 80 female students were kidnapped and later released or rescued in Katsina state. The attacks were claimed by Boko Haram.

f. Health workers and humanitarian workers

[Targeting, 3.1.6; Security situation 2021, 1.6.1]

Boko Haram has openly condemned the use of western medicine, including vaccinations. A large number of healthcare facilities have been destroyed, in particular in Yobe and Borno. Health workers, especially those involved in immunisation campaigns, have been targeted and killed. Many health workers have fled the region. Boko Haram is also known to target humanitarian workers.

g. IDPs

[Targeting, 3.1.8; Security situation 2021, 1.6.1]

Attacks are also perpetrated on IDP camps, including by suicide bombings. There are indications that IDP or refugee sites are a direct target. This jeopardises the safety of displaced people, aid workers and military staff. Furthermore, since mid-2019, the Nigerian Armed Forces have introduced a strategy of concentrating their troops in what is known as 'super camps' and IDP camps within 'garrison towns', thus affecting the security and protection for IDPs or other civilians outside of these areas.

For the targeting of women and girls by Boko Haram, see Violence against women and girls by Boko Haram and treatment post-violence.

Risk analysis

The acts to which individuals under these sub-profiles could be exposed are of such severe nature that they would amount to persecution (e.g. killing, abduction).

Individuals targeted by Boko Haram would in general have a well-founded fear of persecution in the areas where the group has operational capacity. It should be noted that the activities of JAS and

ISWAP concentrate in the North-East of the country, however, since 2019, Boko Haram's activities have been extended into North-West region and in Niger state in North-Central region.

Nexus to a reason for persecution

Available information indicates that the persecution of this profile may be for reasons of (imputed) political opinion (e.g. those perceived as supporting the government or opposing Boko Haram, journalists, teachers, children, and especially girls, attending school, health workers) and/or religion (e.g. Christians, those seen as 'infidels').

2.2 (Perceived) Boko Haram members or supporters

Last update: February 2019
*Minor updates added October 2021

This profile refers to (perceived) Boko Haram members or supporters.

COI summary

[Main COI reference: Targeting, 2.5.1.1, 2.5.4.4]

The Nigerian forces have been accused of human rights violations in the context of the fight against Boko Haram. There are reports of extrajudicial executions, mass deaths in custody, torture, fumigation, unlawful detention and arrest and starvation of over 8 000 people by the State. In one incident in January 2017, the Air Force attacked a settlement camp for IDPs, causing the death of between 170 and 236 civilians and leaving hundreds injured. According to a senior official in the Nigerian military, the Air Force was acting on 'faulty information' that the area was populated by insurgents associated with Boko Haram. The collective punishment of villages, including the burning of villages suspected of harbouring Boko Haram militants or having fallen under Boko Haram rule had also been reported. Villagers have also been randomly killed on suspicion of being Boko Haram members [Security situation 2021, 1.3.2.1].

The CJTF is also involved in the fight against Boko Haram. It relies on information from local residents and uses their knowledge to try to identify Boko Haram members, bringing suspects to the Nigerian security forces. There are reports of extrajudicial killings, arbitrary arrest and acts of torture by the CJTF of individuals considered to be members or sympathisers of Boko Haram.

Risk analysis

The legitimate response of the authorities to Boko Haram cannot be considered persecution. However, certain acts outside the scope of this legitimate response are of such severe nature that they would amount to persecution (e.g. extrajudicial executions, arbitrary arrests, torture).

In the case of individuals perceived as Boko Haram members or supporters, well-founded fear of persecution would, in general, be substantiated.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

Exclusion considerations could be relevant to this profile (see the chapter on Exclusion).

2.3 Members of separatist movements and individuals perceived as supporting them

Last update: February 2019
*Minor updates added October 2021

This profile focuses on members of the Movement for the Actualization of the Sovereign State of Biafra (MASSOB) and of the Indigenous People of Biafra (IPOB), the two main groups aiming for the independence of Biafra.

COI summary

[Targeting, 3.3]

MASSOB emerged in the late 1990s. The movement has actively pursued independence by organising rallies, hoisting Biafran flags, using its own identity cards and currency, etc. Although it defines itself as non-violent, the movement has been repeatedly involved in clashes with the police. MASSOB was banned by the Nigeria authorities in 2001. Over the years, police and security agencies have clashed with MASSOB members, arresting and killing many, in particular during manifestations and rallies.

IPOB grew out of MASSOB in 2014. Nowadays, the movement is more active than MASSOB. IPOB's activities include distribution of flyers, awareness-raising among the population, marches and other gatherings. Despite the fact that the actions of IPOB had been largely non-violent, the movement was banned by the Nigerian government as a terrorist organisation in September 2017. Based on the ban on IPOB from 2017, all its activities were declared illegal and can lead to arrest and prosecution. Several members of IPOB have been charged with treason, which is punishable by the death penalty.

The Nigerian authorities tend to respond to MASSOB and IPOB meetings and demonstrations in the same way, including through arbitrary arrests, extrajudicial killings, harassment, discrimination, etc.

In 2020 and 2021, the Nigerian government has been deliberately targeting persons suspected to be IPOB members. Since August 2020, violence between IPOB and the Nigerian security forces has escalated, with reported killings of (suspected) members of the group and retaliatory security incidents. In December 2020, IPOB established a paramilitary wing, the Eastern Security Network (ESN) and armed clashes with Nigerian state forces ensued. The security situation in relation to IPOB in South-East Nigeria, is rapidly deteriorating, as several incidents in Abia, Imo, Ebonyi, and other south-eastern states have shown. In 2021, security forces increased operations against ESN and in January of the same year, IPOB declared that the 'second Nigeria/Biafra war' had begun. On 18 February 2021, helicopters and hundreds of troops were deployed in Imo state, razing several ESN camps. [Security situation 2021, 1.3.2.5, 1.4.1.1, 2.25]

Supporting separatist movements, including by displaying Biafra symbols, such as flags and other insignia, could reportedly lead to arrest and ill-treatment.

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, death penalty, arbitrary arrests).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: level and nature of involvement, visibility of the applicant (e.g. high profile, prior arrest, media appearance), participation in gatherings or manifestations, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

Exclusion considerations could be relevant to this profile (see the chapter on Exclusion).

2.4 Members of militant groups in the Niger Delta and individuals perceived as supporting them

Last update: February 2019
*Minor updates added October 2021

Up until recently, the most active militant groups were the Niger Delta Avengers (NDA) and, to a lesser extent, the Movement for the Emancipation of the Niger Delta (MEND). There are other smaller and less known groups. Local communities and their leaders, who protest against the environmental impact of the oil production, may be perceived as supporters of the militant groups.

COI summary

[Main COI reference: Targeting, 3.2]

A large-scale amnesty and Disarmament, Demobilisation, and Reintegration (DDR) programme have been in place since 2009. The programme was initially envisaged for 5 years, however it has been extended several times.

In relation to the increased attacks on oil and gas installations in 2016, President Buhari announced that 'militants in the Niger Delta will be given the Boko Haram treatment if they continue with their nefarious acts'.

The level of armed violence remained low due to the reinstated amnesty programme, new deployments of troops and peace initiatives by local, regional, and national leaders. However, local Ijaw representatives claimed that the operations unjustly targeted and demolished their communities. Since early 2018, no major incidents involving the NDA have been found [Security situation 2021, 1.3.2.4].

There were also reports of arbitrary arrests on suspicion of having links with militant groups and prolonged detention without trial, including of individuals whose release has been ordered by court.

Risk analysis

Criminal prosecution in itself does not amount to persecution. However, some of the acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. arbitrary arrest and detention).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: level of involvement with the militant organisation, activities of the applicant, etc.

Former members of the militant groups participating in the DDR programme generally do not have a well-founded fear of persecution related to their past involvement.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

Exclusion considerations could be relevant to this profile (see the chapter on Exclusion).

2.5 Members and perceived supporters of political parties

Last update: February 2019
*Minor updates added October 2021

In this profile, the focus is on members and perceived supporters of the People's Democratic Party (PDP) and the All Progressives Congress (APC), being the main political parties in Nigeria. Similar issues may occur with regard to members and supporters of other political parties.

COI summary

[Main COI reference: Targeting, 3.4]

The PDP was the ruling party from 1999 until 2015, after which the APC came to power. In February 2013, the APC was formed by the merge of the All Nigeria Peoples Party (ANPP) with the Action Congress of Nigeria (ACN), the All Progressives Grand Alliance (APGA), and the Congress for Progressive Change (CPC).

In some states, there are reports of incidents involving supporters of the parties. These mostly occur during election periods. In 2019, election-related violence and protests in some states included killings (e.g. in polling units), injuries, abductions, burning election materials and intimidation of voters. Election-related violence was also reported in 2020 in some states of Nigeria. [Security situation 2021, 1.4.1.1].

There are reports that both parties use criminal gangs or cult members against each other.

Intra-party violence also takes place. Such incidents mostly occurred during primaries and party congresses, and include political assassinations of rivalling candidates, skirmishes, and riots between opposing factions within a party.

There is no record of political prisoners or detainees.

Risk analysis

Some of the acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. assassination).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: level of political activity, participating as a candidate in elections, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile is highly likely to be for reasons of (imputed) political opinion.

2.6 Individuals involved in and affected by conflicts between herders and farmers

Last update: February 2019
*Minor updates added October 2021

This profile refers to members of armed groups of herders and farmers, as well as to (unarmed) individuals in the herders' and farmers' communities affected by the conflict between those armed groups.

COI summary

The conflict between herders and farmers is related to the increasing shortage of land and water, propelled by desertification, insecurity and the loss of grazing land to expanding settlements. The above-mentioned factors have lead to increased migration of herders from northern and middle Nigeria southwards. These herder communities are mostly Fulani, but other ethnicities are also represented. The conflict has acquired three dimensions: ethnic (Fulani vs other Nigerian ethnicities), religious (Muslim herders vs Christian southerners), and cultural (nomadic vs sedentary). It also has an increasing political dimension as President Buhari, a Fulani himself, has been accused of tribalism and of looking away from the conflict. In the background of the herders-farmers conflict there are also the nation-wide legal and social differences between the 'indigenes' or 'natives' (those whose fathers were born in the area and who are granted preferential land rights over settlers) and the 'settlers' (those who settled in the area later). [Targeting, 3.7; Security situation 2018, 3.2]

The farmer-herder conflicts concentrate mainly in the Middle Belt zone, encompassing states in the North-West, North-East, and North-Central regions, and increasingly in southern Nigeria [Security

situation 2021, 1.4.1.1]. The conflicts have affected more than 20 states across the country, but in particular the states of Benue, Plateau, Taraba, Adamawa, Kaduna, Kwara, Borno and Zamfara [Security situation 2021, 1.4.1.1., 2]. Several farmer and herder communities in the South and in the Middle Belt have formed armed groups or militias, allegedly in response to the lack of protection from the government. The conflict has escalated in the recent years and has led to killings on both sides, as well as to significant displacement. It was estimated that at least 3 641 people have been killed and thousands more have been displaced as a result of the conflicts between 2015 and 2018 [Security situation 2021, 1.3.2.2]. The conflicts have also led to rape, abduction, maiming, burning down of villages, robbery, evictions, pillaging, destruction of houses, crops, and cattle, etc. [Security situation 2021, 1.3.2.2; Security situation 2018, 3.2]

Several states have passed anti-grazing law in order to avoid clashes between herders and farmers. Some state governments have entered into peace talks, for example offering amnesties, with herder allied groups and have reached agreements [Security situation 2021, 1.3.2.2].

Risk analysis

Individuals under this profile, including armed and unarmed farmers and herders in the regions where the clashes take place, could be exposed to acts of such severe nature that they would amount to persecution (e.g. killing, rape, abduction).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin of the applicant, level of involvement with armed groups, ownership of land or cattle, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of race (ethnicity, descent) and/or religion.

Exclusion considerations could be relevant to this profile (see the chapter on Exclusion).

2.7 Human rights activists, protesters, bloggers, journalists and other media workers

Last update: February 2019
*Minor updates added October 2021

This profile refers to human rights activists, individuals affiliated with protests against police brutality, bloggers, journalists and others working in the media.

COI summary

a. Human rights activists

[Main COI reference: Targeting, 3.6, 3.12.5]

Civil society organisations involved in human rights advocacy are free to investigate and express their opinion and findings, although they may be harassed and threatened when they criticise State authorities. In 2018, Amnesty International faced a smear campaign, accusing them of supporting Boko Haram, due to a report concerning sexual violence committed by Nigerian soldiers and militias against women and girls living in satellite camps.

Civil society organisations have also expressed concerns that draft legislation to regulate NGOs is an attempt to crack down and monitor NGOs, by providing the government with an opportunity to use State power without accountability.

Human rights defenders are frequently subjected to threatening phone calls or messages, visits from security agents, surveillance, intimidation and summons to police stations.

Organisations which are perceived as supporting LGBTIQ persons are particularly targeted. Their activity is criminalised, with the registration, operation or participation in gay clubs, societies and organisations being punishable by up to 10 years of imprisonment in accordance with the Same Sex Marriage (Prohibition) Act (SSMPA) of 2014. According to Human Rights Watch report from 2016, at least three organisations working on HIV, health and human rights have reported that their offices had been raided by police due to their work with LGBTIQ.

In North-East Nigeria, human rights defenders often face intimidation, arrests, physical harm, risk of being kidnapped or killed by Boko Haram, and women workers are reported to face an additional risk of gender-based violence. In the North-West region, human rights groups and activists have been subjected to intimidation, arrest and torture for speaking out against the attacks by armed groups or demanding that the government help protect the people [Security situation 2021, 1.5.2].

b. Individuals affiliated with protests against police brutality

[Security situation 2021, 1.3.1.7, 1.4.1.1]

In October 2020 peaceful protests erupted across many cities calling for the disbandment of SARS. The protesters were met with intimidation, harassment, and attacks by Nigerian security forces, resulting in casualties. SARS was ultimately disbanded in October 2020. Nigerian authorities have failed to address and bring to justice those suspected to be responsible for the violent response by security forces.

In November 2020, legal actions were launched against individuals and organisations affiliated with these protests, including seizing travel documents and freezing bank accounts.

c. Bloggers, journalists and other media workers

[Targeting, 3.5]

The Nigerian Constitution provides for freedom of expression and press. The country has an active media landscape.

The World Press Freedom Index 2018 ranked Nigeria 119th out of 180 countries with regard to press freedom, based mainly on the 'climate of permanent violence', the threats, physical abuse and denial of access to information faced by journalists.

There are limitations to the freedom of speech in the 12 Sharia-ruled states and in general journalists struggle to cover stories on politics, terrorism and embezzlement.

The 2015 Cybercrimes (Prohibition, prevention, etc.) Act is said to have been used against several bloggers in an arbitrary manner. In August 2017, the Nigerian government announced the monitoring of social media to identify and deal with hate speech, anti-government and anti-security information.

There are reports of threat, harassment and arrests of media workers by governmental officials when they deal with topics such as corruption, human rights, terrorism, separatist movements or communal violence.

During 2017, three journalists were killed by unknown attackers. The impunity of perpetrators of such violence enhances the potential to intimidate journalists.

Journalists have also been harassed and attacked in the context of the elections in 2019 [Security situation 2021, 2.16.3].

Journalists are also particularly targeted by Boko Haram (see Individuals targeted by Boko Haram).

Risk analysis

Some actions perpetrated against human rights activists, protesters, in particular in the context of #EndSARS protests, bloggers, journalists and other media workers may amount to persecution (e.g. killing, kidnapping, gender-based violence, (arbitrary) arrests, imprisonment, physical violence). Legitimate actions of law enforcement, in particular in the context of protests, would not amount to persecution.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: place of work, nature of activities (e.g. those working with LGBTIQ communities may be at a particular risk), visibility of activities and public profile, gender, etc.

Nexus to a reason for persecution

Available information indicates that, depending on the nature of the individual's activities, persecution of this profile may be for reasons of (imputed) political opinion. In case of targeting by Boko Haram, persecution of this profile may also be for reasons of religion.

2.8 Christian and Muslim minorities in specific areas

Last update: February 2019
*Minor updates added October 2021

These profiles focus on the situation of Christians and Muslims in areas where they represent a religious minority.

COI summary

[Main COI references: Targeting, 3.8; Country focus, 6.5]

According to the Nigerian Constitution, Nigeria is a secular state and freedom of religion is guaranteed.

It is hard to obtain official and up-to-date data concerning religious affiliations in Nigeria [Targeting, 3.8.1]. According to CIA data from 2018, Islam was the religion of 53.5 % of Nigerians and is the dominant religion in the north, with Christianity (45.9 % of Nigerians) dominant in the south [Security situation 2021, 1.1]. There is also 'a sizable Christian minority in several northern states', mainly as a consequence of internal migration. At the same time, there is a considerable population of Muslims in the South, especially in the South-West. The remaining population (0.6 % of Nigerians) holds traditional beliefs. The mix of practices from different religions is also common.

Both Muslims and Christians report discrimination in areas where they form a minority.

The Constitution recognises the possibility to implement Sharia for civil proceedings involving questions of Islamic personal law, such as marriage, inheritance, and other family matters, and where all the parties involved are Muslims. Between 2000 and 2002, twelve Northern states extended Sharia to criminal cases, although a number of constitutional questions arose (e.g. the rights of religious minorities and of women, the punishment of apostasy). In particular, it has been reported that religious minorities in Sharia-declared states are suffering widespread discrimination and harsh penalties that violate Nigeria's international human rights obligations. The Sharia declared states include Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara [Actors of protection, 2.1.2].

Non-Muslims can opt to have their cases heard by Sharia courts when they are involved in civil or criminal disputes with Muslims. This often occurs as the Sharia courts are generally considered cheaper and more efficient than civil courts. However, Sharia courts do not have the authority to compel the participation of non-Muslims [Actors of protection, 6.2.1.1].

Conflicts involving Christian and Muslim communities are concentrated in northern cities and in the Middle Belt, where farmers are predominantly Christians and herders are predominantly Muslims. Conflicts between farmers and herders have also expanded in southern Nigeria [Security situation 2021, 1.4.1.1]. These clashes are often caused or exacerbated by other tensions, such as tensions between local host communities ('indigenes') and internal migrant communities ('settlers'). In these conflicts, religious factors intertwine with socio-economic and ethnic ones.

Christians face a particularly difficult situation in the North-East of Nigeria because of the presence of Boko Haram, although the group also targets moderate Muslims. See the profile Individuals targeted by Boko Haram.

Christians further reported a lack of protection by the authorities for churches and Christian communities, especially in the Central and Northern Sharia states, and in admission to universities, as well as in acquiring land permission to build churches.

Muslims living in areas where they are a minority have reported discrimination by the authorities, in particular against women wearing hijab. In May 2017, the use of hijab was banned in public schools in Lagos state.

It can also be noted that, in March 2016, IPOB and MASSOB issued an announcement to the Fulani (Muslim) herders to retreat to northern Nigeria. See the profile Individuals involved in and affected by conflicts between herders and farmers.

Tensions related to religious factors do not only concern the relationships between Christians and Muslims. Nigeria has a small Shia population, estimated at 4 million, which is located mainly in northern Sunni Nigeria. The main Shia organisation is the Islamic Movement in Nigeria (IMN), active since the 1980s. The leader of the organisation called for a revolution similar to the Islamic revolution in Iran and has been detained several times on charges of 'seditious speech and calls to revolution'. In Kaduna State, the tension between the military and the IMN has been mounting. On 12 December 2015 in Zaria (Kaduna State), the Nigerian Army killed more than 350 men, women and children, considered supporters of IMN. The Kaduna State Government declared IMN unlawful in December 2016. On 15 May 2018, the IMN leader and his wife were charged with illegal assembly, criminal conspiracy and culpable homicide, punishable by death. Members of IMN and supporters staged protests in Abuja, Kaduna and some other cities for their release. Clashes between police and protesters resulted in a number of deaths and many protesters have been held in detention since. In December 2020 the Office of the Prosecutor of the International Criminal Court concluded that there is reasonable basis to believe that war crimes and crimes against humanity had been committed by the Nigerian military since the beginning of the non-international armed conflict with Boko Haram since June 2011. The Prosecutor of the ICC has also examined alleged crimes falling outside of the context of this conflict. [12]

Risk analysis

Some acts to which individuals under these profiles could be exposed are of such severe nature that they would amount to persecution (e.g. killing, rape, abduction, forced conversion, forced marriage, illegal detention). When the acts in question are of (solely) discriminatory measures, the individual assessment of whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under these profiles would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances such as: area of origin, gender, in the case of the Shia minority – engagement with IMN, etc.

Nexus to a reason for persecution

Available information indicates that persecution of these profiles is highly likely to be for reasons of religion. In the case of the Shia minority, persecution may be for reasons of religion and/or to (imputed) political opinion.

2.9 Individuals accused of witchcraft

Last update: February 2019
*Minor updates added October 2021

[12] Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, 11 December 2020, https://www.icc-cpi.int/nigeria, Preliminary examination: Nigeria https://www.icc-cpi.int/Pages/item.aspx?name=201211-prosecutor-statement, https://www.icc-cpi.int/nigeria

Belief in witchcraft (or *juju*) is widespread in Nigeria. Traditionally, witchcraft and cult groups served as social control and conflict-resolution mechanisms in Africa. 'Witches' are regarded as the common cause of misfortune.

COI summary

[Targeting, 3.9]

People, and in particular elderly women, children, or those 'who are somehow "different", feared or disliked' might be accused of being witches. The phenomenon is more widely reported in the South of Nigeria, but also exists in the North. It is reported that churches, especially those belonging to the Pentecostal and prophetic movement, play an important role in the legitimisation of fears related to witchcraft, and in particular, child witches. Exorcism of evil spirits is practiced during services.

Witchcraft accusations are often directed towards persons who are related, such as neighbours, extended family members, even own children or parents. In some communities, twins (sometimes called 'badly born babies') are believed to have bad spirits that will bring misfortune upon their communities. Therefore, in several communities, twin babies (sometimes only one of them) are killed to avoid bad luck for their families. In other communities, the powers attributed to twins are regarded more ambiguously, as twins can see through hidden things and are respected and feared, as being close to gods. Persons with visible physical disabilities (such as kyphosis) or severe mental disabilities are also potential targets. Elderly women may also be accused of witchcraft, for example in the case of the death of a child in the local community, miscarriage of a pregnant woman, 'eccentric' behaviour, outliving a deceased husband. Punishment may involve severe beating, burning or stoning, naked parading, being compelled to drink lethal 'medicines', lynch mob. Children accused of witchcraft may face infanticide, abandonment, physical and sexual violence, stigmatisation. They may be denied schooling and risk being exposed to drugs and prostitution. They may also have to do illegal work or beg.

Akwa Ibom state and Cross River state are the Nigerian states considered to be the epicentre of witchcraft-related incidents, particularly affecting children [Security situation 2021, 2.34.2.1].

Risk analysis

The acts to which individuals under this profile could be exposed are of such severe nature that they would amount to persecution (e.g. killing, physical violence, sexual violence).

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to be accused of witchcraft and face persecution should take into account risk-impacting circumstances, such as: area of origin, gender, age (children and elderly women are generally at a higher risk), relevant events in the local community (e.g. death of a child, miscarriage of a pregnant woman), visible disabilities, 'unusual' behaviour or attributes (e.g. being intersex), family status (e.g. widow, orphan), infertility, etc.

Nexus to a reason for persecution

Available information indicates that in the specific local context, persecution may be for reasons of religion and/or membership of a particular social group. Relevant particular social groups could be defined, for example, with regard to their innate characteristics (e.g. twins, persons with visible physical or mental disabilities) and the distinct identity of these groups in Nigeria, because they are perceived as being different by the surrounding society.

2.10 Individuals with albinism

Last update: February 2019
*Minor updates added October 2021

COI summary

[Targeting, 3.9]

In Nigeria, some people with albinism suffer from discrimination, stigma and social exclusion, including by their families. However, in relation to accusations of witchcraft, skin colour (albinism) does not seem to represent a major factor.

Risk analysis

The individual assessment whether discrimination could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: perception of the local community, perception of the family, etc.

Nexus to a reason for persecution

Available information indicates that persecution may be for reasons of membership of a particular social group, in particular with regard to an innate characteristic (albinism) of this group in Nigeria, and their distinct identity because they are perceived as being different by the surrounding society. In case of individuals with albinism accused of witchcraft, persecution may also be for reasons of religion. See Individuals accused of witchcraft.

2.11 Individuals fearing ritual killing

Last update: February 2019

COI summary

[Targeting, 3.9]

Ritual killings occur in order to obtain human body parts for use in rituals. It appears to be an increasing phenomenon. It is reported that in the first five months of 2018, there have been 72 deaths related to ritual killings. Victims of ritual killings can include anyone, although reports often concern the ritual killing of women (specifically virgins) and babies.

It was reported that deaths due to witchcraft and ritual killings accounted for 1% of all violent deaths between 2006 and 2014.

Risk analysis

The act of ritual killing is of such severe nature that it amounts to persecution.

Ritual killing may affect people indiscriminately and the risk for the individual applicant would normally not reach a reasonable degree of likelihood.

Nexus to a reason for persecution

Available information indicates that there is in general no nexus to a reason for persecution, since the crimes are committed for profit and can affect anyone. This is without prejudice to individual cases where nexus could be established based on additional circumstances.

2.12 Individuals refusing chieftaincy titles

Last update: February 2019
*Minor updates added October 2021

COI summary

[Targeting, 3.9]

There are different levels of 'traditional' chiefs and some are part of the state administrative system and are appointed by the state government. The role is well-respected and sought-after. Nowadays, initiation rites do not include dangerous elements for the participants. There is strong competition for certain chieftaincy titles, and titles are rarely refused. However, some people do refuse them. Sources agree that there are no consequences when a title is refused. Being coerced into chieftaincy is conceivable, but not likely.

Risk analysis

There is no information of acts which would amount to persecution.

Nexus to a reason for persecution

In the exceptional case where well-founded fear of persecution would be substantiated, persecution may be for reasons of (imputed) political opinion.

2.13 Individuals targeted by student cults

Last update: February 2019
*Minor updates added October 2021

This profile refers to individuals targeted by student cults (e.g. Eiye, Black Axe), including a specific reference to the situation of former members of such cults. In addition, reference is made to secret societies (e.g. Ogboni).

COI summary

[Targeting, 3.10, 3.11]

Student cults thrive in the Southern states of Nigeria. Nowadays, they often operate outside universities, where the phenomenon originated.

Cults use several distinctive signs, such as bodily decorations (e.g. tattoos or piercing), clothing with specific colours, and coded language.

Around 100 cults were banned in 2004 under the Secret Cult and Cult Related Activities (Prohibition) Bill. Hundreds of cult members have been arrested and prosecuted over the years, however, cults continue to operate [Security situation 2021, 1.4.1.1].

Student cults currently operate similarly to militia groups [Security situation 2021, 1.4.1]. They have violent initiation rites, and engage in illegal activities, including killings, human trafficking, drugs trafficking, etc. Cults are also used by political parties and party members to commit violence during elections, and against political rivals [Targeting, 2.3.3].

These groups continued to operate in 2019 and 2020 by engaging in off-campus violence and crime, especially in Lagos and Rivers state. For 2019, Nigeria Watch recorded cultism in 21 states in Nigeria resulting in 536 fatalities through 168 lethal cult incidents. ACLED's dataset recorded in the whole of Nigeria in 2020, 35 cult-related incidents, resulting in 58 fatalities. [Security situation 2021, 1.4.1.1]

Recruitment and initiation rites may be forced, including following a kidnapping. Initiation often involves violence, such as beating and rape. Potential members may also be forced to commit crimes. According to some sources, it can be 'extremely difficult' to leave a cult after having been initiated, and former members may be killed for fear of revealing the cult's secrets. There is no information on the consequences of refusing to join a student cult.

Secret societies are known to operate in Nigeria. There are no particular accusations of human rights violations by and against actual or former members. However, if a person reveals the secrets of the society it is reported that there may be repercussions.

Risk analysis

Individuals targeted by **student cults**, including former members, could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. killing, physical violence, rape). With regard to former members of student cults, it should be clarified that the legitimate law enforcement and prosecution response by the authorities would not amount to persecution.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: past membership to a cult, (perceived) intention of the applicant to reveal the secrets of the cult, etc.

There is no reliable information indicating risk of human rights violations by **secret societies**, including with regard to former members.

Nexus to a reason for persecution

According to available information, the targeting of **victims of the cult's criminal activity** is generally without nexus to a Convention reason for persecution, since the crimes are committed for profit and can affect anyone. This is without prejudice to individual cases where nexus could be established

based on additional circumstances. For example, in relation to the use of cults to commit violence against political rivals, see the profile Members and perceived supporters of political parties.

Although it can be found that **former and current members of student cults** have a common background that cannot be changed (past participation in a cult) and a distinct identity in Nigeria, because they are perceived as being different by the surrounding society, it is found that the potential persecution which former members face by the cult is not for reasons of such membership of a particular social group. Therefore, the nexus requirement would generally not be satisfied in the case of former members of student cults.

Exclusion considerations could be relevant to the sub-profile of former members of student cults (see the chapter on Exclusion).

2.14 LGBTIQ persons

Last update: February 2019

This profile refers to persons who are perceived as not conforming to social norms because of their actual or perceived sexual orientation and/or gender identity, including the treatment of lesbian, gay, bi-sexual or trans-gender, intersex and queer individuals. However, it should be noted that specific information on some of those communities was not available in the COI reports used for the purpose of this guidance.

COI summary

[Targeting, 3.12]

State legislation, the Nigerian Criminal Code of 1916 and the Same Sex Marriage (Prohibition) Act (SSMPA) of 2014, criminalise same-sex unions and acts. These are punishable with a maximum of 14 years of imprisonment. In addition, anyone who supports the LGBTIQ community or 'registers, operates or participates in gay clubs, societies and organisations' may face prosecution, with a maximum of 10 years of imprisonment.

It is reported that the police make use of the SSMPA as a tool to humiliate and extort alleged LGBTIQ persons, by arbitrary (mass) arrests, torture, and 'parading' the arrested persons, often stripped naked, to the public and the media.

Northern Nigerian states have adopted the Sharia, which criminalises sexual activities between persons of the same sex. The maximum penalty for such acts between men ('sodomy') is death penalty, while the maximum penalty for such acts between women is a whipping and/or imprisonment.

The heated debate in society linked to the SSMPA and the increased media attention have made sexual orientation more visible and LGBTIQ persons more vulnerable.

The main religions in Nigeria, Christianity and Islam, are both opposed to same-sex relations and activities. In particular, the growing evangelical Christian movements are spreading hatred and intolerance towards LGBTIQ persons.

There is a considerable increase of violence and extortions by police and society, with numerous reports of mob attacks, torture and rape (including under custody or in prison), battery and assault, theft, defamation, threat to life, humiliation and ill-treatment, including by the NPF and the *hisbah* in the North. Homophobic violence is occurring without fear of consequences.

Risk analysis

Individuals under this profile could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. death penalty in the Sharia-implementing states, imprisonment, mob violence, (attempted) murder, torture, rape, battery).

LGBTIQ individuals would in general have a well-founded fear of persecution.

It has to be noted that an applicant cannot be expected to conceal their sexual orientation or gender identity. [13]

Nexus to a reason for persecution

Available information indicates that the persecution of this profile is highly likely to be for reasons of membership of a particular social group, based on a shared characteristic that is so fundamental to the identity of the applicant, that he or she should not be forced to renounce it; and based on their distinct identity in Nigeria, because they are perceived as being different by the surrounding society. [14]

2.15 Victims of human trafficking, including forced prostitution

Last update: October 2021

Trafficking in human beings (THB) is defined in the EU Anti-Trafficking Directive as: 'The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.'

This profile focuses on persons who have been subjected to trafficking, irrespective of whether exploitation has occurred. For some additional information on trafficking see the section Article 15(b) QD.

COI summary

[Main COI reference: Trafficking]

Nigeria is a country of origin, transit and destination for victims of trafficking in human beings. Nigerian victims are exploited within and outside Nigeria. Human trafficking in Nigeria affects

[13] CJEU, *Minister voor Immigratie en Asiel v X and Y and Z v Minister voor Immigratie en Asiel*, joined cases C-199/12 to C-201/12, Judgment of 7 November 2013 (X, Y and Z), paras. 70-76.

[14] *X, Y and Z*, paras. 45-49.

women, men and children. Sexual exploitation of women and girls is a widespread problem. Male Nigerians, most often initially smuggled, may also become victims of trafficking/modern slavery during their journey towards Europe. Individual cases of Nigerian men exploited in the European sex industry have also been identified. Nigerian boys have also ended up in a combination of domestic servitude and sexual exploitation. Other types of trafficking exploitation affecting Nigerians include forced labour, 'baby factories', forced criminality, forced begging, organ harvesting, 'drug mules', etc.

Madams and members of cults are central actors to the process of sex trafficking. Insights about the relationships and power dynamics between madams and organised crime groups are different. Family members or acquaintances could also be involved. Traffickers from Edo used the native justice system which relies on oaths and lucky charms/fetishes (juju) to seal the debt agreement with trafficking victims and to guarantee a victim's obedience before departure. The decision by the Oba of Benin to curse human trafficking, curse all priests who perform oaths between sex traffickers and their victims, and nullify all previous juju oaths did not put an end to sex trafficking from Edo state. A shift towards other coercive tactics to guarantee the allegiance of victims to their traffickers, including the threat and/or use of violence, has been reported.

Many poor and lower/middle-class inhabitants of Benin City consider having a family member abroad to be the sole mechanism to achieve social mobility. Sex trafficking in itself is not necessarily perceived negatively in Edo State. In many cases those who are victims of sex trafficking do not consider themselves as victims either. These women, however, do not always seem to fully grasp the duration of the exploitation and the actual amount of the debt they will have to repay.

Attitudes towards trafficking victims who have engaged in prostitution depend on the extent to which they have gained money and sent remittances back home. In case of 'unsuccessful' returns of victims of sex trafficking, the actual response of families and communities varies. One source indicated that the majority of women and girls were welcomed or at least accepted by their families. Another source indicated that the extent to which a victim would be stigmatised or welcomed also depends on prior relations between the victim and her family members. Cases in which returned trafficking victims, including minors, were physically attacked, mocked, insulted or bullied by family or by community members have been reported. The added burden of a child can result in more hostile attitudes by family members.

Victims of trafficking who return to Nigeria may end up in (forced) prostitution again. Returnees may be dropped back into the epicentre of Nigeria's sex-trafficking industry, often deeper in debt and with fewer options than before they left. Threats and violence against victims and their families usually serve the goal of forcing them to repay the outstanding debt. Financial hardship and shame could also incite trafficking victims to try to travel to Europe again. Sources also reported cases in which family members tried to re-traffic returnee victims.

While the fear of reprisals by trafficking networks is significant, insight into the actual prevalence and nature of reprisals by trafficking networks remains limited. However, most sources recognised that family members have been subjected to threats and violence, especially when victims would still be in Europe and outside the sphere of influence of their madams. A toughening in the attitude of traffickers towards victims who failed to repay their debts has also been witnessed. Furthermore, there have been indications that traffickers have started using victims' children to put pressure on them to repay debts.

The Nigerian government at the federal and state level, particularly in Edo State, has made various efforts to address trafficking in human beings. Positive developments in 2020 aimed at the creation of a new National Action Plan against Human Trafficking and the creation of multiple state task forces on human trafficking. The Nigerian National Agency for Prohibition of Trafficking in Persons (NAPTIP) is Nigeria's principal agency for combatting human trafficking. NAPTIP's main tasks are to suppress human trafficking and investigate and prosecute its perpetrators. A source indicated that an improvement from prior reporting periods has been noted in terms of prosecution and conviction of traffickers. However, the conviction rate of traffickers has remained low since 2015 compared to the prevalence of the phenomenon in Nigeria. This was reportedly due to various reasons including the lack of a well-functioning witness protection programme, the corruption, the limited capacity in targeting high-level perpetrators, and the lack of safehouses. Victims of trafficking may also be unwilling to testify against traffickers due to fear of reprisals.

In addition, NAPTIP offers a range of protection services to victims of the crime, including temporary shelter, counselling, rehabilitation, reintegration and access to justice. However, it is reported that NAPTIP shelters do not meet international standards. NAPTIP also coordinates with NGOs that provide shelter and other services to victims of human trafficking for longer periods. The quality of NGO shelters greatly differs depending on the available resources and donor funding. For more information on NAPTIP, see Actors of protection.

Risk analysis

Individuals under this profile could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. violence, re-trafficking). Where the risk is discrimination and/or mistreatment by society and/or by the family, the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all individuals under this profile would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: amount of 'debt' to traffickers, whether the applicant has testified against the traffickers, level of power/capability of the traffickers, the traffickers' knowledge about the victims' family and background, age, family status (e.g. orphan, single woman), socio-economic background and financial means, level of education, availability of support network (family or other) or the family's involvement in the trafficking, perception of the local community, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of particular social group. For example, victims of sex trafficking may be subjected to persecution based on their common background which cannot be changed (the past experience of having been trafficked) and a distinct identity in Nigeria, because they are perceived as being different by the surrounding society (e.g. stigmatisation).

2.16 Women and girls

The contents of this chapter include:

For guidance on women and girls victims of trafficking, see the profile Victims of human trafficking, including forced prostitution.

It should be noted that the different forms of violence against women and girls in Nigeria are often significantly interlinked. Therefore, the following subsections should be read in conjunction with each other.

2.16.1. Violence against women and girls: overview

Last update: February 2019
*Minor updates added October 2021

COI summary

[Main COI references: Targeting, 3.13; Country focus, 4]

Sources describe the prevalence of domestic violence in Nigeria as widespread or endemic. Most perpetrators of domestic violence are the person's current husband or partner, though other family members are also common perpetrators, such as mothers, stepmothers, siblings, or fathers and stepfathers. Rape is also common and widespread.

A Demographic and Health Survey study in 2013 has shown that 28 % of all women between 15 and 49 have experienced some form of physical violence in the context of domestic violence, since they turned 15. The percentage of those who experienced violence in the year before the survey was 11 %, decreasing from 15 % in 2008. Overall, 7 % of women aged 15-49 had experienced sexual violence at least once.

Sources indicate that domestic violence is socially or culturally acceptable to many Nigerians. Women experiencing domestic violence do not often approach police with complaints due to a lack of trust in the force. Police has exhibited bias and discriminatory attitudes in their treatment of female victims of violence and they have often refused to intervene in domestic violence disputes or blamed the victim for their treatment. Furthermore, societal stigma with regard to rape, reduces the likelihood of victims reporting it or of perpetrators being prosecuted or punished. It is reported that young single IDP women face a higher risk of abduction and sexual abuse, including reports of abuse by soldiers and CJTF in camps [See also Security situation 2021, 1.6.4.3]. Furthermore, in 2020 an

increasing number of domestic violence and gender-based violence cases was reported in several states, mainly during the imposed lockdowns dure to COVID-19 [Security situation 2021, 2.21.3, 2.27.3, 2.28.3].

Trafficking to other countries, as well as within the border of Nigeria, is a phenomenon which predominantly affects women and girls [Trafficking; Targeting, 3.15; see also Victims of human trafficking, including forced prostitution].

Women with no support network and female-headed households, especially in some areas, may have additional vulnerabilities [Key socio-economic indicators, 2.4.3, 2.9.1].

It is also reported that women in Nigeria, and especially single women, often face discriminatory practices, concerning work, education and living conditions [Key socio-economic indicators, 2.3.3, 2.4.3 and 2.6.3]. Furthermore, many incidents of criminal violence and communal conflicts had an impact on the safety and livelihoods of women, particularly in Edo and Delta states [Security situation 2021, 2.36.3].

In 2015, Nigeria passed new legislation, the Violence Against Persons Prohibition (VAPP) Act, which aims to provide legal framework for the prevention of violence, especially against women and girls. Rape and other forms of violence are penalised. However, this is a federal act and only applies to the Federal Capital Territory. 13 states have similar laws in place.

In 2014, the existence of shelters and services for abused women had also been reported , however they were not functioning effectively or at all due to financial problems [Country focus, 4.1.2].

Risk analysis

Women and girls could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. certain forms of physical violence including of domestic violence, sexual violence, trafficking). Where the risk is discrimination and/or mistreatment by society and/or by the family (e.g. stigmatisation), the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin, age, being an IDP living in a camp, family status, socio-economic status, level of education, support network (family or other), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for different reasons under Article 10 QD, depending on the specific circumstances of the case. For example, women and girls who have been sexually abused may be subjected to persecution for reasons of membership of particular social group, based on their common background which cannot be changed (past experience of sexual abuse) and distinct identity in Nigeria (in relation to stigmatisation by society).

2.16.2. Violence against women and girls by Boko Haram and treatment post-violence

Last update: February 2019
*Minor updates added October 2021

COI summary

[Main COI references: Targeting, 3.1.7, Country focus, 4.4.3]

It is reported that the incidents of gender-based violence have increased significantly with the insurgency of Boko Haram in the North-East. In the period from 2009 to 2016, Boko Haram has abducted approximately 2 000 women and girls, subjecting them to sexual abuses, including rape, forced marriage to their captors, being sold in the market as 'war booty', forced participation in insurgent operations, including as suicide bombers, as well as to forced labour. According to recent reports, Boko Haram has continued to abduct civilians, and in particular women and children [Security situation 2021, 2.10.2.1].

Some women who have been forced to marry Boko Haram fighters, or who have been abducted, raped or enslaved, have been rejected by their families, stigmatised and have faced difficulties reintegrating in their societies, where sex outside marriage is not acceptable. Women with children from Boko Haram members are reported to face even more difficulties. However, stigmatisation varies between families, individuals, and communities and other women who had escaped Boko Haram have been re-integrated.

Risk analysis

Women and girls could be exposed to acts by Boko Haram which are of such severe nature that they would amount to persecution (e.g. killing, sexual violence, forced marriage). Where the risk is discrimination and/or mistreatment by society and/or by the family (e.g. rejection by family and stigmatisation after abuse by Boko Haram), the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to violence by Boko Haram. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: area of origin (mainly where Boko Haram operates), age, family status (e.g. single mother), having been subjected to abuse, family/society perceptions, support network (family or other), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of (imputed) political opinion and/or religion (particularly in the case of persecution by Boko Haram, see also Individuals targeted by Boko Haram). Persecution of this profile may also be for reasons of membership of particular social group. For example, women and girls who have been abused by Boko Haram may be subjected to persecution based on their common background which cannot be changed (past experience of abuse) and their distinct identity in the respective area of Nigeria (in relation to stigmatisation).

2.16.3. Female genital mutilation or cutting (FGM/C)

Last update: February 2019
*Minor updates added October 2021

COI summary

[Main COI references: Targeting, 3.13; Country focus, 4]

Federal legislation prohibits FGM/C of a girl or a woman and relevant state legislation is in place in several Nigerian states. However, no legal action to curb the practice is reported.

The persons who perform the practice on girls aged 0-14 are in large majority traditional circumcisers (86.6 %). However, health care personnel may also be involved, especially nurses and midwives (10.4 %), and the share of FGM performed by these actors increases.

The general prevalence rate of FGM/C in Nigeria shows a downward trend. According to a survey carried out in 2017, of the women aged 45-49, 27.6 % had undergone FGM/C, while this was 20.1 % for women aged 30 - 34, and 12.3 % for women aged 15-19.

FGM/C prevalence rates vary significantly across the country, depending on the area and the predominant ethnic group. According to a 2016-2017 survey, the South-West and South-East zones have the highest prevalence (41.1 % and 32.3 % respectively), followed by the South-South and North-West zones (23.3 % and 19.3 %, respectively). The North-East has the lowest prevalence of FGM/C: 1.4 %. The practice is more prevalent in rural areas.

Some of the ethnic groups with highest prevalence rate of FGM/C are Yoruba (52 to 90 % according to different studies), Edo/Bini (69 to 77 %), Igbo (45 to 76 %). The prevalence rate for the Hausa-Fulani is estimated at 13 to 30 %.

The age when FGM/C is performed and the type of FGM/C also depend on the ethnic group. According to a 2013 survey, of the women having undergone FGM/C, 91.6 % of Hausa, 88.7 % of Yoruba and 90.2 % of Igbo reported that they were subjected to FGM/C before the age of 5. On the other hand, 34 % in the North-East zone and 25.8 % in the South-South (Ibibio and Ijaw/Izon) were subjected to FGM/C aged 15 or older. In rare cases, FGM is practiced prior to a woman's marriage, during her first pregnancy or upon her death.

Social factors, such as the level of education of the parents and geographical differences, such as rural versus urban areas, further influence the practice of FGM/C. The more educated, informed, and independent a woman is, the better her means to refuse FGM/C, compared to less educated women from rural areas who are more susceptible to cultural pressures.

The most widespread justification for FGM/C in Nigeria is the concern that contact between the clitoris and the baby's head during birth is lethal or harmful for the baby. Other cultural considerations are cleanliness or hygiene, prevention of promiscuity, enhancing fertility and fulfilled womanhood. There are also concerns that men refuse to marry women who have not been circumcised.

The final decision whether to circumcise their daughter is most often with the parents, but there is a considerable variation both individually and among different ethnic groups whether it is the father or the mother who makes this decision. The grandparents or the eldest female on the paternal side may also have a decisive role.

When other relatives try to influence the decision, they may pressure the parents by threats to withhold support due to their 'wrong' decisions. However, it is considered a 'family issue' and parents are usually not subjected to violence or threats of violence. A few cases of relatives disregarding the parents' decision and subjecting the girl to FGM/C are reported, although this is considered to be very unusual. In certain occasions, mothers were advised to pretend that the daughter had already been cut in order to avoid social pressure.

Risk analysis

FGM/C amounts to persecution.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to FGM/C. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: ethnic group, family traditions, views of the parents/mother on the practice, age, level of education of the parents/mother, prevalence of the practice in the area of origin (including urban/rural dimension), etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of membership of a particular social group. For example, women and girls who have not been subjected to FGM/C, may have a well-founded fear of persecution for reasons of this innate characteristic and their distinct identity in Nigeria.

2.16.4. Child marriage and forced marriage

Last update: February 2019
*Minor updates added October 2021

COI summary

[Main COI references: Targeting, 3.13; Country focus, 4]

Marriage before the age of 18 is prohibited by law in Nigeria. However, according to the Nigerian government's 2016 strategy, northern Nigeria has among the highest rates of child marriage in the world, particularly in the North-East and the North-West, with 48 % of girls marrying by the age of 15 and 78 % marrying by the age of 18.

The effects of early marriage are severe, often both for the girls or young women and for their children.

There is a strong link between education, poverty, and early marriage: girls with no primary education are often married by the age of 15 and girls with primary education marry on average by the age of 18. Child marriage may also be linked to the socio-economic situation of the family, as parents and fathers especially receive a bride price. Another reason for child marriage is to prevent 'indecency' associated with premarital sexual relations or teen pregnancy. The motives for child marriage and the prevalence of the practice vary according to region, ethnicity, and religion.

Forced marriages also occur in Nigeria, especially among the Muslim communities in the North, where the practice is prevalent due to cultural and religious practices linked to polygamy. In the North, forced marriage is common among urban and rural poor population, but not very common among the more educated. Forced marriage is not common in the South. According to relevant reports, there are several factors that play a major role with regard to forced marriages, which include culture, religion, area of origin, socio-economic status and ethnic group belonging.

Reported consequences of refusal to marry include neglect and ostracism, physical violence and rape.

The ability of women to avoid a forced marriage depends on their income and education.

Risk analysis

Forced and child marriage amount to persecution.

In the case of women or girls who refuse to enter in a marriage, the acts to which they could be exposed are also of such severe nature that they would amount to persecution (e.g. physical violence and rape). Where the risk is of discrimination and/or mistreatment by society and/or by the family (e.g. neglect, ostracism), the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all women and girls would face the level of risk required to establish well-founded fear of persecution in relation to forced marriage or child marriage. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: prevalence of the practice in the area of origin, ethnic group, religion, age, level of education of the individual and the family, socio-economic status of the family, family traditions, etc.

Nexus to a reason for persecution

Available information indicates that persecution of this profile may be for reasons of religion and/ or membership of a particular social group. For example, refusal to enter into a marriage may result in persecution for reasons of membership of a particular social group in relation to a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it (the right to choose whom to marry) and the distinct identity of such women and girls in Nigeria. Neglect and ostracism could indicate that women or girls who are refusing to enter in a marriage are viewed as different by the surrounding society and as transgressing the social norm.

2.17 Children

Last update: February 2019
*Minor updates added October 2021

[Main COI reference: Targeting, 3.14]

Some of the particular risks Nigerian children may face include the following.

- **Violence against children (general):** Kidnappings of school children has become a security trend of serious concern for Nigeria, especially for the northern states. In addition to Boko Haram, different armed groups have also been involved in these incidents. [Security situation 2021, 1.4.1.1]. With regard to violence specifically against girls, see the section **Violence against women and girls: overview**. Violence also affects boys.

- **Children involved in student cults:** The phenomenon of student cults nowadays may also affect young primary or secondary school pupils [Targeting, 2.3.4]. See the profile **Individuals targeted by student cults**.

- **Children accused of being witches:** Children are one of the profiles at particular risk of being accused of witchcraft. Akwa Ibom state and Cross River state are the Nigerian states considered to be the epicentre of witchcraft-related incidents, particularly affecting children. [Security situation 2021, 2.34.2.1]. See the profile **Individuals accused of witchcraft**.

- **Violence against children by Boko Haram:** Children have been continuously targeted by Boko Haram through abductions, forced recruitment, forced marriage, sexual violence and repeated attacks at schools. The group has also been reported to recruit children for intelligence gathering and support roles. However, it should be noted that the number of new recruitments has significantly decreased since 2017. Boko Haram also kill and maim children and use children, particularly girls, to carry improvised explosive devices. [Security situation 2021, 1.3.2.1]. See the sections **Individuals targeted by Boko Haram** and **Violence against women and girls by Boko Haram**.

- **Children perceived as Boko Haram members or supporters:** Children suspected of association with Boko Haram were detained, with reports of harrowing violations, including sexual violence and torture. The UN has documented over 3 600 detentions of children, most of which were unlawful [Security situation 2021, 1.3.2.1]. See the profile **Individuals perceived as Boko Haram members or supporters**.

- **Child recruitment**: Apart from Boko Haram (see above), CJTF has also been accused of recruiting and using child soldiers [Targeting, 2.5.4.5; Security situation 2021, 1.3.1.7]. Children have been used for different tasks, including operating checkpoints, collecting information, or accompanying adult CJTF members in offensives. In 2017, the CJTF pledged to stop children from joining or fighting for the group and to identify and release any members who are under the age of 18 [Targeting, 2.5.4.5].

- **FGM/C:** FGM/C affects girls in various parts of Nigeria. See the section **Female genital mutilation or cutting (FGM/C)**.

- **Child marriage:** Despite the legal age of 18 years, child marriage occurs in Nigeria. See the section **Child marriage and forced marriage**.

- **Child trafficking:** Children are vulnerable to trafficking situations. They may be victims of trafficking themselves or be vulnerable as children of victims of trafficking. See the profile **Victims of human trafficking, including forced prostitution**.

Risk analysis

Children could be exposed to acts which are of such severe nature that they would amount to persecution (e.g. sexual violence, trafficking, child recruitment). Where the risk is discrimination and/or mistreatment by society and/or by the family, the individual assessment of whether this could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures. Being a child is to be taken into account in the assessment on whether an act reaches the threshold of persecution.

Under the abovementioned profiles, being a child may generally be considered as an important risk-enhancing circumstance.

For more guidance on the risk analysis related to the different circumstances above, see the relevant profiles.

Nexus to a reason for persecution

With regard to the nexus to a reason for persecution, the assessment should take into account the individual circumstances of the child. For example, depending on the profile, persecution may be for reasons of (imputed) political opinion (e.g. children perceived as Boko Haram members or supporters), religion (e.g. cases of children targeted by Boko Haram), or membership of particular social group (e.g. girls who have not undergone FGM/C or children victims of trafficking in human beings).

For more guidance on the nexus to a reason for persecution related to the different circumstances above, see the relevant profiles.

2.18 Persons with disabilities or severe medical issues, including mental health issues

Last update: February 2019
*Minor updates added October 2021

This profile refers to people with disabilities, including mental disabilities, as well as those who have severe medical issues.

COI summary

[Targeting, 3.16; Key socio-economic indicators, 2.8]

The Nigerian healthcare system is organised into primary, secondary and tertiary healthcare levels and is also divided into a private and public health network. Public healthcare provision is a concurrent responsibility of the three tiers of government: the federal, states and local governments. The primary health care system is managed by the Local Government Areas (LGAs), the secondary health care system by the State ministries of health. The tertiary health care is provided by specialist and teaching hospitals. The LGA level is the least funded and organised level of government and therefore has not been able to properly finance and organise primary healthcare, creating a weak base for the healthcare system. Generally, relevant reports show shortage and uneven distribution of medical facilities and personnel across Nigeria, limited access to treatment

because of structural deficiencies (including high medical cost), limited access to medication (over 60 % of the Nigerian population lack access to medication).

Persons with mental or physical disabilities often suffer from social stigma, exploitation, and discrimination. Medical care for persons with disabilities is scarce, particularly for those with mental health problems. Persons with mental or physical disabilities are often accused of witchcraft, see also the profile Individuals accused of witchcraft or threatened in relation to ritual killings.

Risk analysis

The lack of personnel and adequate infrastructure to appropriately address the needs of people with (severe) medical issues would not meet the requirement of an actor of persecution or serious harm identified in accordance with Article 6 QD, unless the third country national is intentionally deprived of health care. [15]

In the case of persons living with mental and physical disabilities, the individual assessment whether discrimination and mistreatment by society and/or by the family could amount to persecution should take into account the severity and/or repetitiveness of the acts or whether they occur as an accumulation of various measures.

Not all persons with disabilities would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: nature and visibility of the mental or physical disability, perception by the family and by the surrounding society, etc.

Nexus to a reason for persecution

Available information indicates that the persecution of persons living with noticeable mental or physical disabilities may be for reasons of membership of a particular social group, defined by a common background that cannot be changed or an innate characteristic (disability); and distinct identity in the context of Nigeria, because they are perceived as being different by the surrounding society (e.g. linked to Individuals accused of witchcraft).

2.19 Individuals accused of crimes in Nigeria

Last update: February 2019

This profile refers to people who are accused of crimes in Nigeria, specifically:

- ordinary crimes, such as crimes against life, physical integrity, property, etc., recognised as crimes within the jurisdictions of EU Member States;
- criminalisation of acts not considered criminal according to international standards (e.g. adultery, 'sodomy' in the framework of the Sharia).

[15] CJEU, *M'Bodj*, paras. 35-36.

It also addresses the use of the death penalty according to the different legal regimes in Nigeria and the prison conditions in the country.

COI summary

[Targeting, 2.6]

The Nigerian criminal law system is characterised by its pluralism, where English common law, Islamic law (Sharia) in 12 Northern states, and customary law coexist.

The **death penalty** in Nigeria is applied in different manners, depending on whether the states apply secular or Islamic law.
The following offences are punishable by death under the provisions of the **Criminal and Penal Code of Nigeria:** murder; treason; conspiracy to treason; treachery; fabricating false evidence leading to the conviction to death of an innocent person; aiding a child or a 'lunatic' to commit suicide; armed robbery (under the Robbery and Firearms Decree 1984). Death sentences can be executed either by hanging or by shooting (firing squad).

According to Amnesty International, in 2016 Nigeria executed three persons by hanging in Benin Prison (Edo State). It registered 527 deaths sentences, representing a significant surge when compared to previous years, bringing the total number of people sentenced to death in the country to 1 979. The authorities pardoned 33 prisoners, exonerated another 32 and commuted a total of 105 death sentences.

It is reported that in July 2017, 'state governors agreed to either sign execution warrants or commute death sentences as a way of addressing overcrowding in prisons', including in Ogun state, for example, where there previously was an informal commitment to refrain from authorising executions.

Under the various **Sharia penal laws** in the 12 Northern states, death penalty is applicable when convicted for one of the following offences: adultery; rape; 'sodomy'; incest; witchcraft and *juju* offences. The execution of death sentences under Sharia law includes hanging, stoning and crucifixion. The latter two are applicable only to Muslims.

In terms of **prison conditions**, reports mention overcrowding in prisons and poor conditions [Actors of protection, 7.1]. A lack of funding and low human resource capacity leads to a significant backlog of cases, which results to, amongst other things, extremely long pre-trial detention periods [Actors of protection, 6.1.2]. As of 16 July 2018, of the total prison population (73 631), 68.1 % were pre-trial detainees [Actors of protection, 6.2.2].

With regard to **law enforcement practices,** consulted sources mention several accounts of the NPF, the army, and other security services using lethal and excessive force to disperse protesters and to apprehend criminals and suspects; as well as committing extrajudicial killings, and obtaining confessions through torture. Police officers are also reported to repeatedly mistreat individuals in their custody in order to extort money [Actors of protection, 3.3.2].

Risk analysis

Prosecution for an **ordinary crime** would generally not amount to persecution.

However, the prosecution for **acts which are not considered criminal according to international standards** (e.g. adultery, 'sodomy') would amount to persecution.

Death penalty, irrespective of the nature of the crime, is considered to amount to persecution.

Violations of the due process of law and/or **disproportionate or discriminatory punishments** could also amount to such severe violations of basic human rights.

Not all individuals accused of crimes in Nigeria would face the level of risk required to establish well-founded fear of persecution. The individual assessment of whether there is a reasonable degree of likelihood for the applicant to face persecution should take into account risk-impacting circumstances, such as: the area of origin of the applicant and the prevalent legal system, the act of which the applicant is or may be accused, the envisaged punishment, etc.

Nexus to a reason for persecution

Available information indicates that in the case of individuals accused of **ordinary crimes**, there is in general no nexus to a Convention reason for persecution. This is without prejudice to cases where nexus could be established based on additional circumstances.

In the case of criminalisation of **acts which are not considered criminal according to international standards,** such as adultery and 'sodomy' in the Sharia-implementing states, persecution may be for reasons of religion or membership of a particular social group (see also LGBTIQ persons).

With regard to **some crimes punishable by the death penalty under the Criminal and Penal Code** of Nigeria, persecution may be for reasons of political opinion (e.g. treason and conspiracy to treason).

Exclusion considerations could be relevant to this profile (see the chapter on Exclusion).

3. Subsidiary protection

This chapter addresses the EU-regulated status of subsidiary protection and the situations in which, where the applicant has not been found to qualify as a refugee, they may be eligible for subsidiary protection in accordance with Article 15 QD (see also Article 10(2) APD).

The contents of this chapter include:

- Under the section Article 15(a) QD, the analysis focuses on the applicable EU legal framework and the factual circumstances surrounding the 'death penalty or execution' in Nigeria.
- The section on Article 15(b) QD looks into the risk of 'torture or inhuman or degrading treatment or punishment' in relation to particular circumstances in Nigeria.
- Under the section Article 15(c) QD, the analysis expands further and covers the different elements of the provision, looking into: 'armed conflict', 'qualification of a person as a 'civilian', 'indiscriminate violence', 'serious and individual threat' (where further individualisation elements are discussed), 'qualification of the harm as 'threat to life or person', and the interpretation of the nexus 'by reasons of'. The sub-section on 'indiscriminate violence' includes an assessment of the situation in each state in Nigeria.

3.1 Article 15(a) QD

Last update: February 2019

As noted in the chapter 2. Refugee status, some profiles of applicants from Nigeria may be at risk of death penalty or execution. For a list of the crimes punishable by death penalty according to the Criminal and Penal Code of Nigeria and the Sharia, see Individuals accused of crimes in Nigeria. In such cases (for example, gay men or those accused of adultery in states where the Sharia applies, members of IPOB and MASSOB), there could be a nexus to a Convention ground, and those individuals would qualify for refugee status.

In cases where there is no nexus to a Convention ground (for example, in some cases of individuals accused of ordinary crimes), the need for subsidiary protection under Article 15(a) QD should be examined.

Under Article 15(a) QD, serious harm consists of the death penalty or execution.

- The death penalty is as such, and under any circumstances, considered as a serious harm under Article 15(a) QD. The sentence does not need to have already been imposed. A real risk that on return a death penalty may be imposed on an applicant could be considered sufficient to substantiate the need of subsidiary protection.
- As the addition of the term 'execution' suggests, Article 15(a) QD also encompasses the intentional killing of a person by non-State actors exercising some kind of authority. It may also include extrajudicial killings, but an element of intentional and formalised punishment needs to be present.

Death penalty is envisaged under both the Nigerian penal law and the Sharia in the North. The latest available data is for 2016, when the Nigerian authorities executed three persons by hanging in Benin Prison in Edo state, and 527 death sentences were registered, bringing the total number of people sentenced to death in the country to 1 979. Death penalty is also applied by military courts [Targeting, 2.6].

There is no information in the consulted sources about execution conducted in a formalised way by non-State actors. However, it can be noted that some killings by Boko Haram may be considered as 'punishment', such as for refusal to join the group or for defying the 'Sharia police' [Targeting, 2.1.5.1, 2.1.6, 3.1.3].

If there is a reasonable degree of likelihood of death penalty or execution, subsidiary protection under Article 15(a) QD shall be granted, unless the applicant is to be excluded in accordance with Article 17 QD.

In some cases the death penalty would have been imposed for a serious crime committed by the applicant, or for other acts falling within the exclusion grounds (Article 17 QD). Therefore, although the criteria of Article 15(a) QD

would be met, exclusion considerations should be examined (see the chapter on Exclusion).

3.2 Article 15(b) QD

Last update: February 2019
*Minor updates added October 2021

As noted in the chapter on Refugee status, some profiles of applicants from Nigeria may be at risk of torture or inhuman or degrading treatment or punishment. In such cases, there would often be a nexus to a Convention ground, and those individuals would qualify for refugee status. However, with reference to cases where there is no nexus to a Convention ground, the need for subsidiary protection under Article 15(b) QD should be examined.

Under Article 15(b) QD, serious harm consists of **torture or inhuman or degrading treatment or punishment of an applicant in the country of origin.**

Article 15(b) QD corresponds in general to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The jurisprudence of the European Court of Human Rights (ECtHR), therefore, provides relevant guidance in order to assess whether a treatment may qualify under Article 15(b) QD.

Torture is an aggravated and deliberate form of cruel, inhuman or degrading treatment to which a special stigma is attached.

- According to relevant international instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), **torture** is understood as:
  - ✓ an intentional act
  - ✓ that inflicts severe pain or suffering, whether physical or mental
  - ✓ for such purposes as obtaining from the person subjected to torture or from a third person information or a confession, punishing the former for an act he or she or a third person has committed or is suspected of having committed, or intimidating or coercing him or her or a third person, or for any reason based on discrimination of any kind.

The distinction between torture and inhuman or degrading treatment or punishment is more a difference of degree than of nature. These terms cover a wide range of ill-treatment that reach a certain level of severity.

- **'Inhuman'**: refers to treatment or punishment which deliberately causes intense mental or physical suffering (which does not reach the threshold of torture).
- **'Degrading'**: refers to treatment or punishment which arouses in the victim feelings of fear, anguish and inferiority capable of humiliating or debasing them.

The assessment whether a treatment or punishment is inhuman or degrading further implies a subjective consideration by the person who suffers such treatment or punishment. No specific purpose on the part of the perpetrator (e.g. obtaining information or a confession, punishing, intimidating) is required in this regard.

When examining the need for protection under Article 15(b) QD, the following considerations should be taken into account:

- **Cult and gang violence**: Cult and gang violence is usually motivated by financial gain and power struggle. Incidents of such violence include killing, rape, armed robbery, kidnapping, destruction of property, extortion, cattle rustling. It has been reported that the number of such incidents has been increasing, especially with regard to kidnappings. Nigeria Watch reported that crime was the major cause of violent deaths in Nigeria in 2020. Lawlessness and the lack of policing have been described as underlying factors for the increase in banditry or criminal violence. [Security situation 2021, 1.4.1.1.]

  Where there is no nexus to a reason for persecution, being subjected to such criminal acts may qualify under Article 15(b) QD. Additionally, the general security situation in some states of Nigeria (e.g. Niger) could also be relevant in relation to Article 15(b) QD.

- **Trafficking in Human beings:** Human trafficking is widespread in Nigeria and it can affect women, men, and children. The majority of identified Nigerian victims of trafficking in EU countries were women exploited in the prostitution industry. These women originated predominantly from the south of Nigeria, particularly from the state of Edo, and belonged to the Bini ethnic group. However, sources identified an increase of female victims destined to sex trafficking towards Europe from the southern states Delta, Ekiti, and Ondo, but also the northern state of Kano. Most women and girls were illiterate or had only completed secondary education, originated from unstable or abusive family situations, daughters from one-parent, polygamous households, IDP camps from North-East region, and experienced economic hardship. It was further indicated that traffickers prey on girls or women who try to escape FGM and end up by themselves in large urban centres [Trafficking, 1.3.1]. For more information on victims of human trafficking, see profile Victims of human trafficking, including forced prostitution.

  Where there is no nexus to a reason for persecution, individuals at real risk of being subjected to trafficking would qualify for subsidiary protection under Article 15(b) QD.

- **Arbitrary arrests, illegal detention, and prison conditions**: Special attention should be paid to the phenomena of arbitrary arrests and illegal detention, as well as to prison conditions. It can be assessed that in cases where the prosecution or punishment is grossly unfair or disproportionate, or where a person is subjected to prison conditions which are not compatible with respect for human dignity, a situation of serious harm under Article 15(b) QD can occur. When assessing the conditions of detention, the following elements can, for example, be taken into consideration (cumulatively): number of detained persons in a limited space, adequacy of sanitation facilities, heating, lighting, sleeping arrangements, food, recreation or contact with the outside world.

  Reports mention overcrowding in prisons and poor prison conditions, long pre-trial detention periods, and cases of use of lethal and excessive force, as well as obtaining confessions through torture by Nigerian security forces. Therefore, some cases may qualify under Article 15(b) QD. See also the profile Individuals accused of crimes in Nigeria.

- **Healthcare unavailability and socio-economic conditions**: It is important to note that serious harm must take the form of conduct of an actor (Article 6 QD). In itself, the general unavailability of healthcare, education or other socio-economic elements (e.g. situation of

IDPs, difficulties in finding livelihood opportunities, housing) is not considered to fall within the scope of inhuman or degrading treatment under Article 15(b) QD, unless there is intentional conduct of an actor, for example, the intentional deprivation of the applicant of appropriate health care. [16]

See also the profile Persons with disabilities or severe medical issues.

In some cases, those at risk of torture or inhuman or degrading treatment or punishment (for example, because of mistreatment in prisons) may also have committed or contributed to excludable acts as defined in Article 17 QD. Therefore, although the criteria of Article 15(b) QD would be met, exclusion considerations should be examined (see the chapter on Exclusion).

[16] CJEU, *M'Bodj*, paras.35-36, CJEU, *MP v Secretary of State for the Home Department*, case C-353/16, judgment of 24 April 2018, paras.57, 59.

3.3 Article 15(c) QD

This section focuses on the application of the provision of Article 15(c) QD. Under Article 2(f) QD in conjunction with Article 15(c) QD, subsidiary protection is granted where substantial grounds have been shown for believing that the person would face a real risk of suffering serious harm defined as **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.

Each element of the provision is addressed in a separate subsection.

The contents of this chapter include:

Preliminary remarks

Last update: October 2021

Reference period

The following assessment is based on the recent EASO COI report on the security situation in Nigeria (June 2021) [Security situation 2021]. The general reference period for this chapter is **1 January 2020 – 31 December 2020**. Some information covering **1 January 2021 – 30 April 2021** has also been included in the respective COI summaries.

This guidance should be considered valid as long as current events and developments fall within the trends and patterns of violence observed within the reference period of the mentioned COI report. New events and developments that cause substantial changes, new trends or geographical shifts in the violence, may lead to a different assessment. The security situation of a given territory should always be assessed in light of the most up-to-date available COI.

Legal framework

Article 15(c) QD defines the third type of harm that constitutes a ground for qualification for subsidiary protection. It covers a more general risk of harm and the protection needs which may arise from armed conflict situations.

Under Article 15(c) QD, serious harm consists of **serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict**.

In addition to the applicable EU legal instruments, this analysis builds on the most relevant European case law. Three judgments of the CJEU [17] and one judgment of the ECtHR have been taken into account in particular:

CJEU, *Diakité* judgment [18]

The judgment is of particular importance for the interpretation of relevant concepts, and in particular of 'internal armed conflict'.

CJEU, *Elgafaji* judgment [19]

The judgment is of importance with regard to the appreciation of the degree of indiscriminate violence and in particular with regard to the application of the 'sliding scale'. In this judgment, the CJEU further discusses the 'serious harm' under the provision of Article 15(c) QD in comparison to the other grounds for granting subsidiary protection and considers the relation between Article 15(c) QD and the ECHR, in particular Article 3 ECHR.

CJEU, *CF and DN* judgment [20]

The judgment is of particular importance for the interpretation of the concept of 'serious and individual threat to a civilian's life or person' in the context of an international or internal armed conflict under Article 15(c) QD. The CJEU found that 'Article 15(c) of Directive 2011/95 must be interpreted as meaning that, in order to determine whether there is a 'serious and individual threat', within the meaning of that provision, a comprehensive appraisal of all the circumstances of the individual case, in particular those which characterise the situation of the applicant's country of origin, is required.'

Furthermore, that 'the elements to be taken into account in assessing whether there is a real risk of serious harm, within the

[17] It can be noted that a relevant case is currently pending at the CJEU: Case C-579/20 (Request for a preliminary ruling from Staatssecretaris van Justitie en Veiligheid, the Netherlands) concerns the application of Article 15(c) QD when the level of 'mere presence' is not reached and the application of a 'sliding scale'.

[18] CJEU, *Aboubacar Diakité* v *Commissaire général aux réfugiés et aux apatrides*, C-285/12, judgment of 30 January 2014 (*Diakité*).

[19] CJEU, *Elgafaji* v *Staatssecretaris van Justitie*, C-465/07, Grand Chamber, judgment of 17 February 2009 (*Elgafaji*).

[20] CJEU, *CF and DN v Bundesrepublik Deutschland,* C-901/19, Third Chamber, judgment of 10 June 2021 (*CF and DN*).

meaning of Article 15(c) of Directive 2011/15 may also include the intensity of the armed confrontations, the level of organisation of the armed forces involved, and the duration of the conflict […], as well as other elements such as the geographical scope of the situation of indiscriminate violence, the actual destination of the applicant in the event that he or she is returned to the relevant country or region and potentially intentional attacks against civilians carried out by the parties to the conflict.'

ECtHR, *Sufi and Elmi* judgment [21]

It should be noted that ECtHR jurisprudence on Article 3 ECHR is not of direct applicability when discussing the scope and elements of Article 15(c) QD. However, the elements outlined in *Sufi and Elmi* with regard to the assessment of the security situation in a country, and the degree of generalised violence, were consulted in order to design the indicators of indiscriminate violence for the purposes of this common analysis.

The elements to examine under Article 15(c) QD are the following.

Figure 9. Elements of the legal provision of Article 15(c) QD.

All of these elements have to be fulfilled in order to grant subsidiary protection under Article 15(c) QD.

Common analysis of the factual preconditions and guidance on the possible application of Article 15(c) QD with regard to the situation in Nigeria is provided below.

[21] ECtHR, *Sufi and Elmi* v *United Kingdom*, Applications nos. 8319/07 and 11449/07, judgment of 28 June 2011 (*Sufi and Elmi*).

3.3.1 Armed conflict (international or internal)

Last update: October 2021

A definition of an international or an internal armed conflict within the meaning of Article 15(c) QD is not provided by the Qualification Directive itself. In *Diakité,* the CJEU interprets the concept of 'internal armed conflict' under Article 15(c) QD and concludes that it must be given an interpretation, which is autonomous from international humanitarian law.

> […] internal armed conflict exists, for the purposes of applying that provision, if a State's armed forces confront one or more armed groups or if two or more armed groups confront each other. It is not necessary for that conflict to be categorised as 'armed conflict not of an international character' under international humanitarian law;
>
> **CJEU, *Diakité*, para.35**

The CJEU sets a low threshold to assess whether an armed conflict is taking place, noting that,

> […] nor is it necessary to carry out, in addition to an appraisal of the level of violence present in the territory concerned, a separate assessment of the intensity of the armed confrontations, the level of organisation of the armed forces involved or the duration of the conflict
>
> **CJEU, Diakité, para.35**

Furthermore, in the context of Article 15(c) QD, differentiation between 'international' or 'internal' armed conflict is not necessary, as the provision is equally applicable in situations of international and internal armed conflict. It should also be noted that an armed conflict can be taking place only in parts of the territory.

Several different armed conflicts take place in the territory of Nigeria:

- **Armed conflict between Boko Haram, on the one hand, and the Nigerian Army, the Multi-National Joint Task Force (MNJTF), and the CJTF, on the other:** The territorial scope of this conflict includes mainly states in the North-East Region, in particular Borno, Adamawa and Yobe and increasingly states in the North-West region, especially Kaduna, Zamfara and Katsina states. Boko Haram is reportedly also expanding its reach in Niger state in the North-Central Region.

- **Armed conflicts involving armed groups of farmers and herders, ethnic or communal militias and the Nigerian security forces:** The territorial scope of this conflict extends to the North-West and North-East Regions, as well as in the so-called Middle Belt zone (North-Central Region), and increasingly in southern Nigeria.

It should be highlighted that the lines between the farmer-herder clashes, inter/intra-communal clashes and banditry are becoming increasingly blurred in the North-West and North-Central regions.

- **Armed conflict between ESN and Nigerian security forces:** The introduction of the paramilitary wing ESN and the following armed clashes with the Nigerian state forces indicate that the escalating violence in the South-East regions has taken the form of an armed conflict in the meaning of Article 15(c) QD.

- **Conflicts among cults/gangs and with local community vigilantes:** Criminal violence such as violence against civilians by criminal gangs or student cults, including in the context of election-related violence would in general not meet the criteria under the *Diakité* judgment, as this criminal violence does not involve armed confrontations between two or more armed groups. However, it should be noted that community vigilante groups, civilian self-defence militias, and youth groups have also conducted reprisal attacks against armed groups. Furthermore, on some occasions, armed confrontations between armed cults or gangs have been reported.

Further assessment with regard to the possible real risk for a civilian to be personally affected by reason of indiscriminate violence in situations of international or internal armed conflict within the meaning of Article 15(c) QD is provided at state level within the section Assessment by state.

3.3.2 Qualification of a person as a 'civilian'

Last update: October 2021

Being a civilian is a prerequisite in order to being able to benefit from protection under Article 15(c) QD. The purpose of the provision is to protect only those who are not taking part in the conflict. This includes the potential application of Article 15(c) QD to former combatants who have genuinely and permanently renounced armed activity.

The Qualification Directive itself does not provide a definition of the term 'civilian'. In light of the interpretative guidance given by CJEU in *Diakité*, the term should be read by reference to its usual meaning in everyday language, whilst taking into account the context in which it occurs and the purposes of the rules of which it is a part. Therefore, the term 'civilian' could be considered to refer to a person who is not a member of any of the parties in the conflict and is not taking part in the hostilities, including those who are no longer taking part in hostilities.

In the context of Nigeria, applications by persons falling under the following profiles should be examined carefully. Based on an individual assessment, such applicants may be found to not qualify as civilians under Article 15(c) QD. For example:

- Boko Haram members
- Members of armed groups of farmers or herders
- Militant groups in the Niger Delta
- Members of the CJTF
- National security forces, including the Nigerian Army, the Nigerian Navy, the Nigerian Air Force, and NPF
- Members of the ESN.

It should be noted that actively taking part in hostilities is not limited to openly carrying arms but could also include substantial logistical and/or administrative support to combatants.

It is important to underline that the assessment of protection needs is forward-looking. Therefore, the main issue at hand is whether the applicant will be a civilian or not upon return. The fact that the person took part in hostilities in the past would not necessarily mean that Article 15(c) QD would not be applicable to him or her. For example, the assessment should take into account whether the person had voluntarily taken part in the armed conflict; those who willingly joined the armed groups are unlikely to be considered civilians.

In case of doubt regarding the civilian status of a person, a protection-oriented approach should be taken, which is also in line with international humanitarian law, and the person should be considered a civilian.

Exclusion considerations may also apply (see the chapter on Exclusion).

3.3.3 Indiscriminate violence

Last update: October 2021

'Indiscriminate violence' refers to the source of the specific type of serious harm defined in Article 15(c) QD. The CJEU in *Elgafaji* notes that the term 'indiscriminate' implies that the violence,

> […] may extend to people irrespective of their personal circumstances.
> **CJEU, Elgafaji, para.34**

Some acts of violence may be indiscriminate by their nature, for example: (suicide) bombings, attacks and armed confrontations in areas that are inhabited or frequented by civilians (e.g. market places, public roads, healthcare facilities).

In armed conflicts the targeting of civilians may have nexus to one of the reasons for persecution according to the refugee definition.

Therefore, refugee status may be granted as noted in the section above (see, for example, the profiles Individuals targeted by Boko Haram, Individuals involved in and affected by conflicts between herders and farmers). Such targeted violence, furthermore, would not be considered 'indiscriminate'.

Based on *Elgafaji*, in situations where indiscriminate violence is taking place, the following differentiation can be made with regard to its level.

Figure 10. Levels of indiscriminate violence on the basis of CJEU, Elgafaji, para. 43.

I. territories where the degree of indiscriminate violence reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

In this category, 'mere presence' would exceptionally be considered sufficient and no further individual elements would need to be substantiated.

II. territories where indiscriminate violence takes place, however it does not reach such a high level, and with regard to which **additional individual elements would have to be substantiated**.

Within this category, the level of indiscriminate violence may vary from territories where it is of such a low level that in general there would be no real risk for a civilian to be personally affected, to territories where the degree of indiscriminate violence is high and a lower level of individual elements would be required to establish a real risk of serious harm under Article 15(c) QD.

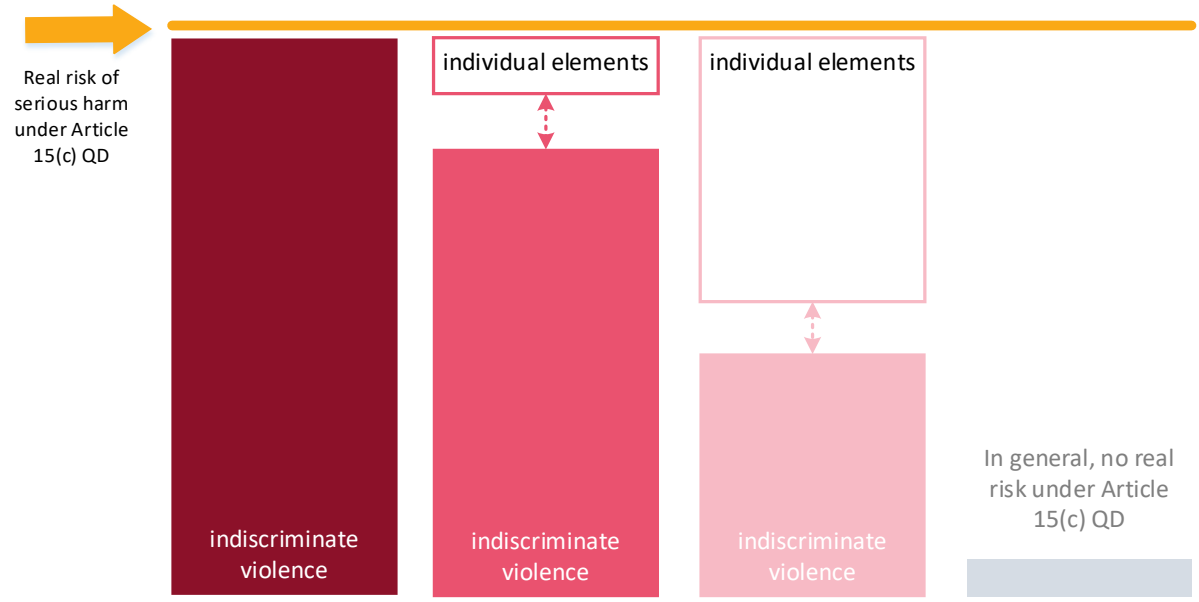
With regard to the second category (text box on the right), *Elgafaji* provides guidance on how the serious and individual threat has to be assessed, an approach commonly referred to as the 'sliding scale'.

> […] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.
>
> **CJEU, Elgafaji, para.39**

Risk-impacting elements related to the personal circumstances of the applicant should, therefore, be taken into account. See the subsection on Serious and individual threat.

The graph below illustrates the further differentiated standard scale applied with regard to the different levels of indiscriminate violence and the respective degree of individual elements required in order to find that a real risk of serious harm under Article 15(c) QD is substantiated for the applicant:

Figure 11. Indiscriminate violence and individual elements in establishing real risk of serious harm under Article 15(c) QD.



Depending on the level of indiscriminate violence taking place, the territories in a country can be categorised as follows.

I. **Territories where 'mere presence' would be considered sufficient in order to establish a real risk of serious harm under Article 15(c) QD.**

Territories where the degree of indiscriminate violence reaches such an exceptionally high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, **solely on account of his or her presence** on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

II. Territories where real risk of serious harm under Article 15(c) QD may be established if the applicant is specifically affected by reason of factors particular to his or her personal circumstances following a 'sliding scale' approach.

Territories where 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD, however, indiscriminate violence reaches a **high level**, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of Article 15(c) QD.

Territories where indiscriminate violence is taking place, however **not at a high level** and, accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm in the meaning of Article 15(c) QD.

Lastly, there are territories with regard to which Article 15(c) QD would in general not be applicable, either because the criteria for an armed conflict within the meaning of this provision are not met or because the level of indiscriminate violence taking place is so low that in general there would be no real risk for a civilian to be affected by it.

Territories where, in general, there is **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Indicators of indiscriminate violence

Last update: October 2021

The common analysis regarding the degree of indiscriminate violence taking place in the different states of Nigeria combines quantitative and qualitative elements in a holistic and inclusive assessment.

The indicators applied are formulated in reference to the ECtHR judgment in *Sufi and Elmi*:

> […] first, whether the parties to the conflict were either employing methods and tactics of warfare which increased the risk of civilian casualties or directly targeting civilians; secondly, whether the use of such methods and/or tactics

> was widespread among the parties to the conflict; thirdly, whether the fighting was localised or widespread; and finally, the number of civilians killed, injured and displaced as a result of the fighting.
>
> **ECtHR, Sufi and Elmi, para.241**

These indicators are further developed and adapted in order to be applied as a general approach to assessing the element of 'indiscriminate violence', irrespective of the country of origin in question.

The security situation in the respective states is assessed by taking into account the following elements.

- **Presence of actors in the conflict**

This indicator looks into the presence of actors in the conflict in the respective area, including the presence of non-State armed groups, and whether operations by the Nigerian security forces are being conducted.

In the case of the identified armed conflicts, all actors are reported to engage in activities which may (indiscriminately) affect civilians. It is important to highlight that in COI sources the distinction between criminal armed groups, gangs, bandits, communal militias, herders and farmers and vigilante groups is not always clear. The lines between these groups are increasingly blurred, especially for the North-West and North-Central region. See also Actors of persecution or serious harm.

- **Nature of methods and tactics**

The methods and tactics used in the armed conflicts ongoing in Nigeria differ according to the actors involved. Some acts are by their nature more indiscriminate than others and create a more substantial risk for civilians.

Boko Haram are particularly known to use methods which are of indiscriminate nature, such as (suicide) bombings and attacks on whole villages.

In the conflict between armed groups of herders and farmers, the violence is also increasingly affecting civilians, by targeting whole villages and communities.

IPOB/ESN violence appears to be of a more targeted nature, with attacks against police stations. Clashes between ESN and Nigerian state forces can nevertheless affect civilians indiscriminately.

The actions by the Nigerian security forces tend to be of a more targeted nature; however, they may also (indiscriminately) affect civilians, such as in the case of air strikes.

For more information on the nature of methods and tactics used by the actors involved in armed conflicts, see also Actors of persecution or serious harm.

- **Frequency of incidents**

This indicator refers to the average number of incidents per week during the reporting period.

The frequency of incidents is a useful indicator to assist in the assessment of the risk of indiscriminate violence. Based on available COI, derived from the Armed Conflict Location and Event Data Project (ACLED) database, this indicator looks in particular at incidents reported as 'battles', 'violence against civilians', 'explosions/remote violence', and 'riots', which are found to be of relevance in terms of their potential to indiscriminately affect civilians.

ACLED codes security incidents as follows:

- **Battles**: violent clashes between at least two armed groups. Battles can occur between armed and organised state, non-state, and external groups, and in any combination therein. Sub-events of battles are armed clashes, government regains territory and non-state actor overtakes territory.
- **Violence against civilians**: violent events where an organised armed group deliberately inflicts violence upon unarmed non-combatants. It includes violent attacks on unarmed civilians such as sexual violence, attacks, abduction/forced disappearance.
- **Explosions/remote violence**: events where an explosion, bomb or other explosive device was used to engage in conflict.
- **Riots**: are a violent demonstration, often involving a spontaneous action by unorganised, unaffiliated members of society. They include violent demonstration, mob violence.

ACLED data with regard to incidents should be regarded as merely estimates and indications of trends in violence, due to limitations in the reporting of incidents. See clarifications in Security situation 2021, Methodology.

○ Geographical scope

This element looks into how widespread the violence within each state is, highlighting the areas (LGAs) which are particularly affected by indiscriminate violence and/or the areas (LGAs) which are relatively less affected, where relevant information is available. The number of LGAs affected by security incidents in each state has been provided based on publicly available data of ACLED. [22]

Where the conflict severity varies within an area, the place of origin of the applicant would constitute an important element to consider in the assessment. The higher the level of indiscriminate violence in the respective place, the less additional individual elements would be required in order to apply Article 15(c) QD.

The individual assessment should also take into account the accessibility of a certain territory.

○ Civilian casualties

The number of civilian casualties is considered a key indicator when assessing the level of indiscriminate violence and the associated risk for civilians in the context of Article 15(c) QD. [23]

As no comprehensive data with regard to civilian deaths and injuries at the level of the states in Nigeria has been identified, this analysis refers to ACLED records regarding the overall number of fatalities. The data used for this indicator reflects the number of fatalities in relation to reported

[22] ACLED Dataset, filtered on Nigeria, 1 January 2020 to 31 December 2020, accessed on 16 August 2021.

[23] See also CJEU, *CF and DN v Bundesrepublik Deutschland*, paras. 31-33.

'battles', 'violence against civilians' 'explosions/remote violence' and 'riots', as defined above with reference to the ACLED Codebook. Importantly, it does not differentiate between civilians and combatants and does not additionally capture the number of those injured in relation to such incidents. While this does not directly meet the information needs under the indicator 'civilian casualties', it can nevertheless be seen as a relevant indication of the level of confrontations and degree of violence taking place.

It should further be mentioned that ACLED data is regarded as merely estimates, due to limitations in the reporting of incidents, and especially with regard to the number of fatalities. For incidents which, according to the original source, had led to an unknown number of fatalities, ACLED codes the number of fatalities as 10 in 'a significant attack in an active warzone' or 'a significant attack outside of a warzone', and as 3 in 'an attack of more limited scope, in an active warzone' or 'an attack outside of a warzone. See clarifications in Security situation 2021, Methodology.

The data on fatalities per state is provided for the period 1 January 2020 - 31 December 2020. The reported number of fatalities is further weighted by the population of the state and presented as 'number of fatalities per 100 000 inhabitants', rounded in the nearest whole number. In cases where the number of fatalities per 100 000 inhabitants is less than one, this is specifically indicated. The number on fatalities for the period 1 January 2021 - 30 April 2021 has also been provided per state.

- **Displacement**

This element refers to conflict-induced (internal) displacement from the state in question.

For the number of internally displaced persons (IDPs) and returnees, the COI summaries reflect data from the International Organization for Migration (IOM), where available. It should be highlighted that these data refer to the number of IDPs recorded within one state at the specific time.

Reporting periods vary as indicated in the analysis below.

In addition to the indicators above, where available, some examples of further impact of the armed conflicts on the life of civilians (e.g. infrastructure damage) are mentioned and taken into account in the assessment.

None of the indicators above would be sufficient by itself to assess the level of indiscriminate violence and the risk it creates for the civilian population in a particular area. Therefore, a holistic approach has been applied, taking into account all different elements.

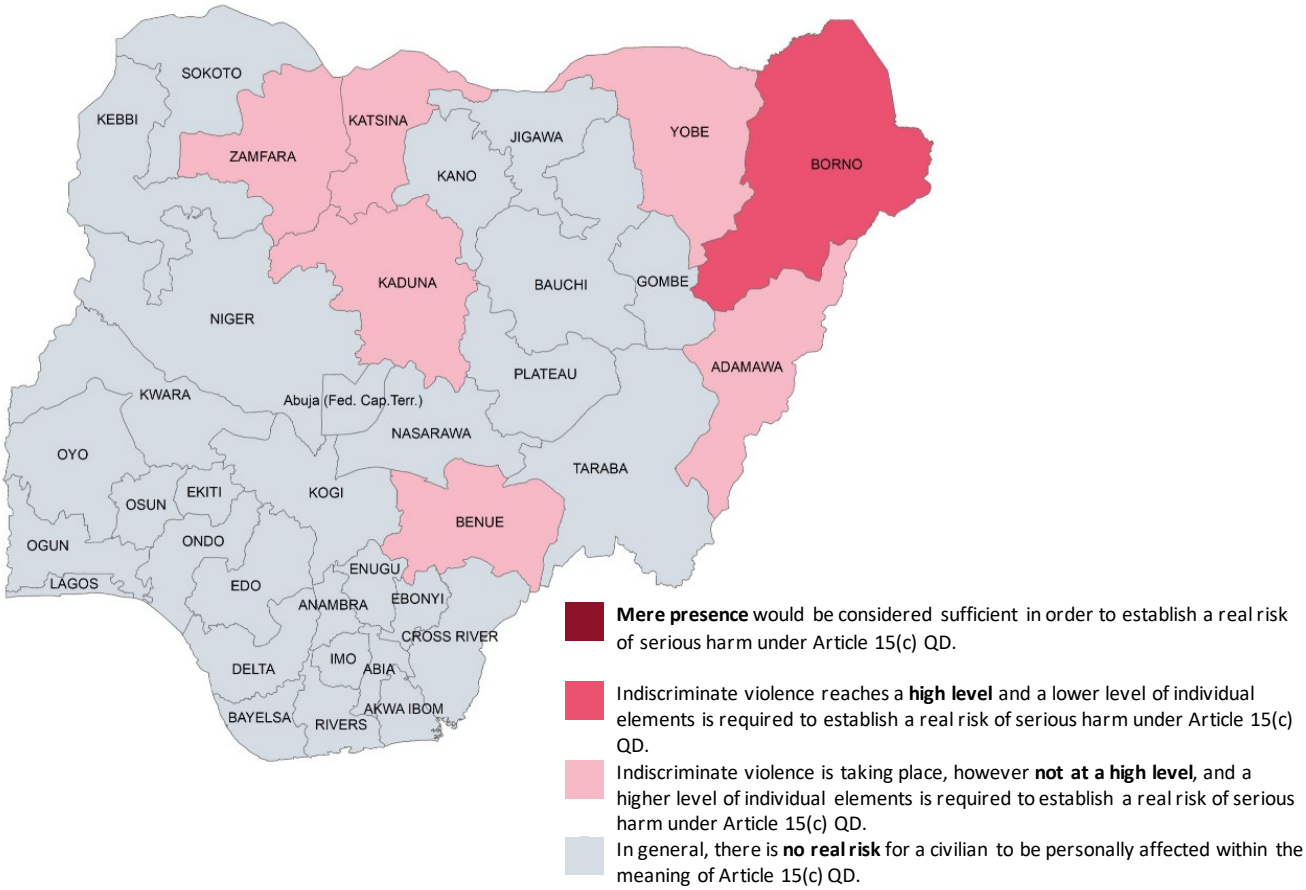
It should, furthermore, be noted that the COI used as a basis for this assessment cannot be considered a complete representation of the extent of indiscriminate violence and its impact on the life of civilians. Concerns with regard to underreporting, especially pertinent to the quantitative indicators above, should be taken into account. Such concerns are particularly relevant to areas which are most affected by the violence.

Assessment by state

Last update: October 2021

The next sections provide detailed information and assessment with regard to the criterion of indiscriminate violence in a situation of armed conflict and the risk it represents for civilians in Nigeria. The map below summarises and illustrates the assessment of indiscriminate violence per state.

Figure 12. Assessment of indiscriminate violence in Nigeria (based on information as of April 2021).



It should be noted that there are no states in Nigeria where the degree of indiscriminate violence reaches such a high level that substantial grounds are shown for believing that a civilian, returned to the relevant country or, as the case may be, to the relevant region, would, solely on account of their presence on the territory of that country or region, face a real risk of being subject to the serious threat referred to in Article 15(c) QD.

Abia

Last update: October 2021

[Main COI reference: Security situation 2021, 2.21]

Abia state is composed of 18 LGAs and its capital is Umuahia city. The state's estimated population was 3 727 347 in 2016.

The main actors in Abia state were police services, cults and unidentified gunmen, and groups involved in community clashes. In 2020, the state experienced intercommunal confrontations over land and resources. The government of Abia state has taken measures to reduce conflicts between farmers and herders and to curb street cultism, with the support of Nigerian state forces. Police has resolved cases of armed robbery, kidnapping and murder. Pro-Biafra activities, including activities of ESN, have also been reported in the area.

Reportedly, some of the incidents with the highest numbers of fatalities resulted from inter-state clashes. In this context, destruction of houses has also been reported. Kidnappings and cult killings also took place in the state. In 2020, several fatalities were recorded due to state forces' violence on checkpoints, during COVID-19 lockdown enforcement check-ups, and during #EndSARS protests or under other unknown circumstances. The use of live ammunition against protesters was documented. Several incidents of extra-judicial killings by public security forces were also reported in Abia state during the year.

During 2020, ACLED reported a total of 31 security incidents (8 battles, 14 cases of violence against civilians, 9 incidents of riots) in Abia state (average of 0.6 security incident per week). Security incidents took place in 10 out of 18 LGAs, with the largest overall number (9) being recorded in the LGA of Aba South.

The abovementioned security incidents resulted in 23 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 8 security incidents (5 battles, 1 incident of remote violence/explosions, 1 case of violence against civilians, 1 incident of riots) in Abia state (average of 0.5 security incident per week). These security incidents resulted in 10 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Abia state could not be found.

Looking at the indicators, it can be concluded that in the state of **Abia** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Abuja/ Federal Capital Territory

Last update: October 2021

[Main COI reference: Security situation 2021, 2.15]

The Federal Capital Territory (FCT) is composed of 6 LGAs. Abuja, which is the capital of Nigeria, is located in the Federal Capital Territory. The state's estimated population was 3 564 126 in 2016.

Since 2019, a rise in kidnappings/abductions has been noted in Abuja. In addition, in 2020, significant clashes took place between #EndSARS movement protesters and police forces in many different cities in Nigeria, including in Abuja. The main actors present in Abuja include unidentified gunmen involved in kidnappings and in other violent acts. The Nigerian police and other vigilant groups have intervened in some cases of kidnapping. It has been also reported that Abuja constituted one of the few areas in Nigeria where no military exercise or operation was located.

Abuja is one of the areas in Nigeria where the main form of insecurity is associated with kidnapping and criminality in general. It is further noted that residents have fled the capital for fear of kidnappings. Attacks in villages by unknown gunmen and clashes between suspected herdsmen and farmers resulting in casualties have been also reported. Casualties were also recorded in clashes between Nigerian armed forces and protesters during the #EndSARS movement.

During 2020, ACLED reported a total of 47 security incidents (8 battles, 24 cases of violence against civilians, 15 incidents of riots) in the Federal Capital Territory (average of 0.9 security incidents per week). Security incidents took place in all LGAs, with the largest overall number (32) being recorded in the LGA of Abuja Municipal.

The abovementioned security incidents resulted in 17 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 19 security incidents (6 battles, 10 cases of violence against civilians, 3 incidents of riots) in the Federal Capital Territory (average of 1.1 security incidents per week). These security incidents resulted in 11 deaths.

IOM-DTM data showed that 87 % of the IDPs in North-West and North Central Regions were displaced within their state of origin, 13 % were displaced from a different state. As of January 2021, 309 231 IDPs were registered in North Central Region. Information on the number of conflict-related IDPs and on the number of returnees in FCT state could not be found.

The Abuja-Kaduna highway, a major route out of Abuja to the northwest of Nigeria, is well known for bandit attacks and kidnappings.

> Looking at the indicators, it can be concluded that in the state of **the Federal Capital Territory of Abuja** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Adamawa

Last update: October 2021

[Main COI reference: Security situation 2021, 2.8]

Adamawa state is composed of 21 LGAs and its capital is Yola. The state's estimated population was 4 248 436 in 2016. Adamawa is the home of a large number of Christians, forming the largest minority religion in the predominantly Muslim state.

In 2018, the rapid growth of ethnic militias armed with illegal weapons led to an escalation of the herder-farmer conflict. Adamawa state has been affected by communal violence and it has been one of the states most affected by Boko Haram. Actors in Adamawa state include unidentified armed groups, Boko Haram/ISWAP, ethnic militias from various ethnic groups, herders and farmers, and a radical cult group involved in robberies called the Shilla boys. In addition, vigilante groups fighting against Boko Haram are also present in the state, the largest of which is the Civilian Joint Task Force (CJTF). Government forces continue to carry out offensive/counter-operations and maintain a high level of alertness following non-state armed groups activities and clashes across LGAs. A special police taskforce to curb the Shilla boys was also created.

A significant increase in the threats of attacks on both civilian and military locations and convoys across the state was reported in 2020. However, Adamawa state continues to witness different forms of conflict, including non-state armed groups' attacks and clashes with government forces, particularly in Michika and Madagali LGAs, and communal clashes across Numan, Demsa, Guyuk, and Lamurde LGAs. The security situation in these areas during January - August 2020 was described as unpredictable and volatile. Fatalities were recorded during security incidents related to herder-farmers conflict and during communal clashes. Furthermore, in the beginning of 2020, the number of attacks by Boko Haram increased. Security incidents attributed to Boko Haram included attacks and looting of villages, killings of villagers, abductions of residents and destruction of civilian properties, resulting in hundreds of civilians fleeing into the mountains. Christian communities have been heavily attacked by Boko Haram and many residents have fled the area. Boko Haram has also clashed with Nigerian military forces and local vigilantes, supported by NAF airstrikes. In addition, cases of abduction/kidnapping were becoming rampant in the state, especially within Yola metropolis.

There have been reports of incidents involving both civilian and military casualties from landmines and a range of other locally produced explosive devices planted by Boko Haram in the north-east of the country, particularly in Borno, Yobe, and Adamawa states. Kidnappings have occurred in some roads of the state.

During 2020, ACLED reported a total of 49 security incidents (16 battles, 28 cases of violence against civilians, 5 incidents of riots) in Adamawa state (average of 0.9 security incidents per week). Security incidents took place in 17 out of 21 LGAs, with the largest overall number (9) being recorded in the LGA of Yola North.

The abovementioned security incidents resulted in 87 deaths. Compared to the estimated population in the state, this represents 2 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 6 security incidents (2 battles, 2 cases of violence against civilians, 2 incidents of riots) in Adamawa state (average of 0.4 security incidents per week). These security incidents resulted in 23 deaths.

The total number of IDPs for Adamawa by November 2020 was 209 252. Adamawa had the second highest number of IDPs after Borno in north-eastern Nigeria. Of the IDPs in North East Region, 89 % were displaced within their state of origin. The total number of returnees to Adamawa state by November 2020 was 820 734.

The humanitarian crisis in the north-eastern states of Borno, Adamawa, and Yobe has been described as among the world's most severe.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the state of **Adamawa**, however not at a high level. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Akwa Ibom

Last update: October 2021

[Main COI reference: Security situation 2021, 2.32]

Akwa Ibom state is composed of 31 LGAs and its capital is Uyo city. The state's estimated population was 5 482 177 in 2016.

Akwa Ibom state, as part of the Niger Delta, shares a history of economic exploitation, environmental pollution and political marginalisation which has made the Niger Delta a rather violent region. In 2020, the actors involved in violence in Akwa Ibom state were mobs, cult groups, local communal militias, Fulani militias, rioters and protesters, police and military forces of the Nigerian state. IPOB and ESN activities have also been reported in the area. The Akwa Ibom state government decided to reactivate the joint security task force and increase police controls.

In 2020, incidents of mob violence and cult clashes led to deaths and mutilations, including of civilians. Cult violence has also led to residents fleeing their houses for their safety. Criminality (e.g. robberies, looting) and violence against protesters were also reported in Akwa Ibom state. In March 2021, IPOB members clashed with Nigerian security forces killing three security officers. As a response, the Nigerian military conducted airstrikes at an ESN camp at the Iko Akpan forest.

During 2020, ACLED reported a total of 14 security incidents (2 battles, 5 cases of violence against civilians, 7 incidents of riots) in Akwa Ibom state (average of 0.3 security incident per week). Security incidents took place in 5 out of 31 LGAs, with the largest overall number (7) being recorded in the LGA of Uyo.

The abovementioned security incidents resulted in 9 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 6 security incidents (5 battles, 1 incident of remote violence/explosions,) in Akwa-Ibom state (average of 0.4 security incident per week). These security incidents resulted in 15 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Akwa Ibom state could not be found.

Looking at the indicators, it can be concluded that in the state of **Akwa Ibom** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Anambra

Last update: October 2021

[Main COI reference: Security situation 2021, 2.22]

Anambra state is composed of 21 LGAs and its capital is Awka city. The state's estimated population was 5 527 809 in 2016.

In 2020, Anambra state experienced several intercommunal confrontations. The background to these clashes is related to conflicts over land and its resources. The main actors in the security situation in Anambra state were police forces, including SARS, unidentified gunmen and communal militias, cults, and farmer and herder communities clashing over land. Nigerian state forces have launched an operation in order to provide security in the land areas contested by farmers and herders' militias. Criminal activity was widespread in Anambra. Pro-Biafran activity has also been reported in the area.

In 2020, due to community clashes, killings, injuries and kidnappings were reported. Furthermore, houses, shops, rice mills and property (including domestic animals) were destroyed. As a result of these clashes, a community has fled in exile. IPOB accused SARS of kidnappings and extra-judicial killings of IPOB members. In the context of the #EndSARS protests in Anambra, violence by protesters was also reported, during which police stations were attacked, vandalized or burnt.

During 2020, ACLED reported a total of 42 security incidents (8 battles, 22 cases of violence against civilians, 12 incidents of riots) in Anambra state (average of 0.8 security incident per week). Security incidents took place in 14 out of 21 LGAs, with the largest overall number (6) being recorded in the LGA of Awka North.

The abovementioned security incidents resulted in 26 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 22 security incidents (12 battles, 8 cases of violence against civilians, 2 incidents of riots) in Anambra state (average of 1.3 security incident per week). These security incidents resulted in 41 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Anambra state could not be found.

Looking at the indicators, it can be concluded that in the state of **Anambra** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Bauchi

Last update: October 2021

[Main COI reference: Security situation 2021, 2.9]

Bauchi state is composed of 20 LGAs and its capital is Bauchi city. The state's estimated population was 6 537 314 in 2016.

Although Bauchi had experienced several Boko Harm attacks in the past (2014-2015), during recent years the state did not experience the levels of violent extremism noted in other North-East region

states. Actors in the violent incidents recorded in the state included mainly unidentified armed groups, local militias, herders and farmers and Nigerian security forces. Security agencies in Bauchi state were taking measures to address the insecurity in the area.

In November 2020, it was reported that Bauchi state was experiencing an increase in kidnapping, banditry, rape, cattle rustling, especially around Falgore forest at the border with Kano state. Security incidents resulting in casualties included clashes between armed groups and vigilantes, attacks by unidentified gunmen, and armed clashes between herders and farmers.

During 2020, ACLED reported a total of 11 security incidents (1 battle, 7 cases of violence against civilians, 3 incidents of riots) in Bauchi state (average of 0.2 security incidents per week). Security incidents took place in 3 out of 20 LGAs, with the largest overall number (7) being recorded in the LGA of Bauchi.

The abovementioned security incidents resulted in 18 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 6 security incidents (1 battle, 3 cases of violence against civilians, 2 incidents of riots) in Bauchi state (average of 0.4 security incidents per week). These security incidents resulted in 3 deaths.

Of the IDPs in North-East region, 89 % were displaced within their state of origin. The total number of IDPs for Bauchi by November 2020 was 66 062. Bauchi had one of the lowest numbers of IDPs in the North-East region. No specific data were found for Bauchi state with regard to the number of returnees.

Looking at the indicators, it can be concluded that in the state of **Bauchi** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Bayelsa

Last update: October 2021

[Main COI reference: Security situation 2021, 2.33]

Bayelsa state is composed of 8 LGAs and its capital is Yenagoa city. The state's estimated population was 2 277 961 in 2016.

A history of economic exploitation, environmental pollution and political marginalisation has led to decades of conflicts in the Niger Delta, including in Bayelsa state. Most of the actors involved in registered violent incidents were unidentified armed groups. Other actors include local communal militias, vigilantes, Fulani militias, cult militias, pirates, and the Nigerian security (police and military) forces. In May 2019, a police operation was launched in order to fight violent clashes, kidnappings and robberies in the state.

In 2020, Bayelsa state experienced incidents of violence that include gang/cult violence and criminality primarily driven by armed robbery, kidnapping, piracy, and killing for ritualistic purposes.

In Bayelsa state, casualties, including of civilians, have been caused by cult or gang clashes, communal fights and in the context of more targeted attacks.

During 2020, ACLED reported a total of 25 security incidents (11 battles, 10 cases of violence against civilians, 4 incidents of riots) in Bayelsa state (average of 0.5 security incident per week). Security incidents took place in 5 out of 8 LGAs, with the largest overall number (14) being recorded in the LGA of Yenegoa.

The abovementioned security incidents resulted in 38 deaths. Compared to the estimated population in the state, this represents approximately 2 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 7 security incidents (2 battles, 4 cases of violence against civilians, 1 incident of riots) in Bayelsa state (average of 0.4 security incident per week). These security incidents resulted in 1 death.

Information on the number of conflict-related IDPs and on the number of returnees in Bayelsa state could not be found.

In several violent incidents, damage on buildings such as churches, governmental buildings and medical centres was reported.

Looking at the indicators, it can be concluded that in the state of **Bayelsa** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Benue

Last update: October 2021

[Main COI reference: Security situation 2021, 2.14]

Benue state is comprised of 23 LGAs and its capital is Makurdi city. The state's estimated population was 5 741 815 in 2016.

After 2016, Benue state was experiencing high levels of violence, with herders attacking many villages and destroying crops and with farmers and militias in some areas killing herders and stealing cattle. The nature of the conflict evolved from more spontaneous to organized attacks, mainly affecting Benue, Plateau and Nasarawa states. In addition, Benue state experiences clashes between ethnic groups over land ownership. Other actors in Benue state include communal militias, ethnic and community groups, and the Nigerian military forces. The Nigerian armed forces have conducted military operations to address insecurity associated with herders-farmers violence.

Since January 2020, there was an alarming escalation in (reprisal) attacks and abductions in different states in North-West and North-Central Nigeria. Benue was one of the three states that were the most affected by an increase in herdsmen-farmers clashes in 2020. Violent clashes between herders and farmers and between local communities resulted in casualties and led residents to flee. A clash between Nigerian troops and armed herders has been also reported. Allegations that the military has attacked and killed over 50 civilians in local communities have been denied by the military headquarters.

During 2020, ACLED reported a total of 100 security incidents (42 battles, 52 cases of violence against civilians, 6 incidents of riots) in Benue state (average of 1.9 security incidents per week). Security incidents took place in 16 out of 23 LGAs, with the largest overall number (21) being recorded in the LGA of Guma.

The abovementioned security incidents resulted in 190 deaths. Compared to the estimated population in the state, this represents approximately 3 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 38 security incidents (12 battles, 22 cases of violence against civilians, 4 incidents of riots) in Benue state (average of 2.2 security incidents per week). These security incidents resulted in 177 deaths.

The total number of IDPs for Benue state by December 2020 was 204 193, an increase of 3 % compared to data collected in July 2020. Benue hosts the largest IDP population in the North-West and North-Central regions. No specific data were found for Benue state with regard to the number of returnees.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the state of **Benue**, however not at a high level. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Borno

Last update: October 2021

[Main COI reference: Security situation 2021, 2.10]

Borno state is composed of 27 LGAs and its capital is Maiduguri city. The state's estimated population was 5 860 183 in 2016.

Borno state was the birthplace of Boko Haram in 2002 and, together with Yobe and Adamawa, the area where the group's activities are mostly concentrated. The main actors in this conflict are, on one hand, Boko Haram/JAS and ISWAP and, on the other hand, the Nigerian security forces. There are also community militia groups, particularly CJTF, active in Borno state. Although Boko Haram has been pushed by Nigerian military forces out of several states in the North-East region, it continues to retain control over some villages and pockets of territory in Borno and taxes residents. The introduction of the strategy of 'super camps', in which the soldiers were withdrawn from remote communities and retreated in their fortified camps after curfew, has succeeded in reducing security forces' casualties; however, in the evenings, ISWAP appears to have close to free rein in the countryside and smaller towns. In 2020, it was further observed that cooperation and collaboration between (motorcycle) bandits and Boko Haram factions continued in a number of northern states, including Borno state.

Borno was the most affected state with the number of security incidents reported by ACLED in 2020 nearly doubling compared to data of 2019. Mostly insurgents or security officers were reported as fatalities, however, fatalities of civilians were also recorded. The main cause of civilian fatalities was violence by Boko Haram and counter activities by the Nigerian security forces. During attacks against

military targets, Boko Haram has indiscriminately shot against civilians resulting in multiple casualties. Boko Haram has further continued to launch deadly suicide attacks, to attack and loot villages, burn houses and abduct civilians, mostly women and children. In 2020, illegal checkpoints on roads, planting of IEDs on the main supply routes, road attacks or ambushes followed by abductions of civilians by non-state armed forces dressed in military uniforms, were also reported. Many survivors of such illegal roadblocks have given accounts of how the insurgents target security personnel, humanitarian workers, or non-Muslims. UN humanitarian facilities and Christian communities have also been attacked by Boko Haram. Furthermore, civilians have reportedly been killed as a result of airstrikes conducted by the Nigerian forces against Boko Haram targets. Community militia groups were also reported to have inflicted harm against civilians. Criminal activities and civil unrest also took place in the region. In February 2021, Boko Haram launched a heavy attack against residents in several locations within Maiduguri city, resulting in many civilian casualties. The attack involved an assault team and volleys of mortars and it was the first attack in years which broke the tight security of the city.

Furthermore, there have been reports of incidents involving both civilian and military casualties from landmines and a range of other locally produced explosive devices planted by Boko Haram in the northeast of the country, particularly in Borno, Yobe, and Adamawa states.

During 2020, ACLED reported a total of 582 security incidents (362 battles, 148 remote violence/explosion, 107 cases of violence against civilians, 1 incident of riot) in Borno state (average of 11.1 security incident per week). Security incidents took place in 24 out of 27 LGAs, with the largest overall number (64) being recorded in the LGA of Gwoza.

The abovementioned security incidents resulted in 3 168 deaths. Compared to the estimated population in the state, this represents approximately 54 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 195 security incidents (119 battles, 58 incidents of remote violence/explosions, 17 cases of violence against civilians, 1 incident of riots) in Borno state (average of 11.5 security incident per week). These security incidents resulted in 1 304 deaths.

Borno has the highest number of IDPs mounting to 1 603 044 people. It should further be noted that Borno's three most populous LGAs were not accessible to IOM assessment due to increased hostilities in the areas. Of the IDPs in North-East region, 89 % were displaced within their state of origin. The total number of returnees to Borno state by November 2020 was 724 263. Borno state government's plan to return IDPs to some LGAs witnessing escalating clashes and attacks, has raised concerns of safety and continued access of IDPs to critical assistance and services.

The humanitarian crisis in the north-eastern states of Borno, Adamawa, and Yobe has been described as among the world's most severe. In northern Borno, new waves of non-state armed groups attacks and clashes with government forces along key supply routes occurred, challenging aid deliveries in certain areas. Following attacks in April 2021 on UN facilities in Damasak, aid operations were temporarily suspended in the area.

Looking at the indicators, it can be concluded that 'mere presence' in the area would not be sufficient to establish a real risk of serious harm under Article 15(c) QD in the state of **Borno**. However, indiscriminate violence reaches a high level, and, accordingly, **a lower level of individual elements** is required to show substantial grounds for believing that a civilian,

returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Cross River

Last update: October 2021

[Main COI reference: Security situation 2021, 2.41]

Cross River state is composed of 18 LGAs and its capital is Calabar city. The state's estimated population was 3 866 269 in 2016.

Ethnic or communal conflicts have traditionally been a source of violence in Cross River state, and in recent years have become more frequent and more dangerous for the population. In 2020, some of the main actors in conflicts in the area included local communities, herders and farmers, rival cult gangs, criminal gangs and mobs. The Nigerian government continued to deploy armed forces to tackle internal security issues, such as, in particular, robberies and kidnappings.

Compared to 2019, there was a decrease in incidents of communal violence in the state during 2020. However communal violence, including farmer/herder conflicts, represented one of the main sources of conflict in the state, along with criminal, cult violence, vigilantism and mob justice, clashes between police and militants or protesters. Communal militias engaged in armed clashes over boundary disputes, resulting in deaths and injuries. Clashes amongst gangs were also reported. Kidnappings for ransom has also become a major security issue in the state.

During 2020, ACLED reported a total of 35 security incidents (11 battles, 14 cases of violence against civilians, 10 incidents of riots) in Cross River state (average of 0.7 security incident per week). Security incidents took place in 14 out of 18 LGAs, with the largest overall number (12) being recorded in the LGA of Calabar.

The abovementioned security incidents resulted in 40 deaths. Compared to the estimated population in the state, this represents approximately 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 7 security incidents (4 battles, 2 cases of violence against civilians, 1 incident of riots) in Cross River state (average of 0.4 security incident per week). These security incidents resulted in 12 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Cross River state could not be found.

Criminal activities and robberies were reported along roads and highways.

Looking at the indicators, it can be concluded that in the state of **Cross River** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Delta

Last update: October 2021

[Main COI reference: Security situation 2021, 2.35]

Delta state is composed of 25 LGAs and its capital is Asaba city. The state's estimated population was 5 663 362 in 2016.

The main actors were herders and farmers, local communities fighting each other, rival cult gangs and criminal gangs. Cultism has been a major source of violence. General criminal activity was also widespread. The Nigerian government deployed armed forces to tackle internal security issues in the area. A coalition of former militants belonging to the Reformed Niger Delta Avengers (RNDA) also had reported presence in the state, however there were no reports of violent incidents with their involvement.

Compared to 2019, there was an increase in incidents of communal violence in Delta state in 2020. In this context, destruction of houses has also been reported. Furthermore, in 2020, clashes between herders and farmers over land disputes were reported. Criminal violence mainly involved robberies, kidnappings, killings for ritualistic purposes, armed clashes between gangs and cults and public security. Violent protests have also been recorded in the area. During 2020, in Delta state armed robberies and killings have been reported on some roads.

During 2020, ACLED reported a total of 100 security incidents (24 battles, 52 cases of violence against civilians, 24 incidents of riots) in Delta state (average of 1.9 security incident per week). Security incidents took place in 19 out of 25 LGAs, with the largest overall number (23) being recorded in the LGA of Ughelli North.

The abovementioned security incidents resulted in 120 deaths. Compared to the estimated population in the state, this represents approximately 2 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 27 security incidents (8 battles, 13 cases of violence against civilians, 6 incidents of riots) in Delta state (average of 1.6 security incident per week). These security incidents resulted in 28 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Delta state could not be found.

Looking at the indicators, it can be concluded that in the state of **Delta** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Ebonyi

Last update: October 2021

[Main COI reference: Security situation 2021, 2.23]

Ebonyi state is composed of 13 LGAs and its capital is Abakaliki city. The state's estimated population was 2 880 383 in 2016.

In 2020, Ebonyi state experienced many communal confrontations related to conflicts over land and its resources. The main security actors were cults, unidentified gunmen, police services and herders and farmers. The local Government ordered the profiling of all herdsmen in the state and tasked a security outfit with providing security in the areas contested by herder-farmer conflicts. IPOB also has reported activity in the state.

In 2020 due to communal confrontations, residents were allegedly accosted, abducted, killed, beheaded or expelled from their homes. Furthermore, villages were evacuated by their residents for fear of being murdered by armed militia gangs and houses and properties were destroyed in attacks. Civilian fatalities have been also reported in the context of Fulani herdsmen and farmers crisis. During #EndSARS protests, policemen were killed or injured and police stations were burned by alleged IPOB members. IPOB denied the accusations. During cult clashes, fatalities were recorded.

During 2020, ACLED reported a total of 29 security incidents (10 battles, 14 cases of violence against civilians, 5 incidents of riots) in Ebonyi state (average of 0.6 security incident per week). Security incidents took place in 12 out of 13 LGAs, with the largest overall number (4) being recorded in the LGAs of Izzy and Ebonyi.

The abovementioned security incidents resulted in 37 deaths. Compared to the estimated population in the state, this represents approximately 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 17 security incidents (9 battles, 7 cases of violence against civilians, 1 incident of riots) in Ebonyi state (average of 1 security incident per week). These security incidents resulted in 82 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Ebonyi state could not be found.

Looking at the indicators, it can be concluded that in the state of **Ebonyi** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Edo

Last update: October 2021

[Main COI reference: Security situation 2021, 2.36]

Edo state is composed of 18 LGAs and its capital is Benin city. The state's estimated population was 4 235 595 in 2016.

The conflict between herdsmen and farmers has also spread to Edo state, with the first incident of such nature reported in 2015. Since then, clashes between farmers and Fulani herdsmen in the state have resulted in loss of lives and destruction of properties. Cultism has also been one of the major sources of violence in the Niger Delta. In 2020, Edo was the third most affected state by violence within the Niger Delta, after Delta and Rivers states, and the main actors of violence included herders and farmers, rival cult groups, criminal gangs, and security forces involved in counter-insurgency operations. During 2020, the Nigerian government continued to deploy armed forces to tackle internal security issues. The presence of communal militias was also reported in Edo state.

Some of the main drivers of conflict and security issues included criminal violence and gang/cult supremacy clashes, violent clashes between herders and farmers, vigilantism and mob justice, violent protests and counter-insurgency operations in relation to the #EndSars protests. Cult and gang related violence and criminality were major security issues. Criminal violence included mainly armed banditry, kidnapping, mob lynching, clashes between criminals and security operatives. In some occasions, armed clashes between gangs resulted in fatalities and civilians fleeing or hiding in order to avoid stray bullets. Fatalities during #EndSars protests as a result of soldiers using force to disperse the demonstrators were also reported. Robbery and kidnapping have occurred over the years, including in 2020, on some roads in the state.

During 2020, ACLED reported a total of 53 security incidents (9 battles, 1 remote violence/explosion, 27 cases of violence against civilians, 16 incidents of riots) in Edo state (average of 1 security incident per week). Security incidents took place in 13 out of 18 LGAs, with the largest overall number (18) being recorded in the LGA of Oredo.

The abovementioned security incidents resulted in 51 deaths. Compared to the estimated population in the state, this represents approximately 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 13 security incidents (3 battles, 8 cases of violence against civilians, 2 incidents of riots) in Edo state (average of 0.8 security incident per week). These security incidents resulted in 12 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Edo state could not be found.

Looking at the indicators, it can be concluded that in the state of **Edo** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Ekiti

Last update: October 2021

[Main COI reference: Security situation 2021, 2.26]

Ekiti state is composed of 16 LGAs and its capital is Ado-Ekiti city. The state's estimated population was 3 270 798 in 2016.

Conflicts in Ekiti state are related to land, water resources and cattle rusting. The main actors in the conflict in Ekiti state are different armed groups, the Fulani ethnic militia group, and various groups of protesters including vigilante groups. Governors of all six states of South-West region established the Western Nigeria Security Network to protect communities from herder-farmer conflicts and/or criminal activities.

The South-West region, including Ekiti, faces cases of kidnapping, abduction, killings and other forms of crime. In 2020, attacks of Fulani herdsmen took place in Ekiti state, resulting in fatalities.

During 2020, ACLED reported a total of 16 security incidents (2 battles, 8 cases of violence against civilians, 6 incidents of riots) in Ekiti state (average of 0.3 security incidents per week). Security

incidents took place in 8 out of 16 LGAs, with the largest overall number (5) being recorded in the LGA of Ado Ekiti.

The abovementioned security incidents resulted in 12 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 8 security incidents (1 battle, 7 cases of violence against civilians) in Ekiti state (average of 0.5 security incident per week). These security incidents resulted in 4 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Ekiti state could not be found.

Acts of kidnapping and killing were reported in the roads of Ekiti state.

Looking at the indicators, it can be concluded that in the state of **Ekiti** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Enugu

Last update: October 2021

[Main COI reference: Security situation 2021, 2.24]

Enugu state is composed of 17 LGAs and its capital is Enugu city. The state's estimated population was 4 411 119 in 2016.

The main actors in the security situation in Enugu state were police services, unidentified gunmen, #EndSARS protesters, IPOB and different communities. In 2020, conflicts in Enugu state were mainly around clashes between communities over land. Enugu state government has tasked a security outfit with providing security in the land areas contested in the farmer-herder conflict.

In August 2020, a clash between IPOB and police forces led to casualties by both parties. In October 2020, during #EndSARS protests people were killed or wounded. Cases of abductions were reported in Enugu.

During 2020, ACLED reported a total of 18 security incidents (1 battles, 12 cases of violence against civilians, 5 incidents of riots) in Enugu state (average of 0.3 security incident per week). Security incidents took place in 9 out of 17 LGAs, with the largest overall number (5) being recorded in the LGA of Nsukka LGA.

The abovementioned security incidents resulted in 5 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 6 security incidents (3 battles, 2 cases of violence against civilians, 1 incident of riots) in Enugu state (average of 0.4 security incident per week). These security incidents resulted in 10 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Enugu state could not be found.

Looking at the indicators, it can be concluded that in the state of **Enugu** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Gombe

Last update: October 2021

[Main COI reference: Security situation 2021, 2.11]

Gombe state is composed of 11 LGAs and its capital is Gombe city. The state's estimated population was 3 256 962 in 2016.

Although Gombe had experienced several Boko Harm attacks in the past (in particular in 2014-2015), in recent years the state did not experience the 'levels of violent extremism' noted in other North-East region states. Actors in violent incidents recorded by ACLED in Gombe are ISWAP, local militias, and rioters.

In 2020, fatalities and destruction of houses were recorded during a clash between ISWAP and local militia and during a communal clash between armed militias of ethnic groups.

During 2020, ACLED reported a total of 3 security incidents (1 battles, 1 case of violence against civilians, 1 incidents of riots) in Gombe state (average of 0.1 security incidents per week). Security incidents took place only in the LGA of Gombe.

The abovementioned security incidents resulted in 3 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 3 security incidents (2 battles, 1 incident of riot) in Gombe state (average of 0.2 security incidents per week). These security incidents resulted in 17 deaths.

Of the IDPs in North-East region, 89 % were displaced within their state of origin. The total number of IDPs for Gombe by November 2020 was 39 532. Gombe had the lowest number of IDPs in the North-East region. No specific data were found for Kano state with regard to the number of returnees.

Looking at the indicators, it can be concluded that in the state of **Gombe** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Imo

Last update: October 2021

[Main COI reference: Security situation 2021, 2.25]

Imo state is composed of 27 LGAs and its capital is Owerri city. The state's estimated population was 5 408 756 in 2016.

Imo state, as an oil-producing state part of the Niger Delta, shares a history of economic exploitation, environmental pollution and political marginalisation which has made the Niger Delta a rather violent region. The main actors in Imo state are Fulani herdsmen (militias), several local militias, local cult groups, members of IPOB/MASSOB/ESN, militants from political parties, and the Nigerian police and security forces.

In 2020 several human rights violations recorded in Imo state included abuses by security forces, gang and cult violence, vigilante and mob violence. Clashes with Fulani herdsmen, related to conflicts over grazing land, also occurred. Furthermore, cult rivalry has led to several deaths and injuries and has caused panic among residents. MASSOB and IPOB/ESN have been involved in clashes with the police and many of their members have been arrested. Security forces have further raided ESN camps in the area. #EndSARS protests have also been reported in the area. Increased cases of armed robberies and theft have been reported in Imo state.

During 2020, ACLED reported a total of 38 security incidents (6 battles, 16 cases of violence against civilians, 16 incidents of riots) in Imo state (average of 0.7 security incident per week). Security incidents took place in 16 out of 27 LGAs, with the largest overall number (10) being recorded in the LGA of Owerri-Municipal.

The abovementioned security incidents resulted in 18 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 32 security incidents (14 battles, 1 incident of remote violence/explosions, 13 cases of violence against civilians, 4 incidents of riots) in Imo state (average of 1.9 security incident per week). These incidents resulted in 59 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Imo state could not be found.

Looking at the indicators, it can be concluded that in the state of **Imo** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Jigawa

Last update: October 2021

[Main COI reference: Security situation 2021, 2.1]

Jigawa State is composed of 27 LGAs and its capital is Dutse city. The state's estimated population was 5 828 163 in 2016.

Actors in Jigawa state's conflicts include local communal militias, unidentified gunmen, kidnappers and robbers, and herders and farmers. In 2019 and 2020, Jigawa state experienced several farmer-herder confrontations resulting in casualties. Furthermore, several kidnappings took place in the

same period. Jigawa State police was reported to have intervened in some violent incidents. Furthermore, the state had one of the lowest number of fatalities from crime in 2020.

During 2020, ACLED reported a total of 15 security incidents (7 battles, 2 cases of violence against civilians, 6 incidents of riots) in Jigawa state (average of 0.3 security incidents per week). Security incidents took place in 10 out of 27 LGAs, with the largest overall number (2) being recorded in the LGAs of Garki and Guri.

The abovementioned security incidents resulted in 15 deaths. Compared to the estimated population in 2016 in the governorate, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 3 security incidents (2 cases of violence against civilians, 1 incident of riot) in Jigawa state (average of 0.2 security incident per week). These security incidents resulted in 2 deaths.

IOM-DTM data showed that 87 % of the IDPs in North-West and North-Central regions were displaced within their state of origin, and 13 % were displaced from a different state. As of January 2021, 419 457 IDPs were registered in the North-West region. No specific data were found for Jigawa state with regard to number of IDPs and returnees.

Road security in the north-west was affected by incidents of kidnappings and robberies.

Looking at the indicators, it can be concluded that in the state of **Jigawa** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Kaduna

Last update: October 2021

[Main COI reference: Security situation 2021, 2.2]

Kaduna state is composed of 22 LGAs and its capital is Kaduna city. The state's estimated population was 8 252 366 in 2016.

The city of Kaduna has long been the centre of political, ethnic and religious violence. Kaduna state is reportedly surpassing Borno state as the 'epicentre of violence'. The main actors of violence include Fulani ethnic militias, unidentified armed groups, the military forces of Nigeria, and Kaduna communal militia. Boko Haram has also allegedly conducted attacks in the state. Furthermore, in 2020, the Islamist armed group Ansaru conducted its first attacks in five years. Even though state security forces have arrested or killed hundreds of men suspected of being part of herder-allied groups and criminal gangs, rescued hundreds of kidnapped persons and recovered weapons and ammunition, 'the army failed to consolidate those gains and hold territory, enabling the groups to soon reorganise and return' according to local interlocutors.

Farmer-herder conflicts have intensified in the North-West region of Nigeria during the COVID-19 lockdown period. The whole state of Kaduna experienced increasing levels of violent conflicts and kidnappings and it has been reported that worst affected are villages in the southern part of the state. The Federal security forces launched several anti-banditry operations in the North-West region, including in Kaduna. Major armed clashes have resulted in many fatalities amongst soldiers and militiamen. Civilians have also been injured and killed during attacks in villages and

communities. In March 2020, armed men, allegedly belonging to Boko Haram, attacked several villages resulting in casualties and property destruction. Reprisal attacks in villages by unknown gunmen or bandits continued in 2021. Furthermore, a new wave of mass kidnappings from schools or universities by unknown gunmen has also been witnessed, including in Kaduna state. In one occasion, victims of kidnapping were found dead.

During 2020, ACLED reported a total of 227 security incidents (58 battles, 15 incidents of remote violence/explosions, 144 cases of violence against civilians, 10 incidents of riots) in Kaduna state (average of 4.3 security incidents per week). Security incidents took place in 19 out of the 22 LGAs, with the largest overall number (52) being recorded in the LGA of Chikun.

The abovementioned security incidents resulted in 869 deaths. Compared to the estimated population in the state, this represents approximately 11 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 188 security incidents (51 battles, 33 incidents of remote violence/explosions, 98 cases of violence against civilians, 6 incidents of riots) in Kaduna state (average of 11.1 security incidents per week). These security incidents resulted in 500 deaths.

The total number of IDPs for Kaduna by December 2020 was 89 629, an increase of 33 % compared to data recorded in July 2020. No specific data were found for Kaduna state with regard to the number of returnees.

A new humanitarian crisis is emerging in the state of Kaduna. As a result of the hundreds of violent incidents in Kaduna state, many houses and properties have been burnt, crops have been destroyed and large numbers of cattle were rustled or killed. The Abuja-Kaduna-Kano highway is notorious for violent kidnappings.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the state of **Kaduna**, however not at a high level. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Kano

Last update: October 2021

[Main COI reference: Security situation 2021, 2.3]

Kano state is composed of 44 LGAs and its capital is Kano city. The state's estimated population was 13 076 892 in 2016.

As in other North-West region states, violence in Kano State is often related to cattle rustling and conflicts over land and resources. Since 2014, the North-West region has suffered a surge of violence between pastoralists and armed bandits, on one hand, and farmers supported by community and state-sponsored vigilantes, on the other. The main actors in Kano state's violence include unidentified armed groups and rioters. Cattle rustling is mostly carried out by large, well-armed criminal groups. Kano state has also seen a proliferation of small arms available to gangs, cattle

rustlers, and Fulani rangers, which cannot be sufficiently addressed by the state police forces. However, the Nigerian army has taken steps to increase its presence in the region. The Abuja-Kaduna-Kano road is notorious for kidnappings for ransom.

Farmer-herder conflicts have intensified in the North-West region of Nigeria during the COVID-19 lockdown period. Security incidents in 2020 included abductions and attacks by unidentified armed groups to civilian properties, such as shops and houses. Civilian casualties were also reported during a protest demonstration in 2020, as a result of an attack by unidentified armed men.

During 2020, ACLED reported a total of 12 security incidents (2 battles, 7 cases of violence against civilians, 3 incidents of riots) in Kano state (average of 0.2 security incidents per week). Security incidents took place in 6 out of 44 LGAs, with the largest overall number (4) being recorded in the LGA of Kano municipal.

The abovementioned security incidents resulted in 6 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 3 security incidents (1 case of violence against civilians, 2 incidents of riots) in Kano state (average of 0.2 security incidents per week). These security incidents resulted in 1 death.

The total number of IDPs for Kano by December 2020 was 50 676. No specific data were found for Kano state with regard to the number of returnees.

Looking at the indicators, it can be concluded that in the state of **Kano** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Katsina

Last update: October 2021

[Main COI reference: Security situation 2021, 2.4]

Katsina is composed of 34 LGAs and its capital is Katsina city. The state's estimated population was 7 831 319 in 2016.

Violence in Katsina state is often related to cattle rustling and conflict over land and resources. From 2015, attacks by armed groups connected to Fulani herders, vigilantes and criminal gangs, have also spread to Katsina. The main actors in the security incidents include local communal militias, Fulani ethnic militias, or unidentified armed groups. Violence has been concentrated in areas near its boundaries with the state of Zamfara and forest areas have become the hideout and operation bases for armed groups. Criminal gangs operate in the large forests bordering to the west with the Zamfara state. In addition, many groups have declared allegiance to Boko Haram's leadership and Boko Haram has claimed responsibility for a large-scale attack and kidnapping at a school. The state government deployed police and army forces to secure the area.

Since July 2018, kidnapping and hostage taking have led to a high level of insecurity. Furthermore, farmer-herder conflicts have intensified in the North-West region during the Covind-19 lockdown. There were daily reports on kidnapping, armed robbery and banditry, as well as cattle rustling.

Incidents of kidnappings have also led residents in the affected rural communities to flee to the LGA capitals or the state capital. Security incidents in 2020, included (retaliatory) armed attacks and looting by armed bandits against villages and clashes between Nigerian troops and unidentified gunmen. In addition, airstrikes by the Nigerian Air Forces against camps of militias, have been also reported. In December 2020, Boko Haram claimed responsibility for a school attack and kidnapping of more than 300 school children.

During 2020, ACLED reported a total of 210 security incidents (72 battles, 21 incidents of remote violence/explosions, 109 cases of violence against civilians, 8 incidents of riots) in Katsina state (average of 4 security incidents per week). Security incidents took place in 21 out of 34 LGAs, with the largest overall number (42) being recorded in the LGA of Faskari.

The abovementioned security incidents resulted in 995 deaths. Compared to the estimated population in the state, this represents approximately 13 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 41 security incidents (18 battles, 22 cases of violence against civilians, 1 incident of riots) in Katsina state (average of 2.4 security incidents per week). These security incidents resulted in 160 deaths.

The total number of IDPs for Katsina by December 2020 was 121 434, an increase of 52 % compared to data recorded in July 2020, partially explained by the increased intensity and frequency of attacks, according to IOM. No specific data were found for Katsina state with regard to the number of returnees.

A new humanitarian crisis is emerging in the state of Katsina. Further impact on the civilian population includes destructions of villages, houses, and farms. Incidents of kidnapping along the Katsina's roads have also been reported.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the state of **Katsina**, however not at a high level. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Kebbi

Last update: October 2021

[Main COI reference: Security situation 2021, 2.5]

Kebbi state is composed of 21 LGAs and its capital is Birnin Kebbi city. The state's estimated population was 4 440 050 in 2016.

Violence in Kebbi state is often related to cattle rustling and conflicts over land and resources. Actors in the security incidents include Fulani militia groups and the Hausa vigilante groups. Hausa vigilante groups created to protect their villages have become a source of insecurity and are mentioned in reports on violence and kidnapping. In addition, ISWAP is building capacity of several small radical groups in the North-West. In Kebbi, these groups are situated in Zuru LGA. Kebbi state authorities

have encouraged the creation of neighbourhood watch vigilante groups to generate intelligence, identify potential criminals and report suspicious persons, movements, and activities.

Farmer-herder conflicts have intensified in the North-West region during the COVID-19 lockdown period. In May 2020 violence had spread from its epicentre in Zamfara state to other states including Kebbi. However, Kebbi, in comparison with other North-West region states, was stage of a small number of violent incidents. In 2020, security incidents included abductions and armed attacks by militias resulting in multiple casualties.

During 2020, ACLED reported a total of 6 security incidents (1 battle, 4 cases of violence against civilians, 1 incident of riots) in Kebbi state (average of 0.1 security incidents per week). Security incidents took place in a 4 out of 21 LGAs, with the largest overall (2) number being recorded in the LGAs of Wasagu/Danko and Zuru.

The abovementioned security incidents resulted in 10 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 4 security incidents (2 battles, 2 incidents of riots) in Kebbi state (average of 0.2 security incidents per week). These security incidents resulted in 21 deaths.

IOM-DTM data showed that 87 % of the IDPs in North-West and North-Central regions were displaced within their state of origin, 13 % were displaced from a different state. As of January 2021, 419 457 IDPs were registered in the North-West region. Information on the number of conflict-related IDPs and on the number of returnees in Kebbi state could not be found.

A new humanitarian crisis is emerging in the state of Kebbi. The Minna-Birnin Kebbi road was mentioned as one of the most insecure and dangerous roads in Nigeria due to the risk of kidnapping.

Looking at the indicators, it can be concluded that in the state of **Kebbi** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Kogi

Last update: October 2021

[Main COI reference: Security situation 2021, 2.16]

Kogi state is composed of 21 LGAs and its capital is Lokoja city. The state's estimated population was 4 473 490 in 2016.

While the farmers-herders crisis started as a Northern Middle Belt phenomenon, it has spread to the entire country, constituting a national crisis. Kogi state is one of the states in Nigeria that are affected by the increasing farmer-herder conflicts. Actors in the attacks include various local militias, Fulani ethnic militias, unidentified cult militias, farmers, herders, and the Nigerian police and security forces. In August 2020, security measures were stepped up, including a destruction of a camp of an insurgent group, resulting in arrests of kidnappers, bandits and cultists.

The herder-farmers conflicts have taken new dangerous dimension to the extent that the clashes have become frequent, culminating into killings, maiming, and in some cases burning of houses and invasion of communities. Residents have reportedly fled their homes due to the attacks. Kogi state also witnessed cult violence, related to rivalry between different cult groups, often escalating into reprisal attacks. During #EndSars protests, casualties were reported when protesters were attacked by political thugs using cutlasses and machetes. These political thugs were reportedly loyal to the government and backed by the police. Incidents of abductions have also been reported in Kogi state.

During 2020, ACLED reported a total of 37 security incidents (4 battles, 27 cases of violence against civilians, 6 incidents of riots) in Kogi state (average of 0.7 security incidents per week). Security incidents took place in 14 out of 21 LGAs, with the largest overall number (9) being recorded in the LGA of Lokoja.

The abovementioned security incidents resulted in 57 deaths. Compared to the estimated population in the state, this represents approximately 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 9 security incidents (1 battle, 6 cases of violence against civilians, 2 incidents of riots) in Kogi state (average of 0.5 security incidents per week). These security incidents resulted in 2 deaths.

IOM-DTM data showed that 87 % of the IDPs in North-West and North-Central regions were displaced within their state of origin, 13 % were displaced from a different state. As of January 2021, 309 231 IDPs were registered in North-Central region. Information on the number of conflict-related IDPs and on the number of returnees in Kogi state could not be found.

Kogi state suffers from a spate of kidnapping and armed robbery on its highways.

Looking at the indicators, it can be concluded that in the state of **Kogi** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Kwara

Last update: October 2021

[Main COI reference: Security situation 2021, 2.17]

Kwara state is composed of 16 LGAs and its capital is Illorin city. The state's estimated population was 3 192 893 in 2016.

The state is affected by increasing farmer-herder conflicts and violent cult incidents. Actors in Kwara state include local communal militias, Fulani ethnic militias, cult militias, herders and farmers, and the Nigerian security police and military.

Kwara state is considered a relatively peaceful state in Nigeria, with few security incidents. In 2020, casualties were recorded during security incidents associated with farmer-herder conflicts and cult clashes.

During 2020, ACLED reported a total of 8 security incidents (2 battles, 4 cases of violence against civilians, 2 incidents of riots) in Kwara state (average of 0.2 security incidents per week). Security incidents took place in 7 out of 16 LGAs, with the largest overall (2) number being recorded in the LGA of Illorin East.

The abovementioned security incidents resulted in 3 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 13 security incidents (3 battles, 2 cases of violence against civilians, 8 incidents of riots) in Kwara state (average of 0.8 security incidents per week). These security incidents resulted in 10 deaths.

IOM-DTM data showed that 87 % of the IDPs in North-West and North-Central regions were displaced within their state of origin, 13 % were displaced from a different state. As of January 2021, 309 231 IDPs were registered in North-Central region. Information on the number of conflict-related IDPs and on the number of returnees in Kwara state could not be found.

Looking at the indicators, it can be concluded that in the state of **Kwara** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Lagos

Last update: October 2021

[Main COI reference: Security situation 2021, 2.27]

Lagos state is composed of 19 LGAs and its capital is Ikeja city. The state's estimated population was 12 550 598 in 2016.

According to Nigeria Watch, in 2019 Lagos was the fourth most dangerous state in Nigeria with a high number of fatalities from banditry, kidnapping, cult killing, domestic violence, hooliganism and extra judicial killing. Lagos state was also ranked third most impacted by lethal criminal incidents. The main actors in violence included protesters of the #EndSARS movement, ethnic militia groups and cult groups. Governors of all six states of South-West region established the Western Nigeria Security Network to protect communities from herder-farmer conflicts and/or criminal activities.

Lagos state experienced acts of armed robbery, kidnapping and outbreaks of violence. Incidents of attacks/ethnic clashes and of cult clashes and violence resulting in fatalities have also been reported. Fatalities were also recorded during protests in the context of #EndSARS.

During 2020, ACLED reported a total of 63 security incidents (12 battles, 19 cases of violence against civilians, 32 incidents of riots) in Lagos state (average of 1.2 security incidents per week). Security incidents took place in 17 out of 19 LGAs, with the largest overall number (8) being recorded in LGA of Ikorodu.

The abovementioned security incidents resulted in 49 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 21 security incidents (5 cases of violence against civilians, 16 incidents of riots) in Lagos state (average of 1.2 security incidents per week). These security incidents resulted in 10 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Lagos state could not be found.

Acts of kidnapping were reported in the roads of Lagos state.

Looking at the indicators, it can be concluded that in the state of **Lagos** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Nasarawa

Last update: October 2021

[Main COI reference: Security situation 2021, 2.18]

Nasarawa state is comprised of 13 LGAs and its capital is Lafia. The state's estimated population was 2 523 395 in 2016.

In 2018 it was noted that Nasarawa state was experiencing a surge in violence involving herder and farmer militias. Actors involved in violence include herders and farmers, militias of ethnic groups, vigilante groups and Nigerian armed forces. An offshoot of Boko Haram has also reported presence in the state.

Insecurity related to killings and kidnappings of citizens has spread across the state of Nasarawa, reportedly 'without being challenged by security operatives'. Toto and Nasarawa are the LGAs where the most kidnapping and armed robberies took place. Nasarawa was also among the states where fatalities due to farmer-herder clashes were recorded. In addition, ethno-communal clashes took place resulting in casualties and destruction of farmlands. A clash between a vigilante group and armed bandits was also reported.

During 2020, ACLED reported a total of 39 security incidents (15 battles, 23 cases of violence against civilians, 1 incident of riots) in Nasarawa state (average of 0.7 security incidents per week). Security incidents took place in 11 out of 13 local government areas, with the largest overall (8) number being recorded in the LGA of Lafia.

The abovementioned security incidents resulted in 66 deaths. Compared to the estimated population in the state, this represents approximately 3 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 10 security incidents (2 battles, 7 cases of violence against civilians, 1 incident of riots) in Nasarawa state (average of 0.6 security incidents per week). These security incidents resulted in 21 deaths.

The total number of IDPs for Nasarawa by December 2020 was 20 059, an increase of 5 % compared to data collected in July 2020. No specific data were found for Nasarawa state with regard to the number of returnees.

The Keffi-Lafia road in Nasarawa is described as very dangerous for travellers due to the presence of armed robbers and kidnappers.

Looking at the indicators, it can be concluded that in the state of **Nasarawa** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Niger

Last update: October 2021

[Main COI reference: Security situation 2021, 2.19]

Niger state is composed of 25 LGAs and its capital is Minna. The state's estimated population was 5 556 247 in 2016.

Niger state has been affected by violence from bandits for the past seven years. In recent years, the violence in Niger state has led villagers to flee to displacement camps in the capital Minna. Bandits constitute one of the main actors in Niger state and they have reportedly operated without any challenge from the security agents in Niger state. Bandits' activities in Niger, among other states, were originally in the form of herder-allied armed banditry but evolved to resemble non-state armed groups. Boko Haram is reportedly expanding its reach from north-eastern Nigeria to, among others, the north-central state of Niger. In particular, JAS has been establishing bases in the state. Nigerian security forces have also launched an operation to tackle banditry, kidnapping, cattle rustling and armed militiaσ.

Niger was one of states in Nigeria that was facing devastating attacks from armed bandits. Niger is in the top five states affected, in terms of fatalities, by banditry and the Boko Haram insurgency. Bandits' attacks included shooting and killing, cattle rustling, abduction, kidnapping, rape, setting villages on fire and looting of valuables, with numbers of fatalities and of displaced persons continuing to increase. In 2021, attacks against villages and abductions continued. Kidnappings for ransom have reportedly occurred in some of the highways oϕ Niger state.

During 2020, ACLED reported a total of 96 security incidents (34 battles, 3 incidents of remote violence/explosions, 57 cases of violence against civilians, 2 incidents of riots) in Niger state (average of 1.8 security incidents per week). Security incidents took place in 14 out of 25 LGAs, with the largest overall number (37) being recorded in the LGA of Rafi.

The abovementioned security incidents resulted in 211 deaths. Compared to the estimated population in the state, this represents approximately 4 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 63 security incidents (19 battles, 42 cases of violence against civilians, 2 incidents of riots) in Niger state (average of 3.7 security incidents per week). These security incidents resulted in 161 deaths.

As of January 2021, 309 231 IDPs were registered in North-Central region. IOM-DTM data showed that 87 % of the IDPs in North-West and North-Central regions were displaced within their state of origin, 13 % were displaced from a different state. Information on the number of conflict-related IDPs and on the number of returnees in Niger state could not be found.

A new humanitarian crisis is emerging in the state of Niger.

Looking at the indicators, it can be concluded that in the state of **Niger** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Taking into account the nature of violence in the state, which is primarily linked to criminality, it may be relevant to examine individual cases in relation to **Article 15(b) QD**.

Ogun

Last update: October 2021

[Main COI reference: Security situation 2021, 2.28]

Ogun state is composed of 21 LGAs and its capital is Abeokuta city. The state's estimated population was 5 217 716 in 2016.

Actors of violence in Ogun state included Fulani ethic militias, cult groups and protesters of the #EndSARS movement. Governors of all six states of South-West region established the Western Nigeria Security Network to protect communities from herder-farmer conflicts and/or criminal activities.

During 2020, casualties were recorded due to herder-farmers conflict and during the #EndSARS movement. In addition, Ogun experienced cult clashes. Incidents of abduction have been also reported.

During 2020, ACLED reported a total of 29 security incidents (3 battles, 10 cases of violence against civilians, 16 incidents of riots) in Ogun state (average of 0.6 security incident per week). Security incidents took place in 13 out of 21 LGAs, with the largest overall number (7) being recorded in the LGA of Ado-Oto/Ota.

The abovementioned security incidents resulted in 25 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 17 security incidents (4 battles, 11 cases of violence against civilians, 2 incidents of riots) in Ogun state (average of 1 security incident per week). These security incidents resulted in 17 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Ogun state could not be found.

The roads of Ogun state are considered dangerous for kidnapping.

Looking at the indicators, it can be concluded that in the state of **Ogun** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Ondo

Last update: October 2021

[Main COI reference: Security situation 2021, 2.29]

Ondo state is composed of 18 LGAs and its capital is Akure city. The state's estimated population was 4 671 695 in 2016.

Historically, Ondo state was affected by the emergence of several armed groups, like the Niger Delta Avengers (NDA) and Joint Niger Delta Liberation Force (JNDLF). However, since November 2016 there has been no major incident by NDA in the Niger Delta. Since 2018, violence due to herder-farmers has spread to Ondo State. Actors in violence included rioters and unidentified armed groups, militants from rivalling political parties, militias of herders and farmers, and militias from communities. In Ondo state, as well as in the other five states of South-West region, the Western Nigeria Security Network was established to protect communities from herder-farmer conflicts and/or criminal activities.

During 2020, Ondo state was mostly affected by communal violence and herders-farmers conflict, caused by tensions over land and boundary disputes, which resulted in several fatalities. Mob violence and violent clashes between protesters and security forces were also frequent. Incidents of abductions were also reported.

During 2020, ACLED reported a total of 55 security incidents (8 battles, 34 cases of violence against civilians, 13 incidents of riots) in Ondo state (average of 1.1 security incidents per week). Security incidents took place in 14 out of 18 LGAs, with the largest overall number (18) being recorded in the LGA of Akure South.

The abovementioned security incidents resulted in 22 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 16 security incidents (4 battles, 9 cases of violence against civilians, 3 incidents of riots) in Ondo state (average of 0.9 security incident per week). These security incidents resulted in 12 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Ondo state could not be found.

Incidents of kidnapping were reported in some roads of Ondo state.

Looking at the indicators, it can be concluded that in the state of **Ondo** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Osun

Last update: October 2021

[Main COI reference: Security situation 2021, 2.30]

Osun state is composed of 30 LGAs and its capital is Osogbo city. The state's estimated population was 4 705 589 in 2016.

Actors in violence include rioters and protesters, as well as unidentified armed groups in clashes with civilians, on the one hand, and police forces on the other. Osun is one of the six states of the South-West region, where the Western Nigeria Security Network was established to protect communities from herder-farmer conflicts and/or criminal activities.

In 2020, Osun state experienced mainly events of protests and riots in some of which fatalities were also recorded. Attacks by unidentified gunmen and mob violence were also reported.

During 2020, ACLED reported a total of 23 security incidents (5 battles, 5 cases of violence against civilians, 13 incidents of riots) in Osun state (average of 0.4 security incident per week). Security incidents took place in 11 out of 30 LGAs, with the largest overall number (8) being recorded in the LGA of Osogbo.

The abovementioned security incidents resulted in 18 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 15 security incidents (6 battles, 7 cases of violence against civilians, 2 incidents of riots) in Osun state (average of 0.9 security incident per week). These security incidents resulted in 11 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Osun state could not be found.

Incidents of kidnapping were reported in some roads of Osun state.

Looking at the indicators, it can be concluded that in the state of **Osun** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Oyo

Last update: October 2021

[Main COI reference: Security situation 2021, 2.31]

Oyo state is composed of 32 LGAs and its capital is Ibadan city. The state's estimated population was 7 840 864 in 2016.

Since 2018 the deadly conflict between herders and farmers started to expand from the Middle Belt to the South-West and South-East regions, as herders were searching for grazing routes for their cattle. Actors in Oyo state included rioters in clashes with civilians and police forces, unidentified armed groups, Fulani militias, and other communal militias. In Oyo state, as well as in the other five states of the South-West region, the Western Nigeria Security Network was established to protect communities from herder-farmer conflicts and/or criminal activities.

During 2020, the state has witnessed high-level insecurity, and kidnappings for ransom, highway robberies and herdsmen attacks are the main problems that affect residents. The majority of incidents in Oyo state were protests and riots, including mob-violence, while armed clashes between security forces, communal militias and unidentified armed groups were also recorded. Violent

incidents against civilians included mostly attacks from ethnic militias and unidentified armed groups. Cases of abductions have been also reported.

During 2020, ACLED reported a total of 47 security incidents (8 battles, 20 cases of violence against civilians, 19 incidents of riots) in Oyo state (average of 0.9 security incident per week). Security incidents took place in 14 out of 32 LGAs, with the largest overall number (22) being recorded in the LGA of Akinyele.

The abovementioned security incidents resulted in 41 deaths. Compared to the estimated population in the state, this represents less than 1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 38 security incidents (5 battles, 23 cases of violence against civilians, 10 incidents of riots) in Oyo state (average of 2.2 security incidents per week). These security incidents resulted in 29 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Oyo state could not be found.

The Ilorin-Ogbomoso road in Atisbo LGA has been described as unsafe, due to kidnapping incidents by suspected herdsmen.

Looking at the indicators, it can be concluded that in the state of **Oyo** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Plateau

Last update: October 2021

[Main COI reference: Security situation 2021, 2.20]

Plateau state is composed of 17 LGAs and its capital is Jos city. The state's estimated population was 4 200 442 in 2016.

While Plateau state had been relatively peaceful until 2018, tensions were resurfacing due to farmer-herder conflicts. Farmers and herders constitute some of the main actors involved in the conflict in Plateau state. Local militias and vigilantes have also been involved in attacks in the state. State security forces have launched a joint task force operation to maintain peace in Plateau. However, it has been reported that they do not respond to stress calls or follow up on attacks.

In 2020, according to Nigeria Watch, Plateau was the state with the second highest number of fatalities due to herders-farmers clashes and one of the states with the highest fatalities due to ethno-communal clashes. Attacks by (suspected) herdsmen and by unidentified gunmen against local communities have resulted in casualties and destruction of properties. In addition, fatalities were reported during clashes in relation to #EndSARS protests.

During 2020, ACLED reported a total of 63 security incidents (9 battles, 46 cases of violence against civilians, 8 incidents of riots) in Plateau state (average of 1.2 security incidents per week). Security

incidents took place in 11 out of 17 LGAs, with the largest overall number (13) being recorded in the LGA of Barkin Ladi.

The abovementioned security incidents resulted in 151 deaths. Compared to the estimated population in the state, this represents approximately 4 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 15 security incidents (3 battles, 11 cases of violence against civilians, 1 incident of riots) in Plateau state (average of 0.9 security incidents per week). These security incidents resulted in 45 deaths.

The total number of IDPs for Plateau state by December 2020 was 84 979, which represents an increase of 5 % compared to data collected in July 2020. No specific data were found for Plateau state with regard to the number of returnees.

The Keffi-Jos road in Plateau state is described as very dangerous for travellers, due to the presence of armed robbers and kidnappers.

Looking at the indicators, it can be concluded that in the state of **Plateau** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Rivers

Last update: October 2021

[Main COI reference: Security situation 2021, 2.37]

Rivers state is composed of 23 LGAs and its capital is Port-Harcourt city. The state's estimated population was 7 303 924 in 2016.

Communal violence in Rivers state has historically been triggered by battle over control of oil and gas facilities as well as disputed borders. River's capital city, Port Harcourt, was part of the independent Republic of Biafra. Additionally, cult groups have been active in the state since the 1980's. In 2020, the main actors of violence in Rivers state were criminal gangs, cult gangs, communal militias, vigilante groups and IPOB/ESN. The response of the Rivers state government to protect communities from attacks of gangs operating across the state was described as inadequate.

Even though, compared to the previous year, cult and gang-related incidents in the state decreased in 2020, cultism remains one of the major sources of violence in Rivers state. In 2020, crime related incidents included kidnappings, piracy, robberies, clashes between gang members and security operatives. Fatalities during communal clashes and between pirates and military forces have also been reported. Cult and gang-related violence caused deaths and displacement within the state. Additionally, Nigerian military army operations have resulted in militiamen's and residents' fatalities, some of them in the context of clashes with IPOB/ESN. #EndSARS protests have also been reported in the area.

During 2020, ACLED reported a total of 37 security incidents (10 battles, 22 cases of violence against civilians, 5 incidents of riots) in Rivers state (average of 0.7 security incident per week). Security incidents took place in 12 out of 23 LGAs, with the largest overall number (6) being recorded in the LGA of Port-Harcourt .

The abovementioned security incidents resulted in 41 deaths. Compared to the estimated population in the state, this represents less than1 fatality per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 12 security incidents (4 battles, 8 cases of violence against civilians) in Rivers state (average of 0.7 security incident per week). These security incidents resulted in 14 deaths.

Information on the number of conflict-related IDPs and on the number of returnees in Rivers state could not be found.

Travellers on roads in Rivers state were reported to face robberies, kidnappings and sexual violence.

Looking at the indicators, it can be concluded that in the state of **Rivers** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Sokoto

Last update: October 2021

[Main COI reference: Security situation 2021, 2.6]

Sokoto state is composed of 23 LGAs and its capital is Sokoto city. The state's estimated population was 4 998 090 in 2016.

Since late 2015, attacks by a variety of armed groups (herder-allies, vigilantes and criminals) spread from Zamfara to Sokoto, primarily in areas bordering Zamfara state or near the forests. The banditry violence, which began as a farmer-herder conflict, intensified between 2017 to 2018 to include cattle rustling, kidnapping for ransom, sexual violence and killings. The main actors in Sokoto state's conflicts are militias from herders and farmers communities, as well as other criminal groups that mushroomed as the overall security situation has deteriorated amid a proliferation of small arms in the region. Since late 2019, Islamist terrorist groups ISWAP and Ansaru, reportedly, are building their capacity and engaging in launching attacks in the region. In addition, it is reported that Sahel-based jihadist groups are seeking a foothold in Sokoto and Zamfara states. The Nigerian authorities try to secure law and order through military responses to attacks, launching battles, air raids to destroy camps and kill or disperse militias.

Sokoto is one of the three states most affected by the violence related to herder-allied armed groups, vigilantes and criminal groups in the North-West region. Security incidents that took place in Sokoto state included kidnappings and armed attacks by unidentified gunmen against villages and local communities. In one such incident in March 2021, allegedly Fulani herdsmen attacked a village and started shooting indiscriminately and abducted over 100 people, including children and nursing mothers. Residents fleeing their houses as a result of such attacks have also been reported. Operations by the Nigerian armed forces included bombing, battles and air raids against camps of militias. As retaliation for some of operations carried out by the Nigerian forces, unidentified gunmen attacked villages resulting in civilian fatalities. In October 2020, Boko Haram claimed responsibility for an attack against Nigerian troops in Sokoto state. In addition, military forces of Niger Republic attacked a militia camp in Sabon Birni LGA where more than 100 militiamen were reportedly killed.

During 2020, ACLED reported a total of 24 security incidents (6 battle, 1 incident of remote violence/explosions, 16 cases of violence against civilians, 1 incident of riots) in Sokoto state (average of 0.5 security incidents per week). Security incidents took place in a 10 out of 23 local government areas, with the largest overall number (5) being recorded in LGA of Sabon Birni.

The abovementioned security incidents resulted in 222 deaths. Compared to the estimated population in the state, this represents approximately 4 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 15 security incidents (2 battles, 13 cases of violence against civilians) in Sokoto state, (average of 0.9 security incidents per week). These security incidents resulted in 77 deaths.

The total number of IDPs for Sokoto state by December 2020 was 45 402, which represent an increase of 24 % compared to data recorded in July 2020. No specific data were found for Sokoto state with regard to the number of returnees.

A new humanitarian crisis is emerging in the state of Sokoto. In 2018, the Gusau-Sokoto highway was reportedly notorious for kidnappings. However, information on kidnappings in roads in 2020 could not be found.

Looking at the indicators, it can be concluded that in the state of **Sokoto** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Taraba

Last update: October 2021

[Main COI reference: Security situation 2021, 2.12]

Taraba state is composed of 16 LGAs and its capital is Jalingo. The state's estimated population was 3 066 834 in 2016.

Since the 1990s, Taraba state has been the arena of clashes over ownership of land between ethnic groups (predominantly farmer communities) without the authorities being able to end the conflict. The main actors in Taraba violence are ethno-communal militias and state security forces. In 2020, Taraba state was also the arena of herder-farmer violence. In early June 2020, the state's governor has announced measures to increase security in Taraba state, especially in communities in south and central Taraba targeted by militias.

In 2020, casualties were recorded mostly during communal clashes. Abductions and attacks by unidentified gunmen against villages and local communities have been also reported.

During 2020, ACLED reported a total of 58 security incidents (19 battles, 35 cases of violence against civilians, 4 incidents of riots) in Taraba state (average of 1.1 security incidents per week). Security incidents took place in 9 out of 16 LGAs, with the largest overall number (15) being recorded in the LGA of Donga.

The abovementioned security incidents resulted in 131 deaths. Compared to the estimated population in the state, this represents approximately 4 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 19 security incidents (6 battles, 13 cases of violence against civilians) in Taraba state (average of 1.1 security incidents per week). These security incidents resulted in 25 deaths.

Of the IDPs in North-East region, 89 % were displaced within their state of origin. The total number of IDPs for Taraba by November 2020 was 88 594. Taraba was the only state in North-East region where IDP number decreased, by 13 % compared to data collected in September 2020.

The long-standing ethnic and communal conflicts have led to the destruction of villages, properties and public buildings such as schools and police stations. Armed robberies and kidnappings have taken place in the roads of Taraba state.

Looking at the indicators, it can be concluded that in the state of **Taraba** there is, in general, **no real risk** for a civilian to be personally affected within the meaning of Article 15(c) QD.

Yobe

Last update: October 2021

[Main COI reference: Security situation 2021, 2.13]

Yobe state is composed of 17 LGAs and its capital is Damaturu. The state's estimated population was 3 294 137 in 2016.

Yobe state is one of the 'worst affected states in northeastern Nigeria' by the insurgency, together with Adamawa and Borno. In addition, increasing tension between herders and farmers flared up in 2020 with several violent incidents. In Yobe state, Boko Haram and/or its splinter group ISWAP are the main actors of violence. ISWAP has some territorial control in Borno and Yobe states and taxes residents. State security forces were active in 2020 in carrying out operations and remained in high alert due to violent attacks by armed groups across border LGAs. Numerous police personnel had been deployed to maintain peace and prevent escalation, however, there has been no effective and functional government-driven conflict resolution mechanism in the state.

Violent incidents occurred in Yobe state mainly in Geidam and Gujba LGAs, at the border with Borno State. The security situation in the period from April to June 2020 in these LGAs was described as unpredictable and volatile and there was a significant increase in the threats of attacks on both civilian and military convoys, abduction/kidnapping at illegal vehicle checkpoints, and IEDs along these routes. Clashes between herders and farmers were rare until December 2020 when several fights resulting in deaths and injuries were reported. Battles between Boko Haram/ISWAP and the Nigerian security forces resulted in fatalities, including of civilians, destruction of properties and displacement. For example, in April 2021, during a gunfight between ISWAP and Nigerian military troops, a projectile hit two houses and killed 11 civilians.

There have been reports of incidents involving both civilian and military casualties from landmines and a range of other locally produced explosive devices in the northeast of the country, particularly in Borno, Yobe, and Adamawa states.

During 2020, ACLED reported a total of 33 security incidents (21 battles, 5 incidents of remote violence/explosions, 7 cases of violence against civilians) in Yobe state (average of 0.6 security incidents per week). Security incidents took place in 8 out of 17 local government areas, with the largest overall number (11) being recorded in the LGA of Gujba.

The abovementioned security incidents resulted in 211 deaths. Compared to the estimated population in the state, this represents approximately 6 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 29 security incidents (20 battles, 6 incidents of remote violence/explosions, 3 cases of violence against civilians) in Yobe state (average of 1.7 security incidents per week). These security incidents resulted in 179 deaths

By November 2020, the total number of IDPs for Yobe was 143 759. Of the IDPs in North-East region, 89 % were displaced within their state of origin. The total number of returnees to Yobe state by November 2020 was 197 910, an increase of 4 % compared to data collected in September 2020. According to IOM, the increase in number of returnees can be explained by the improved security situation at that time.

The humanitarian crisis in the north-eastern states of Borno, Adamawa and Yobe has been described as among the world's most severe. The ongoing violence led to the destruction of properties and public buildings such as health centres and police stations. Attacks on health or community centres affected the operational capacity of humanitarian organisations.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the state of **Yobe**, however not at a high level. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

Zamfara

Last update: October 2021

[Main COI reference: Security situation 2021, 2.7]

Zamfara state is composed of 14 LGAs and its capital is Gusau. The state's estimated population was 4 515 427 in 2016.

The conflict in Zamfara started as competition over natural resources between Hausa farmers and Fulani herders, and escalated rapidly by armed militias on both sides. In the period from 2014 to 2020, 13 out of 14 LGAs in Zamfara state experienced violence by armed groups. Actors in security incidents included local militias or armed groups from both Fulani herders and Hausa farming communities, as well as other gangs of armed criminals involved in robbery and cattle rustling. Gang violence started in Zamfara state and spilled over to neighbouring states. Moreover, Ansaru is

engaging with and recruiting other splinter groups in Zamfara state. Although several military operations have been launched, their effectiveness has been questioned.

Clashes between the Nigerian military forces and local militia groups, including ground engagements and airstrikes carried out by the Nigerian Air Force, resulted in fatalities. The large majority of these fatalities were militia members. Most of those incidents took place in Zurmi, Maru and Gusau LGAs. (Reprisal) armed attacks by unidentified gunmen, Fulani militias and suspected Yan Sakai militias against local communities resulted in civilian fatalities and abductions. For example, in February 2021, more than 300 girls were abducted from a secondary school by unknown men dressed as government security forces. Most of the girls were released several days later.

During 2020, ACLED reported a total of 129 security incidents (62 battles, 26 incidents of remote violence/explosions, 39 cases of violence against civilians, 2 incidents of riots) in Zamfara state (average of 2.5 security incidents per week). Security incidents took place in all LGAs, with the largest overall number (26) being recorded in the LGA of Zurmi.

The abovementioned security incidents resulted in 694 deaths. Compared to the estimated population in the state, this represents approximately 15 fatalities per 100 000 inhabitants.

From 1 January to 30 April 2021, ACLED reported a total of 46 security incidents (20 battles, 2 incidents of remote violence/explosions, 21 cases of violence against civilians, 3 incidents of riots) in Zamfara state (average of 2.7 security incidents per week). These security incidents resulted in 384 deaths.

The total number of IDPs for Zamfara by December 2020 was 112 316, an increase of 60 % compared to data recorded in July 2020. No specific data were found for Zamfara state with regard to the number of returnees.

A new humanitarian crisis is emerging in the state of Zamfara. In 2019, more than 10 000 houses, shops and silos in the state were reportedly destroyed due to violent attacks. Incidents of kidnapping and robbery have been reported in some roads of Zamfara.

Looking at the indicators, it can be concluded that indiscriminate violence is taking place in the state of **Zamfara**, however not at a high level. Accordingly, a **higher level of individual elements** is required in order to show substantial grounds for believing that a civilian, returned to the territory, would face a real risk of serious harm within the meaning of Article 15(c) QD.

3.3.4 Serious and individual threat

Last update: October 2021

In situations where the level of indiscriminate violence does not exceptionally reach what is referred to as the 'mere presence' threshold, the assessment should continue with an analysis of the individual circumstances of the applicant.

> […] the more the applicant is able to show that he is specifically affected by reason of factors particular to his personal circumstances, the lower the level of indiscriminate violence required for him to be eligible for subsidiary protection.
>
> **CJEU, *Elgafaji*, para.39**

Certain personal circumstances could contribute to an enhanced risk of indiscriminate violence, including its direct and indirect consequences.

≠ refugee status	It is important to differentiate these individual elements from the individual elements which would result in the deliberate targeting of the applicant, whether as an individual or as a part of a group defined by one of the grounds under the refugee definition.
≠ IPA	The assessment should also be distinguished from that under internal protection alternative, with regard to the reasonableness for the applicant to settle in a different location than their home area.

In the context of the 'sliding scale', each case should be assessed individually, taking into account the nature and intensity of the violence in the area, along with the combination of personal circumstances present in the applicant's case. It is not feasible to provide exhaustive guidance what the relevant personal circumstances could be and how those should be assessed.

The text below provides some indications concerning the relevant considerations and the nature of the assessment.

Indiscriminate violence, examples of relevant personal circumstances

- **Age:** When assessing the risk of indiscriminate violence, this personal circumstance would be of particular importance in relation to the ability of the person to assess the risks. For example, incidents in schools have been reported in many parts of Nigeria and landmine contamination has been reported, especially in the northeast states of Borno, Adamawa and Yobe. Children may also not be in a position to quickly assess a changing situation and avoid the risks it entails. In some cases, elderly age may also impact the person's ability to assess and avoid risks associated with an armed conflict.
- **Health condition and disabilities, including mental health issues:** Serious illnesses and disabilities may result in restricted mobility for a person, making it difficult for them to avoid immediate risks and, in the case of mental illnesses, it can make them less capable of assessing risks. In other cases, such conditions may require frequent visits to a healthcare facility. The latter may have different implications related to the assessment of the risk under Article 15(c) QD. Taking into account road security, this may increase the risk of

indiscriminate violence as the person would be required to travel. Moreover, if healthcare facilities are damaged and closed because of fighting, such an applicant may be at a higher risk due to the indirect effects of the indiscriminate violence as they would not be able to access the healthcare they need.

- **Economic situation:** Applicants in a particularly dire economic situation may also be less able to avoid the risks associated with indiscriminate violence. They may be forced to expose themselves to risks such as working in areas which are affected by violence in order to meet their basic needs. They may also have less resources to avoid an imminent threat by relocating to a different area.
- **Knowledge of the area:** When assessing the risk of indiscriminate violence under Article 15(c) QD, the relevant knowledge of the area concerns the patterns of violence it is affected by, the existence of areas contaminated by landmines, etc. Different elements may contribute to a person's knowledge of the area. It can relate to their own experience in the specific area or in areas similarly affected by indiscriminate violence, or to their connection to a support network which would insure they are informed of the relevant risks.
- **Occupation:** The occupation the person is likely to have when they return to their home area may also be relevant to assess the risk under Article 15(c) QD. It may, for example, be linked to the need for the applicant to travel through areas where road incidents are often reported, or to work near to locations known to be particularly targeted in the conflict e.g. schools, religious buildings, IDP camps.

Individual elements related to the above can exist in combination. Other factors may also be relevant.

It is not feasible to provide general guidance on which individual circumstances would be sufficient to substantiate a real risk under Article 15(c) QD in areas with high level of violence compared to areas where the violence is considered to not be at a high level. Each case should be assessed individually.

3.3.5 Qualification of the harm as a 'threat to (a civilian's) life or person'

Last update: October 2021

Neither the Qualification Directive, nor the CJEU in its jurisprudence, have defined the terms 'threat to (a civilian's) life or person'.

The CJEU has held that Article 15(c) QD has an additional scope to that of Article 3 ECHR and, therefore, has to be interpreted independently, but with due regard to fundamental rights as they are guaranteed under the ECHR. [24]

By comparing the provisions of Article 15(a) and (b) QD, which indicate a particular type of harm, with the provision of Article 15(c) QD, the CJEU further concludes that the latter:

> […] covers a more general risk of harm. Reference is made, more generally, to a 'threat… to a civilian's life or person' rather than to specific acts of violence. Furthermore, that threat is inherent in a general situation of 'international or internal armed conflict'.
>
> **CJEU, Elgafaji, paras. 33-34**

Some of the commonly reported types of harm to civilians' life or person in Nigeria include killings, injuries, abductions, forced displacement, rape, famine caused by food insecurity, etc.

3.3.6 Nexus/'by reason of'

Last update: October 2021

Subsidiary protection under Article 15(c) QD is granted to any person in respect of whom substantial grounds have been shown for believing that he or she, if returned, would face a real risk of a serious and individual threat to his or her life or person **by reason of** indiscriminate violence.

The nexus 'by reason of' refers to the causal link between the indiscriminate violence and the harm (serious threat to a civilian's life or person).

The interpretation of the causation 'by reason of' may not be limited to harm which is directly caused by the indiscriminate violence or by acts that emanate from the actors in the conflict. To a certain extent, it may also include the indirect effect of indiscriminate violence in situations of armed conflict. As long as there is a demonstrable link to the indiscriminate violence, such elements may be taken into account in the assessments, for example: widespread criminal violence as a result of a complete breakdown of law and order, destruction of the necessary means to survive. Armed clashes and/or closure or destruction of roads can also lead to food supply problems that cause famine or to limited or no access to healthcare facilities in certain areas of Nigeria.

[24] *Elgafaji,* para.28.

4. Actors of protection

Article 7 QD stipulates the requirements for actors of protection:

Article 7(1) and (2) QD
Actors of protection

1. Protection against persecution or serious harm can only be provided by:
a) The State; or
b) Parties or organisations, including international organisations, controlling the State or a substantial part of the territory of the State;

provided they are willing and able to offer protection in accordance with paragraph 2.

2. Protection against persecution or serious harm must be effective and of a non-temporary nature. Such protection is generally provided when the actors mentioned under points (a) and (b) of paragraph 1 take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

The contents of this chapter include:

- The State: outlining and analysing the capacity of the Nigerian State to provide protection in accordance with Article 7 QD;
- Parties or organisations, including international organisations: analysing whether other parties or organisations could qualify as actors of protection under Article 7 QD.

4.1 The State

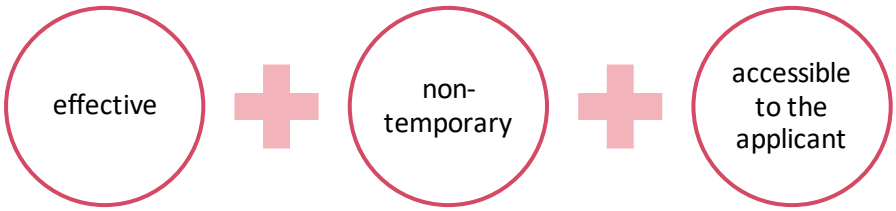
Last update: October 2021

The term 'State' (Article 7(1)(a) QD) encompasses any organ exercising legislative, executive, judicial or any other functions and acting at any level, be it federal, state or local. Sometimes, private entities may also be given State powers and may be made responsible for providing protection under the control of the State.

In order to qualify as an actor of protection, the State has to be **able and willing** to protect persons under its jurisdiction.

The protection in the country of origin has to meet three cumulative conditions. It has to be:

Figure 13. Requirements to the protection in the country of origin in accordance with Article 7 QD.



It should also be kept in mind that effective protection is presumed not to be available where the State or agents of the State are the actors of persecution or serious harm (Recital 27 QD).

Nigeria is a federal republic formed by 36 states and the Abuja FCT. Even though the country operates a federal system of government, the Constitution vests a lot of power in the central government when it comes to the control of public good and services, as well as the management of the country's resources [Actors of protection, 2].

Nigeria's legal system is a mixed system based on the Nigerian Constitution, federal and state level legislation, as well as English common law, Sharia, and customary law [Actors of protection, 2.1]. Sharia implementing states are the following: Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, Zamfara [Actors of protection, 2.1.2]. The implementation of the Sharia, in particular punishments for crimes such as adultery, in some cases may be related to persecution rather than protection.

The state institutions which are particularly responsible for providing protection are the Nigerian security forces (primarily the NPF and secondarily the NAF), the judicial system, and NAPTIP for the victims of human trafficking. In addition, structures such as the CJTF may be entrusted with relevant tasks.

The **NPF** is the principal law enforcement agency in the country, with staff deployed across the 36 states and the FCT. The NPF maintains law and order in each state and engages in border security, maritime and counter-terrorism operations. The strength of the NPF is more than 350 000 men and women. Reportedly, the police to population ratio is drastically below the UN's standard. The police force in particular has been considered oppressive and ineffective, underfunded, untrained and susceptible to endemic corruption. [Security situation 2021, 1.5]. The NPF was also reported to refuse to interfere in domestic disputes [Country focus, 4.1.2]. Nigerian law enforcement generally fails to respond adequately to cases of gender-based violence. The justice system does not adequately respond to the legal needs of Nigerians, particularly poor women [Trafficking, 4.3.2].

The **Nigerian Armed Forces** (NAF) comprise the army, the navy (including the coast guard), and the air force. Sources estimate the size of the active military personnel of the armed forces between 120 000 and 135 000. In 2020-2021, Nigerian military operations were conducted in all states, except the FCT and Kebbi. [Security situation 2021, 1.3.1.3]

The capability of the government of Nigeria to protect human rights is undermined in some states by the prevailing insecurity, e.g. the states affected by the conflicts between herders and farmers, violence related to Boko Haram and general criminality [Security situation 2018, 2]. The police and

military have struggled to meet the demands for multiple security missions across the country [Security situation 2021, 1.4.1.1]. State security forces in the North-East region were reportedly overstretched due to the Boko Haram/ISWAP insurgency and, as a result, they heavily relied on local militias and vigilante groups such as the CJTF and others to help secure the area [Security situation 2021, 2.8.3.3] Lawlessness and the lack of policing have been described as underlying factors for an increase in banditry or criminal violence [Security situation 2021, 1.5]. The recent introduction of the Nigeria Police Act 2020 is linked with longstanding calls for police reform [Security situation 2021, 1.3.1.1].

Moreover, longstanding critiques towards the Nigerian security forces have been of corruption and human rights abuses [Actors of protection, 3.3.1]. Consulted sources mention several accounts of the NPF, NAF, and other security services using lethal and excessive force to disperse protesters, including in the context of #EndSARS movement, and to apprehend criminals and suspects, as well as committing extrajudicial killings and obtaining confessions through torture [Actors of protection, 3.3.2; Security situation 2021, 1.3.1.2].

The **Nigerian legal and judicial system** is a mixed system based on various sources and, as such, is highly complex. Access to the court system in Nigeria for many citizens is hindered by the high costs of taking a matter to court [Actors of protection, 6]. Moreover, the court system is rendered generally ineffective due to a heavy caseload, lack of funding and low human resource capacity, which results in extremely long processing times [Actors of protection, 6.1.2, 6.2.1.1]. Widespread corruption is also reported. In 2017, the UNODC reported that judiciary officials in Nigeria represented the second most affected group of officials in terms of bribery risk [Actors of protection, 5.3].

In December 2020 the Office of the Prosecutor of the International Criminal Court concluded that Nigerian authorities had failed to investigate and prosecute crimes committed by both Boko Haram and the Nigerian military, therefore warranting a full investigation [Security situation 2021, 1.3.1.7].

NAPTIP has zonal command offices in nine Nigerian states and provides these services in cooperation with ministries and national and international agencies. NAPTIP has ten transit shelters across the country, located at each zonal command and in Abuja and has the capacity to accommodate 334 victims. NAPTIP provides shelter to minor (boys and girls) and female adult victims of trafficking for up to six weeks, unless victims are exceptionally vulnerable and/or they decide to collaborate with the criminal investigation and prosecution of their traffickers. However, it has been reported that the time limit is up to NAPTIP's discretion, taking into account things like family problems, and whether the survivors were aware of the probable dangers before being trafficked. A lack of shelter for adult male trafficking victims has been also identified. Reintegration programs managed by NAPTIP have not delivered the desired outcomes. [Trafficking, 3.4.1]

It can be concluded that in parts of the country, the capacity of the Nigerian State to provide protection is limited, in particular in the states significantly affected by violence related to Boko Haram, herders and farmers conflicts and by particularly high levels of general criminality. The Nigerian State and its institutions may also prove inaccessible or ineffective in certain situations, such as for women and children victims of violence, for the prevention of FGM/C, forced and child marriage, for victims of trafficking, etc. Moreover, the Nigerian State may be an actor of persecution, for example

in cases of LGBTIQ persons or when implementing the Sharia in cases of adultery in the North.

Age, gender, area of origin and socio-economic status are among the factors that affect the accessibility of protection for the individual.

4.2 Parties or organisations, including international organisations

Last update: October 2021

In the context of Article 7 QD, it is necessary that those parties or organisations control the State or a substantial part of the territory of the State. In order to consider that parties or organisations control a region or a larger area within the territory of the State, it should be established that they exercise governmental functions. Furthermore, those parties or organisations have to be willing and able to provide protection against persecution or serious harm as defined in Article 7(2) QD.

No such actors are identified in Nigeria.

5. Internal protection alternative

This chapter looks into the topic of internal protection alternative (IPA).

The contents of this chapter include:

Preliminary remarks

Last update: October 2021

This chapter analyses the situation in Nigeria in relation to the requirements of Article 8 QD.

Article 8 QD
Internal protection

1. As part of the assessment of the application for international protection, Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she:

a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or
b) has access to protection against persecution or serious harm as defined in Article 7;

and he or she can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2. In examining whether an applicant has a well-founded fear of being persecuted or is at real risk of suffering serious harm, or has access to protection against persecution or serious harm in a part of the country of origin in accordance with paragraph 1, Member States shall, at the time of taking the decision on the application have regard to the general circumstances prevailing in that part of the country and to the personal circumstances of the applicant in accordance with Article 4. To that end, Member States shall ensure that

precise and up-to-date information is obtained from relevant sources, such as the United Nations High Commissioner for Refugees and the European Asylum Support Office.

It should be noted that the provision of Article 8 QD is an optional one. Therefore, the relevance of this chapter to the practice in Member States will depend on the transposition of Article 8 QD and/or the concept of internal protection alternative (IPA) in national legislation and its implementation in practice.

In national legislation and practice, IPA may also be referred to as 'internal flight alternative', 'internal relocation', etc.

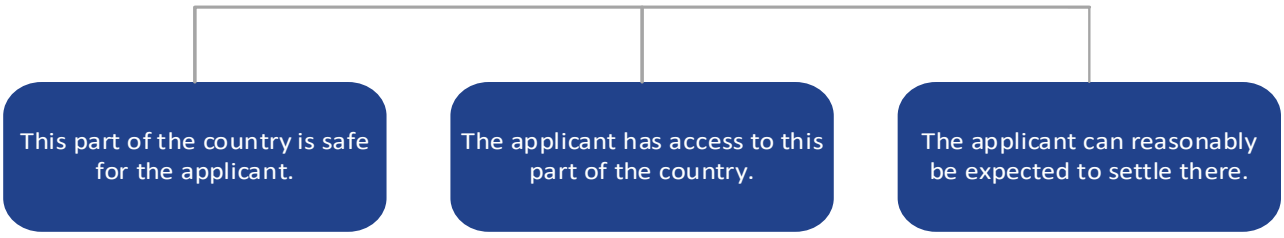
IPA should only be examined after it has been established that the applicant has a well-founded fear of persecution or faces a real risk of serious harm and that the authorities or other relevant actors of protection are unable or unwilling to protect him or her in his or her home area. In such cases, if IPA applies, it can be determined that the applicant is not in need of international protection.

It should, however, be stressed that there is no requirement that the applicant has exhausted the possibilities to obtain protection in different parts of his or her country of origin before seeking international protection.

The analysis of IPA should be part of the assessment of the future risk of being subjected to persecution or serious harm. When assessing whether IPA applies, the burden of proof lies with the determining authority, while the applicant remains under an obligation to cooperate. The applicant is also entitled to submit elements and indicate specific reasons why IPA should not be applied to them. Those elements have to be assessed by the determining authority.

In order to determine that internal protection is available in a particular part of the applicant's country of origin, three cumulative criteria have to be met: 'safety', 'travel and admittance' and 'reasonableness to settle'.

Figure 14. Internal protection alternative: elements of the assessment.



In relation to these elements, when assessing the applicability of IPA, the case officer should consider the general situation in the respective part of Nigeria, as well as the individual circumstances of the applicant.

For more general guidance on the application of IPA, see the 'EASO Practical guidance on the application of the internal protection alternative'.

5.1 Part of the country

Last update: February 2019

The first step in the analysis of IPA is to identify a particular part of the country with regard to which the criteria of Article 8 QD would be examined in the individual case.

The demographics of the area should be taken into account, including its prominent religion, ethnicity, etc. Large cities, such as Lagos, could generally be considered as a possible IPA for different profiles of applicants, due to being more ethnically and religiously diverse.

When choosing a particular part of Nigeria with regard to which to examine the applicability of IPA where relevant, existing ties with the place, such as previous experience and/or existence of a support network, could, for example, be taken into account.

This chapter analyses and provides guidance on the applicability of IPA in Nigeria in general, with a focus on the situation in Lagos as an example.

5.2 Safety

Last update: February 2019
*Minor updates added October 2021

The criterion of safety would be satisfied where the following two aspects have been established:

Figure 15. IPA: Assessment of the safety requirement.

5.2.1 Absence of persecution or serious harm

When examining the element 'absence of persecution or serious harm', the decision-maker should refer to chapters 1 to 4 of this document.

The following elements should be taken into account:

- **general security situation**

  The general security situation should be considered in light of the analysis under Article 15(c) QD in relation to armed conflicts taking place, and Article 15(b) QD in relation to criminal violence.

- **actor of persecution or serious harm and their reach**

  In case where the person fears persecution or serious harm by the Nigerian State, there is a presumption that IPA would not be available (Recital 27 QD). Relevant examples include LGBTIQ persons, high-profile members of IPOB/MASSOB, etc.

  The presence of other actors of persecution or serious harm, including Boko Haram, herders' and farmers' armed groups, student cults, trafficking networks, etc. is generally geographically limited.

  Individuals threatened by Boko Haram mostly relocate internally for their safety [Security situation 2018, 3.1.7]. When assessing the availability of IPA in case of persecution or serious harm by Boko Haram, particular consideration should be given to the individual circumstances of the applicant, the way the applicant is perceived by Boko Haram, their capacity to track and target individuals in other areas or states, etc.

  For individuals who fear persecution or serious harm by other armed groups, the reach of the particular group should be assessed; in most cases the criterion of safety under IPA could be satisfied.

  In some cases, where the applicant faces persecution or serious harm for reasons related to the prevalent social norms in Nigeria and the actor of persecution or serious harm is Nigerian society at large (e.g. persons with noticeable mental of physical disabilities, LGBTIQ), IPA would in general not be considered safe.

For certain particularly vulnerable categories, such as children (e.g. regarding risk of FGM/C) and persons with visible mental or physical disabilities, if the actor of persecution or serious harm is the family of the applicant, IPA may not be available.

- **whether the profile of the applicant is considered as a priority target by the actor of persecution or serious harm**

The profile of the applicant could make him or her priority target, increasing the likelihood that the actor of persecution or serious harm would attempt to trace the applicant in the potential IPA location. Examples may include high-profile members of separatist movements, religious leaders and politicians targeted by Boko Haram, etc.

- **behaviour of the applicant**

It should be underlined that it cannot be reasonably expected that the applicant abstains from practices fundamental to his or her identity, such as those related to their religion or sexual orientation, in order to avoid the risk of persecution or serious harm. [25]

- **other risk-enhancing circumstances**

The information under the section Analysis of particular profiles with regard to qualification for refugee status should be used to assist in this assessment.

5.2.2 Availability of protection against persecution or serious harm

Alternatively, case officers may determine that the requirement of safety is satisfied if the applicant would have access to protection against persecution or serious harm as defined in Article 7 QD in the area where IPA is considered. In the case of persecution by the State, a presumption of non-availability of State protection applies.

See the chapter on Actors of protection above.

The requirement of **safety** may be satisfied in relation to potential IPA locations in Nigeria, such as the city of Lagos, depending on the profile and the individual circumstances of the applicant.

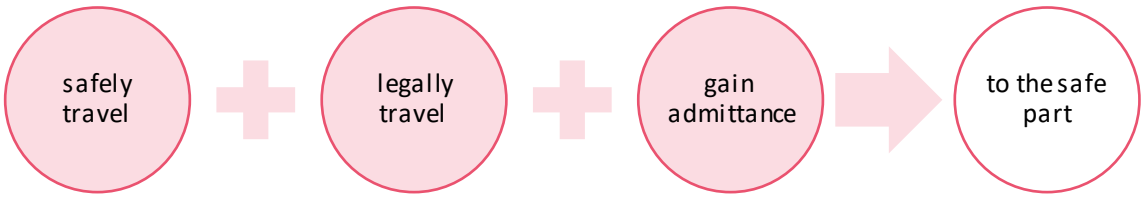
5.3 Travel and admittance

Last update: February 2019
*Minor updates added October 2021

[25] CJEU, *X, Y and Z*, paras.70-76; CJEU, *Y and Z*, para. 80.

In case the criterion of 'safety' is satisfied, as a next step, case officers have to establish whether an applicant can:

Figure 16. Travel and admittance as requirements for IPA.



The respective elements are explained below, along with conclusions based on available information:

- **Safely travel**: there should be a safe route, which the applicant can practically travel through without undue difficulty, so that he or she can access the area of IPA without serious risks. In this regard, the assessment of the travel route from the airport to the city is part of the 'safe travel' criterion and has to be assessed carefully based on relevant COI. [26]

  The Lagos Murtala Muhammed International Airport is part of the urban area of the city of Lagos. International airports exist in various other Nigerian cities in states without major security problems (e.g. Abuja, Port Harcourt, Calabar) [Security situation 2018, 2, 2.1, 2.2, 3.1, 3.2, 3.3, 3.4; Key socio-economic indicators, 3.1].

  Based on available COI, the number of incidents of violence in roads (e.g. robberies, kidnappings) has been increasing in different parts of Nigeria. Therefore, the safety of travel should be carefully assessed, in particular when the IPA assessment concerns a location which is not accessible via an airport. In such cases, the assessment should take into account the specific travel route that the applicant will be expected to follow and the road security situation in the area. For more information on road security, see the COI summaries of the states of Nigeria under Indiscriminate violence – Assessment by state.

- **Legally travel**: there should be no legal obstacles that prevent the applicant from travelling to the safe area;

  Based on available COI, it is concluded that there are no legal or administrative restrictions for Nigerians to travel in Nigeria [Key socio-economic indicators, 3.2.1].

- **Gain admittance to**: the applicant should be allowed to access the safe area by the actor(s) who control it.

  Based on available COI, it is concluded that there are no legal or administrative restrictions or requirements for Nigerians to be admitted in any part of the country. Indigeneity facilitates settling in a given area; however, this does not constitute a requirement [Key socio-economic indicators, 3.3].

[26] ECtHR, *Sufi and Elmi*, paras.268, 269, 271.

The individual circumstances of the applicant should also be taken into account when assessing whether he or she can safely and legally travel and gain admittance to a part of the country.

There are no legal or administrative restrictions or requirements for Nigerians to travel or be admitted in any part of the country. The safety of travel has to be assessed carefully based on relevant COI.

5.4. Reasonableness to settle

Last update: February 2019
*Minor updates added October 2021

According to Article 8(1) QD, IPA can only apply if the applicant 'can reasonably be expected to settle' in the proposed area of internal protection.

This common analysis follows a rights-based approach in light of jurisprudence of the ECtHR identified as relevant.

While acknowledging that the ECtHR jurisprudence is in the context of a different legal regime and addresses particular individual situations, the following principles could be derived from it and are found of relevance to the reasonableness test under Article 8 QD.

- The assessment should take into account the applicant's ability to cater for their most basic needs, such as food, hygiene and shelter, their vulnerability to ill-treatment and the prospect of their situation improving within a reasonable timeframe. [27]
- Internal relocation inevitably involves certain hardship. In this regard, difficulties in finding proper jobs and housing would not be decisive, if it could be found that the general living conditions for the applicant in the proposed area of IPA would not be unreasonable or in any way amount to treatment prohibited by Article 3 ECHR. [28]

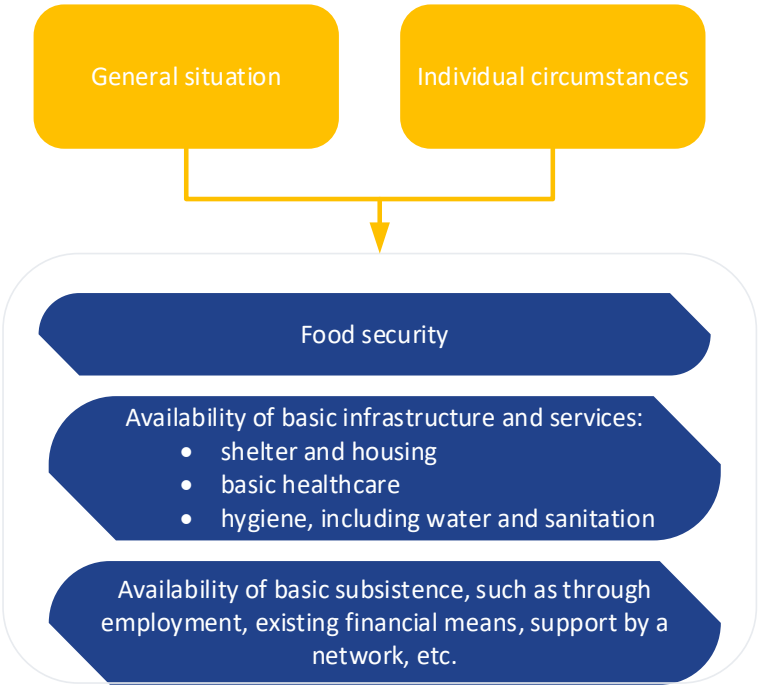
In applying the reasonableness test, it should be established that the basic needs of the applicant would be satisfied, such as food, shelter and hygiene. Additionally, due consideration has to be given to the opportunity for the person to ensure his or her own and his or her family's subsistence, and to the availability of basic health care.

The assessment should be based on the general situation in the country and the individual circumstances of the applicant.

[27] ECtHR, *Sufi and Elmi,* para. 283.

[28] ECtHR, *A.A.M. v Sweden,* para.73.

Figure 17. IPA: assessment of the reasonableness requirement.



The general situation in the area in consideration should be examined in light of the criteria described above, and not in comparison with standards in Europe or other areas in the country of origin.

These criteria are assessed below in relation to the general situation in Lagos and most of the areas/states in Nigeria, except from those for which the criterion of 'safety' may not be satisfied (General situation). This general situation is, furthermore, taken into account in the conclusions regarding the applicability of IPA to certain profiles of applicants (Conclusions on reasonableness).

5.4.1 General situation

Last update: February 2019
*Minor updates added October 2021

Based on available COI, the general situation regarding the elements mentioned above is assessed as follows:

Food security

In general, except for the North-East, there are no significant food shortages in Nigeria. The main variable in access to food are the means of subsistence available to the applicant, which in the case of IDPs can be a particular concern. The Lagos state government is reportedly dedicated to improving food security, in order to improve employment and reduce poverty [Key socio-economic indicators, 2.5]. In 2020, it was reported that inflation in food prices has affected household consumption and access to food for the most vulnerable [Security situation 2021, 1.1].

Housing and shelter

The rapid growth of the urban population outpaces the necessary infrastructure, services and economy. This results in urban slums, poverty, housing shortage, inadequate governmental services,

growing social and economic inequalities, street violence and crime. Apart from the residential areas, which are oriented towards the middle class, informal settlements in the core areas of cities are the oldest and largest settlements, with markets and other commercial services. The living conditions in slums, as studied for Lagos, are dire [Key socio-economic indicators, 2.6.1, 2.6.2].

Hygiene

Health and sanitation problems arise from the rapid urbanisation due to a lack of electricity, sewage, potable water, and adequate housing. Many urban dwellers do not have access to potable water, because of lack of maintenance, underinvestment, lack of governmental subsidies to ensure access to water by the poor. It is reported that sanitation in urban areas is improving [Key socio-economic indicators, 2.6.2].

Basic health care

Generally, relevant reports show shortage and uneven distribution of medical facilities and staff across Nigeria, limited access to treatment because of structural deficiencies (including high medical cost), limited access to medication (over 60 % of the Nigerian population lacks access to medication) [Key socio-economic indicators, 2.8.2, 2.8.3].

Means of basic subsistence

Given the economic and security situation, there are high rates of unemployment and underemployment, especially for the youth, the women and the IDPs, and this trend has worsened in recent years. In August 2020 it was reported that 27 % of Nigeria's labour force (over 21 million Nigerians) were unemployed. At the same time, although there is still a large workforce in the country, their incomes are insufficient as a strong cushion against poverty. There is a significant, visible difference between the northern and southern regions of Nigeria (poorer north and richer south), as well as between different states, while the Middle Belt is characterised as having the highest levels of inequality. Female-headed households and IDPs are more exposed to poverty and dire living conditions [Key socio-economic indicators, 2.3, 2.4].

More recent information for 2020 suggests that the Nigerian economy experienced a recession, reportedly its worst in four decades, due to the effects of the COVID-19 pandemic and the fall in global oil prices. The impact on revenue has curtailed service delivery and social safety net programmes. According to a 2020 report of World Bank, 83 million Nigerians live below the poverty line [Security situation 2021, 1.1].

The general circumstances prevailing in Nigeria, assessed in relation to the factors above, do not preclude the reasonableness to settle a particular part of Nigeria, such as the city of Lagos. However, the assessment should take into account the individual circumstances of the applicant. The impact of COVID-19 on the economic situation, as well as on the healthcare system, should also be given due consideration.

5.4.2 Individual circumstances

Last update: February 2019

In addition to the general situation in the area of potential IPA, the assessment whether it is reasonable to settle in that part of the country should take into account the individual circumstances of the applicant.

The individual considerations could relate to certain vulnerabilities of the applicant as well as to available coping mechanisms, which would have an impact in determining to what extent it would be reasonable for the applicant to settle in a particular area.

Please note that this is a non-exhaustive list:

- **Religion**: For places of Christian or Muslim majority, the religion of the applicant should be taken into account.
- **Ethnicity**: For places which are not multi-ethnic, the ethnicity of the applicant should be taken into account.
- **Status of indigenes vs settlers**: Indigeneity facilitates settling in certain areas. The constitution addresses the issue by the notion of 'a person either or whose parents or any of whose grandparents was a member of a community indigenous to that state.' Local governments, in the name of the state governor, issue Certificates of Indigene (also known as Certificates of Origin), which grant the owner access to many services such as land, education, employment, health care, and political positions.
- **Local knowledge:** (additional to ethnicity and indigeneity): Local knowledge, including linguistic knowledge, and the existence of certain social ties and connections either through relatives or through school education or professional experience would be a relevant consideration, as such ties and knowledge would assist an applicant in settling in the area and in particular in accessing basic means of subsistence and basic services.
- **Age**: Young age as well as elderly age could significantly limit the applicant's access to means of subsistence such as through employment, making him or her dependent on other providers. Therefore, this element should be seen in conjunction with the available support by the family or by a broader support network. In the case of children, the best interests of the child shall be a primary consideration, for example, with regard to access to basic education. In this regard, it can be noted that according to the Child's Rights Act, 'Every child has the right to free, compulsory and universal basic education and it shall be the duty of the Government in Nigeria to provide such education.' Education facilities are present in all parts of Nigeria and primary school gross enrolment ratio in 2013 was at 94 % of primary-school age children. However, access to education continues to be more difficult in the North-East, where many schools have been closed, as well as for girls, street children and the children of nomadic groups. The number of out-of-school children amounted up to 10.5 million in 2017; about 60 % of those children were in northern Nigeria [Key socio-economic indicators, 2.7].
- **Gender**: Women and girls encounter additional difficulties in relation to education, work, housing, etc. [Key socio-economic indicators, 2.3.3, 2.4.3 and 2.6.3]. Further obstacles may be related to being a single mother or a widow, a woman who has been previously trafficked, being of certain ethnicity, etc. Therefore, the gender of the applicant should be taken into account when considering reasonableness in conjunction with his or her family status and available support.
- **State of health (illness or disabilities)**: Access to health care is strained in various areas of Nigeria, making the health status of the applicant an important consideration when assessing the reasonableness of IPA for those who require medical treatment, also taking into account

that their state of health may affect their ability to work and to travel/relocate. For those with disabilities, access to basic subsistence such as through employment would be further limited.

- **Social, educational and economic background**: The background of the applicant, their level of education and available financial means should be taken into account when assessing the reasonableness of IPA, and in particular the access of the applicant to means of basic subsistence.
- **Support network**: A support network can be the family network, not restricted to the core family, but also including the extended family, and/or a social network, in particular: friends, employers, classmates, members of the same ethnicity, especially when there is a certain point of contact, etc., taking into account their ability to assist the person in accessing basic subsistence. Special consideration should be given in the case of individuals, and especially women, who lived abroad for a long period of time and who have no relatives in the place considered as potential IPA, as they may lack a support network.

It should be noted that these factors would often intersect in the case of the particular applicant, leading to different conclusions on the reasonableness of IPA. In some cases, more than one element of vulnerability would confirm a conclusion that IPA is not reasonable for the particular applicant (e.g. unaccompanied child, or person with disabilities without support network), while in other cases, they would balance each other (e.g. single woman who has a socio-economic background facilitating her access to basic subsistence, particularly through employment).

5.4.3 Conclusions on reasonableness: particular profiles encountered in practice

Last update: February 2019
*Minor updates added October 2021

For those applicants who meet the 'safety' and 'travel and admittance' requirements under Article 8(1) QD, the availability of IPA in a part of Nigeria will depend on the assessment of the **reasonableness to settle** there. This subsection includes general conclusions on the reasonableness of IPA for particular profiles of applicants. These conclusions are based on the assessment of the general situation in Nigeria, and the individual circumstances of such applicants, as outlined in the sections above.

In cases where the applicant is a child or the applicant is accompanied by a child, the best interests of the child shall be a primary consideration.

Single able-bodied men	**In general, IPA could be considered reasonable for a single able-bodied man, including where he has no support network in the IPA area.** Although the situation related to settling in the IPA area entails certain hardships, such applicants are generally able to ensure their basic subsistence, shelter and hygiene, taking into account the fact that their individual circumstances do not pose additional vulnerabilities.

The following elements can in particular be taken into account:

- **Age:** the applicant is of a working age, which would assist in his access to basic subsistence, in particular with regard to the opportunity to engage in employment.
- **Gender:** no additional vulnerabilities are attached to the fact of being a man in Nigeria.
- **Family status:** the applicant does not have additional responsibilities other than ensuring his own subsistence and no additional vulnerabilities are attached to being a single man.
- **State of health:** the applicant does not suffer from any serious health condition.
- **Religion, ethnicity, local knowledge:** the religion, ethnic origin and language(s) spoken by the applicant should be taken into account when selecting a potential IPA area. It should be noted that in Lagos and other large cities, this factor would be of less significance, due to the diversity of their population and spoken languages.
- **Socio-economic background:** the background of the applicant, including education, profession and available financial means could be taken into account, especially in case those would be relevant to the coping mechanisms the applicant would have for settling in the IPA area.
- **Support network:** while a support network would be of assistance in accessing the means to ensure one's subsistence, in the case of single able-bodied men this would not be a necessary prerequisite in order to find that IPA is reasonable.

Single able-bodied women

Before examining the 'reasonableness' of IPA, the 'safety' criterion should be carefully examined with regard to specific gender-related risk-enhancing circumstances.

IPA may be reasonable, depending on the individual circumstances of the applicant.

The following elements are of importance when examining the criterion of reasonableness:

- **Age:** the applicant is of a working age, which would assist in her access to basic subsistence, in particular with regard to the opportunity to engage in employment.
- **Gender**: women may encounter additional difficulties in relation to education, work, housing, etc.

- **Family status:** being a single mother or a widow may raise additional considerations. In the case of a single mother, the needs and the best interest of the child should be taken into account.
- **State of health:** the applicant does not suffer from any serious health condition.
- **Religion, ethnicity, local knowledge:** the religion, ethnic origin and language(s) spoken by the applicant should be taken into account when selecting a potential IPA area. It should be noted that in Lagos and other large cities, this factor would be of less significance, due to the diversity of their population and spoken languages.
- **Socio-economic background:** the background of the applicant, including education, profession and available financial means could be taken into account, especially in case those would be relevant to the coping mechanisms the applicant would have for settling in the IPA area.
- **Support network:** the existence of a support network, such as family and friends, could be taken into account. In some cases, women would need to be assisted by members of the core or extended family (e.g. depending on the woman's ethnicity and religion).

(Married) couples of working age

In general, IPA could be considered reasonable for married couples, including where they have no support network in the IPA area.

The assessment should take into account whether in the situation of the couple sufficient basic subsistence can be ensured for both.

For couples with children, the individual circumstances and rights of the child should be taken in particular consideration, such as the access to basic education.

Unaccompanied children

Before examining the 'reasonableness' of IPA, the 'safety' criterion should be carefully examined with regard to specific age-related risk-enhancing circumstances.

In general, IPA would not be reasonable for children without a support network in the respective part of Nigeria.

The following elements should in particular be taken into account when examining the criterion of reasonableness:

- **Age:** due to their young age, children in general need to depend on other providers for their basic subsistence. In addition, they have specific rights and needs, which should be ensured in accordance with international instruments, such as the Convention on the Rights of the Child.

- **Access to education:** the question of access to basic education should be assessed in relation to the general situation as well as the individual circumstances of the child. In general, such access would be limited for unaccompanied children. However, their individual circumstances in terms of social background and available means of basic subsistence should be taken into account.
- **Access to housing and shelter:** the lack of funding and the conditions in orphanages should be taken into account.
- **Support network:** the existence of a support network in the potential area of IPA, which would be able to ensure the subsistence of the child, as well as their access to education and basic health care, is crucial in the assessment of IPA for unaccompanied children.

Applicants with severe illnesses or disabilities

In general, IPA would not be reasonable for applicants with severe illnesses or disabilities. Individual circumstances, such as sufficient financial means and/or a support network could, however, be taken into account.

The main elements to take into account include:

- **State of health:** depending on the health condition of the applicant, the limited accessibility of health care in various parts of Nigeria may place the applicant at an enhanced risk. Additionally, severe illnesses and disabilities would hinder the applicant's ability to ensure his or her basic subsistence, in particular through means of employment.
- **Social and economic background and support network:** access to health care largely depends on the financial means of the person or the means accessible through a support network.

Elderly applicants

IPA may be reasonable, depending on the individual circumstances of the applicant, and in particular the availability of a support network in the respective part of Nigeria or of financial means.

The following elements are of particular importance in this assessment:

- **Age:** although there is no specific threshold for a person to be considered elderly, the assessment should take into account the applicant's age in terms of access to means of basic subsistence, in particular through employment. The perception of age in the country of origin should in particular be taken into account.
- **State of health:** additionally, the state of health of an elderly applicant may cause difficulties in access to basic means of subsistence such as through employment.

- **Socio-economic background and support network:** in general, the vulnerabilities of an elderly applicant could make him or her dependent on a support network. The individual's social and economic situation should be taken into account in this regard.

Victims of trafficking

Before examining the 'reasonableness' of IPA, the 'safety' criterion should be carefully examined with regard to specific risk-enhancing circumstances.

IPA may be reasonable, depending on the individual circumstances of the applicant, and in particular the availability of financial means or a support network in the respective part of Nigeria.

The following elements are of particular importance in this assessment:

- **Age:** the assessment should take into account the applicant's age in terms of access to means of basic subsistence, in particular through employment.
- **State of health:** additionally, the state of health of some victims of trafficking may pose additional vulnerabilities and cause difficulties in access to basic means of subsistence such as through employment.
- **Socio-economic background and support network:** The individual's social and economic situation should be taken into account in this regard. The vulnerabilities of a victim of trafficking could make him or her dependent on State and/or NGO assistance, and/or on a support network. On the other hand, some victims of trafficking may have available financial means.

6. Exclusion

This chapter looks into the potential applicability of the exclusion grounds under Article 12(2) QD and Article 17(1) QD in relation to acts committed by applicants from Nigeria.

The contents of this chapter include:

- Preliminary remarks
- General guidance on the applicability of the Exclusion grounds.
- Factual circumstances in which exclusion may be relevant (Relevant circumstances).
- Conclusions and guidance concerning the application of the different exclusion grounds to these circumstances (Guidance with regard to Nigeria).

For further gender guidance on exclusion, see the EASO Practical Guide: Exclusion.

Preliminary remarks

Last update: February 2019
*Minor updates added October 2021

Applying the exclusion clauses where there are serious reasons to consider that the applicant has committed any of the relevant acts, is mandatory.

This chapter focuses on the exclusion of applicants found not to deserve international protection in accordance with Article 12(2) QD and Article 17(1) QD.

If a person would otherwise qualify for refugee status, the following would constitute exclusion grounds, according to Article 12(2) QD:

Article 12(2) and (3) QD
Exclusion (refugee status)

2. A third-country national or a stateless person is excluded from being a refugee where there are serious reasons for considering that

a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

b) he or she has committed a serious non-political crime outside the country of refuge prior to his or her admission as a refugee, which means the time of issuing a residence permit based on the granting of refugee status; particularly cruel actions, even if committed with an allegedly political objective, may be classified as serious non-political crimes;
c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.

3. Paragraph 2 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

If the person would otherwise be eligible for **subsidiary protection**, the exclusion clauses under Article 12(2)(a) and (c) QD would apply in the same way (Article 17(1)(a) and (c) QD, respectively). The ground of 'serious crime' (Article 17(1)(b) QD), on the other hand, is broader than 'serious non-political crime' and has no geographical or temporal limitations. Furthermore, additional exclusion grounds are envisaged under Article 17(1)(d) QD and Article 17(3) QD. Article 17(3) QD contains an optional provision and its applicability would depend on the transposition of this provision in national legislation. [29]

Article 17 QD
Exclusion (subsidiary protection)

1. A third-country national or a stateless person is excluded from being eligible for subsidiary protection where there are serious reasons for considering that:

a) he or she has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
b) he or she has committed a serious crime;
c) he or she has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
d) he or she constitutes a danger to the community or to the security of the Member State in which he or she is present.

2. Paragraph 1 applies to persons who incite or otherwise participate in the commission of the crimes or acts mentioned therein.

3. Member States may exclude a third-country national or a stateless person from being eligible for subsidiary protection if he or she, prior to his or her admission to the Member

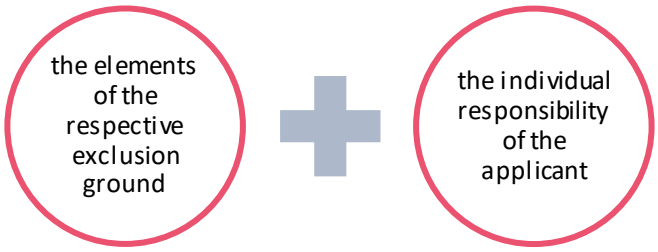
[29] Noting the optional nature of this exclusion ground, and its scope, which is not country-specific, no further analysis and guidance is provided on Article 17(3) QD.

State concerned, has committed one or more crimes outside the scope of paragraph 1 which would be punishable by imprisonment, had they been committed in the Member State concerned, and if he or she left his or her country of origin solely in order to avoid sanctions resulting from those crimes.

It should be taken into account that an applicant could have committed multiple excludable acts, falling under different exclusion provisions. National practice may vary regarding whether one particular act should be qualified under more than one ground where the necessary elements are present.

It should be underlined that the determining authority has the burden of proof to establish:

Figure 18. Elements in applying exclusion.



At the same time, the applicant has the duty to cooperate in establishing all facts and circumstances relevant to his or her application.

Individual responsibility could be substantiated not only in case of direct commission of the excludable act (for the perpetrator), but also in other instances where the person substantially contributed to the commission of an excludable act. The assessment of individual responsibility is based on the nature and extent of the applicant's involvement in the excludable act(s), as well as his or her state of mind in relation to these act(s). Different **forms of conduct** may lead to a finding of individual responsibility (for example, direct commission, inducing others, aiding and abetting, command responsibility, etc.), where the relevant intent and knowledge are established.

The applicable standard of proof is 'serious reasons for considering', which requires clear and reliable evidence, but is not as high as the standard for criminal responsibility ('beyond reasonable doubt').

The fact that the applicant was or is associated with a group or regime responsible for excludable acts(s) does not relieve the determining authority from demonstrating his or her individual responsibility.

However, depending on the nature, scale of the group or regime, the voluntary association with it and the position, rank, standing and influence of the applicant within the group, there may be sufficient evidence for both the 'conduct' and the 'state of mind' requirements to be inferred. It remains necessary, however, that the decision-maker identify the relevant mode of individual responsibility and examine the facts in light of the respective criteria.

Furthermore, the examination should take into account **potential grounds negating the individual responsibility**, such as lack of mental capacity to comprehend and/or control one's conduct (e.g. due to age, mental disease or defect, involuntary intoxication), duress (e.g. in the context of forced recruitment), self-defence or defence of others (or property, in the case of war crimes), superior orders in specific circumstances (see Article 33 of the Rome Statute) [30], etc.

Depending on national practice, the analysis may further proceed to take into account whether the possible exclusion of the applicant would meet the purposes of the exclusion clauses. Elements, such as the fact that an applicant has already served a sentence for the (otherwise) excludable act, or that the act is subject to an amnesty, could potentially be taken into account. In relation to the militant groups in the Niger Delta, for example, the participation to the ongoing large-scale amnesty programme (DDR), initiated in 2009 and benefitting about 30 000 (former) militia members, could be taken into consideration [Targeting, 2.2.1]. The more egregious the excludable acts, the less relevant such aspects would be when taking the decision.

For further horizontal guidance on individual responsibility, see the EASO Practical Guide: Exclusion, p.29.

6.1 Exclusion grounds

Given the serious consequences that exclusion may have for the individual, the exclusion grounds should be interpreted restrictively and applied with caution.

6.1.1 Crime against peace, war crime, crime against humanity

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*Minor updates added October 2021

Article12(2)(a) QD and Article 17(1)(a) QD refer to specific serious violations of international law, as defined in the relevant international instruments:

► **'Crime against peace'** is related to the planning, preparation, initiation, waging or participation in a common plan or conspiracy related to a war of aggression. It is considered applicable only in the context of international armed conflict and would usually be committed by individuals in a high position of authority, representing a State or a State-like entity. It can be noted that in practice this ground is rarely applied.

► **'War crimes'** are **serious violations of international humanitarian law**, committed against a protected person or object (civilians, combatants placed out of combat, such as in detention or being wounded, or those who have put down their arms, or civilian and cultural objects) or through

[30] Rome Statute of the International Criminal Court, Article 33.

the use of unlawful weapons or means of warfare. [31] War crimes can only be committed during an armed conflict qualified accordingly under international humanitarian law. The nature of the armed conflict (international or non-international) is decisive in order to define the elements of the particular war crime. [32]

They can be committed by combatants/fighters, as well as civilians, as long as there is a sufficient link to the armed conflict. This means that the act needs to have been 'closely' related to the armed conflict. [33]

Some relevant (non-exhaustive) examples of war crimes include:

- violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture of persons taking no direct part in hostilities;
- committing outrages upon personal dignity, in particular humiliating and degrading treatment of persons taking no direct part in hostilities;
- intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- intentionally directing attacks against buildings, material, medical units and transport, and personnel using the distinctive emblems of the Geneva Conventions in conformity with international law;
- intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives;
- killing or wounding treacherously a combatant adversary;
- the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all judicial guarantees which are generally recognised as indispensable;
- conscripting or enlisting children under the age of fifteen years into armed forces or groups or using them to participate actively in hostilities.

[31] War crimes are listed, inter alia, under Article 8 of the Rome Statute, under the 'Grave Breaches' provisions of the 1949 Geneva Convention and Additional Protocol I, common Article 3 and relevant provisions of Additional Protocol II, the Statute of the International Criminal Tribunal for the former Yugoslavia (ICTY) and the Statute of the International Criminal Tribunal for Rwanda (ICTR).

[32] Note that the assessment under Article 12(2)(a) QD and Article 17(1)(a) QD refers to the relevant international instruments defining the terms. Therefore, the assessment of whether or not an armed conflict takes place, as well as its nature, is based on international humanitarian law and may differ from the assessment in the context of Article 15(c) QD as defined in the *Diakité* judgment of the CJEU.

[33] 'The armed conflict need not have been causal to the commission of the crime, but the existence of an armed conflict must, at a minimum, have played a substantial part in the perpetrator's ability to commit it, his decision to commit it, the manner in which it was committed or the purpose for which it was committed', ICTY (Appeals Chamber), judgment of 12 June 2002, *Prosecutor v Kunarac et al.*, IT-96-23 and IT-96-23/1-A, para. 58.

► **'Crimes against humanity'** are fundamentally inhumane acts, committed as part of a systematic or widespread attack against any civilian population. [34, 35] Inhumane acts, which could reach this threshold when committed pursuant to or in furtherance of a State or organisational policy [36]I, include: murder, extermination, enslavement; deportation or forcible transfer of population; imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; torture; rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognised as impermissible under international law; enforced disappearance of persons; apartheid; other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

Crimes against humanity can be committed in peace time as well as during an armed conflict. Even a single act could fall under this exclusion ground provided it forms part of a widespread or systematic attack against a civilian population and the act is committed by any person (including a civilian) who had knowledge of the attack and the link of the act to the attack. Some crimes against humanity would require an additional specific intent (e.g. persecution and genocide).

In order to establish whether a war crime or a crime against humanity has been committed, the case officer should consult the relevant international instruments and case law of the international criminal tribunals.

6.1.2 Serious (non-political) crime

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*Minor updates added October 2021

The commission of a serious (non-political) crime is a ground that could apply to applicants from all countries of origin, regardless of the general situation.

In order to determine whether the crime qualifies as **serious**, the following factors may be taken into account: the nature of the act, the actual harm inflicted, the form of procedure used to prosecute such a crime, the nature of the envisaged penalty, and whether most jurisdictions would consider it serious. [37]

[34] **Crimes against humanity** are defined in international instruments, inter alia, Article 7 of the Rome Statute. See also ICC, *The Prosecutor* v *Germain Katanga*, judgment of 7 March 2014, ICC-01/04-01/07 (*Katanga*).

[35] On 'widespread' and 'systematic', see for example, ICTY, *Prosecutor* v *Dusko Tadic aka "Dule" (Opinion and Judgment)*, IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor* v *Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, judgment of 2 September 1998, para. 580; ICTY, *Prosecutor* v *Dragoljub Kunarac, Radomir Kovac and Zoran Vukovic (Appeal Judgment)*, IT-96-23 & IT-96-23/1-A, 12 June 2002, para. 94; on 'civilian population' see ICTY, *Prosecutor* v *Dusko Tadic aka "Dule" (Opinion and Judgment)*, IT-94-1-T, judgment of 7 May 1997, para. 648; ICTR, *The Prosecutor* v *Jean-Paul Akayesu (Trial Judgment)*, ICTR-96-4-T, judgment of 2 September 1998, para. 644.

[36] On 'state or organisational policy', see *Katanga*, paras. 1106-1113.

[37] See CJEU, *Shajin Ahmed* v *Bevándorlási és Menekültügyi Hivatal*, judgment of 13 September 2018, C-369/17, where the Court clarified that article 17(1)(b) QD must be interpreted as precluding MS legislation pursuant to which the applicant for subsidiary protection is deemed to have 'committed a serious crime' within the meaning of that provision, which may exclude him from that protection, on the basis of the sole criterion of the penalty provided for a specific crime under the law of that MS.

There is no requirement that the offence constitutes a crime (or a serious crime) in both, the country of origin and the country of application. Therefore, certain acts that are criminalised in Nigeria, but would not be considered serious crimes according to international standards (e.g. adultery and 'sodomy' criminalised by the Sharia), fall outside the scope of this provision. At the same time, acts that may not be considered serious crimes in Nigeria could be relevant exclusion grounds (e.g. FGM/C).

In order for an act to qualify as a **non-political** crime, it should be considered to have a predominantly non-political motivation or be disproportionate to a claimed political objective. Particularly cruel actions may be considered serious non-political crimes, due to being disproportionate to an alleged political objective. Terrorist acts, which are characterised by their violence towards civilian populations, even if committed with a purportedly political objective, fall to be regarded as serious non-political crimes within the meaning of point (b). [38]

It should also be noted that state agents could be responsible for serious (non-political) crimes (e.g. in relation to death penalty and executions, torture).

The exclusion ground for refugee status further stipulates that the act must have been committed **outside the country of refuge prior to the person's admission as a refugee**. This requirement does not apply to exclusion from subsidiary protection.

6.1.3 Acts contrary to the purposes and principles of the United Nations

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*Minor updates added October 2021

The purposes and principles of the UN are set out in the Preamble and Articles 1 and 2 of the UN Charter. In order to apply this exclusion provision, the acts must have an international dimension in the sense that they are capable of having a negative impact on international peace and security or the friendly relations between States. [39] However, there is no requirement that the perpetrator hold a position of power in a State or a State-like entity in order to be excluded under this provision. Accordingly, this exclusion ground may apply to certain acts which constitute serious and sustained human rights violations and/or acts specifically designated by the international community as contrary to the purposes and principles of the UN (for example, terrorist acts in light of relevant UN Security Council and General Assembly resolutions). [40]

Relevant jurisprudence of the CJEU, including the *B and D* case [41] and the more recent *Lounani* case [42], views acts constituting participation in the activities of a terrorist group under this provision. This could cover a wide range of conduct and cannot be confined to the actual perpetrators of terrorist acts. It could, for example, include recruitment, organisation, transportation or equipment of individuals, for the purpose of, inter alia, the planning or preparation of terrorist acts, etc. [43] It should be noted that the CJEU finds that the mere fact that a person was a member of an

[38] See, for example, CJEU, *Bundesrepublik Deutschland v. B and D*, C-57/09 and C-101/09, 9 November 2010, para.81.

[39] CJEU, *Lounani,* para. 74; CJEU, *B and D,* para. 84.
[40] See, for example, the 2001 UN Security Council resolutions 1373 and 1377.
[41] CJEU, *Bundesrepublik Deutschland v B and D*, C-57/09 and C-101/09, judgment of 9 November 2010.
[42] CJEU, *Commissaire général aux réfugiés et aux apatrides v Mostafa Lounani*, C-573/15, judgment of 31 January 2017.
[43] CJEU, *Lounani,* para. 69.

organisation implicated in terrorist acts does not automatically mean that the respective exclusion ground can be applied. It is not a prerequisite that an applicant for international protection has instigated a (particular) terrorist act or has otherwise participated in the commission of such an act. Article 12(2)(c) QD and Article 17(1)(c) QD can be applied only after undertaking, for each individual case, an assessment of the specific facts brought to the attention of the authorities with a view to determining whether there are serious reasons for considering that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for international protection, fall within the scope of that particular exclusion. [44]

6.1.4 Danger to the community or the security of the Member State

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*Minor updates added October 2021

In the examination of the application for international protection, the exclusion ground 'danger to the community or the security of the Member State' in Article 17(1)(d) QD is only applicable to persons otherwise eligible for subsidiary protection.

Unlike the other exclusion grounds, the application of this provision is based on a forward-looking assessment of risk. Nevertheless, the examination takes into account the past and/or current activities of the applicant, such as association with certain groups considered to represent a danger to the security of the Member State or criminal activities of the applicant.

Given the nature of this provision, its application would often require the involvement of other authorities, which may have access to relevant information.

6.2 Relevant circumstances

Last update: February 2019
*Minor updates added October 2021

The Qualification Directive does not set a time limit for the application of the grounds for exclusion. Applicants may be excluded in relation to events which have occurred in the recent and more distant past. Relevant situations from the past could include, for example:

- armed conflict (civil war) in Biafra in 1967-1970
- coups d'état and military regimes in 1966-1979 and 1983-1998
- etc.

In the context of Nigeria, the need to examine possible exclusion issues may arise, in particular, in cases of applicants who may have been involved in the following:

- armed conflict involving Boko Haram and the Nigerian security forces
- crimes committed during violent clashes between herders and farmers and/or between communal militias
- crimes committed by student cults, criminal gangs and/or bandits
- crimes committed by trafficking networks

[44] CJEU, *Lounani,* paras. 70 and 72; *B and D,* paras. 87 and 94).

- etc.

In relation to potential exclusion considerations, see also the chapters Actors of persecution or serious harm and Analysis of particular profiles with regard to qualification for refugee status.

The examples mentioned in this chapter are non-exhaustive and non-conclusive. Each case should be examined on its own merits.

6.2.1 Crimes committed by state forces and state-affiliated forces

Last update: February 2019
*Minor updates added October 2021

Serious breaches of international humanitarian law and international human rights law are reported in relation to the armed conflict involving the NAF, MNJTF, CJTF, and Boko Haram and aligned factions in the North-East. Reported violations include unlawful killings, sexual violence and abuse, recruitment and use of child soldiers, arbitrary arrest and detention, torture and other forms of ill treatment of civilians [Targeting, 2.1.3, 2.5.1; Security situation 2021, 1.6.1, 1.3.1.7]

More specifically, NAF has been accused of extrajudicial executions, mass deaths in custody, torture, forced displacement of entire villages, sexual abuse and violence against IDP women, fumigation, unlawful detention and arrest, and starvation of over 8 000 people caused by the closure of roads [Targeting, 2.5.1; Security situation 2021, 1.7.2]. Additionally, several sources indicate that the CJTF has also committed crimes, such as extrajudicial killings, arbitrary arrests, acts of torture, and severe abuses of IDP women, including physical and sexual violence, and recruitment of children [Targeting, 2.5.4.2, 2.5.4.5, 3.13.4].

The personnel of some Nigerian authorities may also be found responsible for crimes outside the context of armed conflict. NPF, generally considered the most violent State institution, has been reportedly involved in acts of extortion, beatings, illegal detention, sexual harassment and abuses committed against LGBTIQ persons. SARS, in particular, had been accused of widespread torture and other cruel, inhuman or degrading treatment or punishment of detainees in their custody. The largely peaceful country-wide #EndSARS protests were met with violent response by the Nigerian security forces [Security situation 2021, 1.3.1.1, 1.3.1.2]. The *hisbah*, operating in the Sharia-implementing states, was also reported to arrest and torture LGBTIQ persons, and to sporadically target women accused of immorality [Targeting, 2.5.2.1, 2.5.3.1, 2.5.3.2].

Crimes by the Nigerian security forces against IMN, including reports of mass killings and burials, have also been reported [Targeting, 2.5.1]. Acts of the Nigerian security forces against pro-Biafra protesters, IPOB members and/or ESN members have also been reported to exceed their legitimate response and could be relevant for exclusion [Targeting, 3.3.4; Security situation, 1.4.1.1.]

6.2.2 Crimes committed by non-state armed forces

Last update: February 2019
*Minor updates added October 2021

According to OHCHR, the human rights violations committed by **Boko Haram** amount to breaches of international humanitarian law and international human rights law, including:

- massacres;
- the burning down of entire villages;
- attacks on protected sites such as places of worship and schools, and the slaughter of people taking refuge in such sites;
- torture;
- cruel and degrading treatment following sentences in so-called "courts";
- abduction on a massive scale, including of children;
- forced displacement;
- child recruitment; and
- extremely severe and widespread violations of the rights of women and girls, including sexual slavery, sexual violence, forced so-called "marriages", and forced pregnancy'.

[Targeting, 2.1.1]

The violent clashes between **herders and farmers** and/or between **communal militias** have increased over the years, resulting in higher numbers of deaths on both sides and serious human rights violations, including rape, abduction and attacks leading to the destruction of entire villages. The conflict has also had a considerable humanitarian impact, including the destruction of cattle, crops, and farmland [Targeting, 3.7.1, 3.7.2].

Some of the crimes committed by **militant groups in the Niger Delta** include e.g. kidnapping, car bombing and oil bunkering [Targeting, 2.2.2.3, 2.2.3.3]. ESN has also conducted attacks mainly against police stations [Security situation 2021, 1.4.1.1, 2.25.3.2]

6.2.3 Criminal activity

Last update: February 2019
*Minor updates added October 2021

Criminal violence constitutes a serious security and public safety concern in Nigeria, especially in relation to crimes committed by organised groups, such as cults, traffickers in human beings, bandits engaged in cattle rustling, etc. Generally, an increasing level of violence and firearms proliferation is noted across the country, particularly manifesting in ransom kidnapping along highways and in schools, armed robbery and other forms of violent crime committed by gangs. Mob violence is also reported. [Targeting, 3.9.2.1, 3.12.2; Security situation 2021, 1.3.2.2]

Several profiles must be carefully evaluated, taking into account the applicant's activities, role, responsibilities, etc.

Members of student cults engage in different criminal activities such as killings, rape, armed robbery, kidnapping, human trafficking, prostitution of others, drugs trafficking, extortions, etc. [Targeting, 2.3; Security situation 2021, 1.3.2.3].

Nigerian networks active in human trafficking are involved in prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, removal of organs, etc. In the case of trafficking for sexual exploitation, Madams also play a central role in the process. [Targeting, 2.4; Trafficking].

6.2.4 Other types of violence

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*Minor updates added October 2021

Violence against women and children (for example, in relation to FGM, domestic violence or in the context of forced and child marriage, etc.) is widespread in Nigeria [Targeting, 3.13.1]. In particular regarding FGM, the persons who perform the practice are in large majority traditional circumcisers. Medical staff, such as nurses, midwives or birth attendants may also be involved [Targeting, 3.13.3].

6.3 Guidance with regard to Nigeria

6.3.1 Article 12(2)(a) and Article 17(1)(a) QD

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*Minor updates added October 2021

It can be noted that the ground 'crime against peace' is not found to be of particular relevance in the cases of applicants from Nigeria.

In December 2020 the Office of the Prosecutor of the International Criminal Court concluded that there is reasonable basis to believe that war crimes and crimes against humanity had been committed by Boko Haram since July 2009 and by the Nigerian military since the beginning of the non-international armed conflict with Boko Haram since June 2011. The Prosecutor of the ICC has also examined alleged crimes falling outside of the context of this conflict . [45]

Crimes committed also in the context of herders and farmers and/or communal conflict, could also give rise to considerations under Article 12(2)(a) QD/Article 17(1)(a) QD as 'crimes against humanity'.

6.3.2 Article 12(2)(b) and Article 17(1)(b) QD

Last update: February 2019
*Minor updates added October 2021

Criminal activity in Nigeria is widely reported, including kidnappings, assassinations, drug trafficking, piracy, human trafficking, and robberies. Such serious (non-political) crimes would trigger the application of Article 12(2)(b) QD/Article 17(1)(b) QD.

The personnel of some Nigerian authorities may also be found responsible for serious (non-political) crimes (e.g. sexual abuse, torture).

[45] Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination of the situation in Nigeria, 11 December 2020, https://www.icc-cpi.int/nigeria, Preliminary examination: Nigeria https://www.icc-cpi.int/Pages/item.aspx?name=201211-prosecutor-statement, https://www.icc-cpi.int/nigeria

Some of the crimes committed by militant groups in the Niger Delta (e.g. kidnapping, car bombing) would be considered serious non-political crimes. With regard to other crimes (e.g. oil bunkering), the examination should take into account whether they are considered serious crimes according to international standards and whether they are non-political, taking into account the alleged political motive of these crimes.

Violence against women and children (for example, in relation to domestic violence or in the context of forced and child marriage) could also potentially amount to a serious (non-political) crime.

Performing FGM is a serious (non-political) crime. However, a careful examination of the relevant circumstances should take place, taking into account the intent and knowledge requirement for individual responsibility.

In some cases, the serious (non-political) crimes could be linked to an armed conflict or could be committed as a part of a systematic or widespread attack against a civilian population (e.g. kidnapping of recruits, robbery to finance the activities of armed groups), in which case they should instead be examined under Article 12(2)(a)/Article 17(1)(a) QD.

6.3.3 Article 12(2)(c) and Article 17(1)(c) QD

Last update: February 2019
*Minor updates added October 2021

Although the Nigerian government has proclaimed many organisations as terrorist, the assessment should take into account the objective situation and the acts of the group and of the individual applicant.

(Former) membership in armed groups such as Boko Haram could trigger relevant considerations and require an examination of the applicant's activities under Article 12(2)(c)/Article 17(1)(c) QD, in addition to the considerations under Article 12(2)(a)/Article 17(1)(a) QD or Article 12(2)(a)/Article 17(1)(a) QD.

The application of exclusion should be based on an individual assessment of the specific facts in the context of the applicant's activities within that organisation. The position of the applicant within the organisation would constitute a relevant consideration and a high-ranking position could justify a (rebuttable) presumption of individual responsibility. Nevertheless, it remains necessary to examine all relevant circumstances before an exclusion decision can be made.

Where the available information indicates possible involvement in crimes against peace, war crimes or crimes against humanity, the assessment would need to be made in light of the exclusion grounds under Article 12(2)(a)/Article 17(1)(a) QD.

Annex I. Abbreviations and glossary

ACN	Action Congress of Nigeria
ACLED	Armed Conflict Location and Event Data Project
ANPP	All Nigeria Peoples Party
APC	All Progressives Congress
APGA	All Progressives Grand Alliance
Asylum Procedures Directive (APD)	Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEAS	Common European Asylum System
CJEU	Court of Justice of the European Union
CJTF	Civilian Joint Task Force
COI	Country of origin information
CPC	Congress for Progressive Change
DDR	Disarmament, Demobilisation, and Reintegration Programme in the Niger Delta
EASO	European Asylum Support Office
ECHR	Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as amended by Protocols Nos. 11 and 14, 4 November 1950
ECtHR	European Court of Human Rights
ESN	Eastern Security Network
EU	European Union
EU Anti-Trafficking Directive	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
FCT	Federal Capital Territory
FGM/C	Female genital mutilation/cutting
hisbah	Islamic police
HIV	Human immunodeficiency virus
ICC	International Criminal Court
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDP(s)	Internally displaced person(s)

IED	Improvised Explosive Device
IMN	Islamic Movement in Nigeria
IPA	Internal protection alternative
IPOB	Indigenous People of Biafra
ISWAP	Islamic State - West Africa
JAS	Jama'atu Ahlis Sunna Lidda'adati wal-Jihad
JTF	Joint Task Force
juju	Belief in witchcraft
LGA	Local Government Area
LGBTIQ	Lesbian, Gay, Bisexual, Trans, Intersex and Queer persons
MASSOB	Movement for the Actualization of the Sovereign State of Biafra
MEND	Movement for the Emancipation of the Niger Delta
MNJTF	Multi-National Joint Task Force
NAF	Nigerian Armed Forces
NAPTIP	Nigerian National Agency for Prohibition of Trafficking in Persons
NDA	Niger Delta Avengers
NDPVF	Niger Delta People's Volunteer Force
NGO	Non-governmental organisation
NPF	Nigeria Police Force
OHCHR	(United Nations) Office of the High Commissioner for Human Rights
PDP	People's Democratic Party
QD (Qualification Directive)	Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
SARS	Special Anti-Robbery Squad of the NPF
Sharia	The religious law of Islam; Islamic canonical law
'sodomy'	According to Sharia, 'sodomy' is a crime committed in the following way: 'Whoever has anal coitus with any man is said to commit the offence of sodomy' (Kaduna and Yobe); 'Whoever has carnal intercourse against the order of nature with any man or woman is said to commit the offence of sodomy' (all other Sharia-implementing states). Kano and Katsina qualify this: 'with any man or woman through her rectum'. See http://www.sharia-in-africa.net/media/publications/sharia-implementation-in-northern-nigeria/vol_4_4_chapter_4_part_III.pdf
SSMPA	Same Sex Marriage (Prohibition) Act

THB	Trafficking in Human Beings
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
VAPP	Violence Against Persons Prohibition (bill)

Annex II. Country of origin information references

The main COI sources used in the common analysis are the following EASO COI reports:

Actors of protection	EASO Country of Origin Information Report: Nigeria, Actors of protection (November 2018) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/2018_EASO_COI_Nigeria_ActorsofProtection.pdf
Country focus	EASO Country of Origin Information Report: Nigeria, Country Focus (June 2017) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/EASO_Country_Focus_Nigeria_June2017.pdf
Key socio - economic indicators	EASO Country of Origin Information Report: Nigeria, Key socio-economic indicators (November 2018) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/2018_EASO_COI_Nigeria_KeySocioEconomic.pdf
Security situation 2021	EASO Country of Origin Information Report: Nigeria, Security situation (June 2021) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/2021_06_EASO_COI_Report_Nigeria_Security_situation.pdf
Security situation 2018	EASO Country of Origin Information Report: Nigeria, Security situation (November 2018) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/2018_EASO_COI_Nigeria_SecuritySituation.pdf
Sex trafficking	EASO Country of Origin Information Report: Nigeria, Sex trafficking of women (October 2015) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/BZ0415678ENN.pdf

Targeting	EASO Country of Origin Information Report: Nigeria, Targeting of individuals (November 2018) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/2018_EASO_COI_Nigeria_TargetingIndividuals.pdf
Trafficking	EASO Country of Origin Information Report: Nigeria, Trafficking in Human Beings (April 2021) *Available at:* https://coi.easo.europa.eu/administration/easo/PLib/2021_04_EASO_COI_Report_Nigeria_Trafficking_in_human_beings.pdf

Annex III. Relevant case law

Case law referenced in the common analysis	
Actors of persecution or serious harm	• CJEU, *Mohamed M'Bodj v État belge*, C-542/13, judgment of 18 December 2014 • (*M'Bodj*)
Reasons for persecution - religion	• CJEU, *Bundesrepublik Deutschland* v *Y and Z*, Joined Cases C-71/11 and C-99/11, judgment of 5 September 2012 • (*Y and Z*)
Reasons for persecution – membership of a particular social group	• CJEU, *Minister voor Immigratie en Asiel* v *X and Y and Z* v *Minister voor Immigratie en Asiel*, Joined Cases C-199/12 to C-201/12 judgment of 7 November 2013 • (*X, Y and Z*)
Article 15(b) QD	• CJEU, *MP* v *Secretary of State for the Home Department*, C-353/16, judgment of 24 April 2018 • (*MP*) • CJEU, *M'Bodj*
Article 15(c) QD	• CJEU, *CF and DN v Bundesrepublik Deutschland*, C-901/19, judgment of 10 June 2021 • (*CF and DN*) • CJEU, *Aboubacar Diakité* v *Commissaire général aux réfugiés et aux apatrides*, C-285/12, judgment of 30 January 2014 • (*Diakité*) • CJEU, *Elgafaji* v *Staatssecretaris van Justitie*, C-465/07, judgment of 17 February 2009 • (*Elgafaji*)

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