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Home Office

Country Information and Guidance

Nigeria: Gender-Based Discrimination/Harm/Violence Against Women

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Preface

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

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

Country Information

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

Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

Independent Advisory Group on Country Information

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

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

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Guidance

Updated: August 2015

1. Introduction

1.1 Basis of Claim

- 1.1.1 Fear of gender-based persecution or serious harm by state and/or non-state actors.
- 1.1.2 A person's gender may also be a contributory factor in relation to other risk categories. Decision makers must therefore also refer to other relevant Nigeria Country Information and Guidance on the category concerned. See also the [Asylum Instruction on gender issues in the asylum claim](#).
- 1.1.3 This document provides country information and guidance on domestic violence, witchcraft and traditional harmful practices, such as forced marriage or female genital mutilation (FGM). For CIG on handling claims based on a fear of being trafficked / re-trafficked, see [Operational Guidance Note, December 2013](#) and country information, [Trafficking](#), below.

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2. Consideration of Issues

2.1 Is the person's account a credible one?

- 2.1.1 For information on obtaining evidence and assessing credibility more generally, see sections 4 and 5 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).
- 2.1.2 Decision makers must also ensure that each asylum claim has been checked to establish if there has been a previous UK visa or other application for leave. Asylum claims matched to visas should be investigated prior to the asylum interview: see [Asylum Instruction on Visa Matches, Asylum Claims from UK Visa Applicants](#).
- 2.1.3 Decision makers should also consider the need to conduct language analysis testing: see [Asylum Instruction on Language Analysis](#).

2.2 Do women from Nigeria constitute a particular social group?

- 2.2.1 Women in Nigeria are considered to form a particular social group (PSG) within the meaning of the 1951 UN Refugee Convention. This is because they share an immutable (or innate) characteristic – their gender – that cannot be changed and they form a distinct group in society as evidenced by widespread discrimination in the exercise of their fundamental rights.
- 2.2.2 Although women in Nigeria form a PSG, this does not mean that this will be sufficient to make out a case to be recognised as a refugee. The question to be addressed in each case is whether the particular person will face a real risk of persecution on account of their membership of such a group.
- 2.2.3 For further information on particular social groups, see section 7.6 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

2.3 Are women in Nigeria at risk of persecution or serious harm?

- 2.3.1 Women are protected from discrimination under the constitution but customary and religious laws, including Sharia law in the 12 northern states, restrict women's rights in practice. The Government is striving to improve women's empowerment and eliminate discriminatory practices that are harmful to women. There are a number of legal provisions protecting women from violence, strengthened by the recently Violence against Persons (Prohibition) Act 2015. While progress has been made towards parity in primary school education, there remain significant gaps in education, political and labour force participation. Discriminatory laws and practices, violence against women and gender stereotypes continue to hinder greater progress towards gender equality. Unmarried women in particular are subject to many forms of discrimination. (See country information, Women and girls - [overview](#)).

Rape

- 2.3.2 Rape is widespread. Societal pressure and the stigma associated with rape reduced the percentage of rapes reported and the penalties imposed for conviction. Allegations of rape and sexual violence are rarely investigated and sentences for persons convicted of rape and sexual assault were inconsistent and often minor. Security services committed rape and other forms of violence against women and girls largely with impunity. Women detained for criminal offences, relatives of criminal suspects and sex workers who cannot pay bribes are often targeted for rape and other abuse by police officers. Women and girls who are displaced face a greater risk of gender based violence, whether in camps or in host communities.

Domestic violence

- 2.3.3 Domestic violence against women is widespread, underreported and is often considered socially acceptable, although attitudes are starting to change. Surveys undertaken in 2012 and 2013 indicated that around 30% of women had experienced some form of physical, sexual or emotional domestic violence. By comparison, statistics provided by the National Health Service show that 25% of women in the UK will be a victim of domestic violence during their lifetime.
- 2.3.4 There is a growing public awareness and understanding of domestic violence, however women are often reluctant to report crimes to the police or seek assistance while prosecutions from domestic violence are low. Sources state that the police often blame the victim and tell them to settle the problem themselves. No prosecutions for spousal rape were reported in 2014 (See [Domestic violence](#)).

Traditional harmful practices

- 2.3.5 Forced marriage (often underage girls) although against the law is still practiced, particularly so in the northern, primarily Muslim, states. The prevalence of forced marriage may vary owing to factors of culture, religion, ethnic group, location, socio-economic status, education and tribe. Consequences for refusing a forced marriage can include physical violence, total neglect and ostracism. (See [forced marriage](#)).

- 2.3.6 Although against the law and in decline, female genital mutilation (FGM) continues to be practiced with differing prevalence rates and type across Nigeria and by ethnic group, religion, residence (urban/rural), state, education and socio-economic class. A 2013 UNICEF report found that 27% of women had undergone FGM, although in the last 20 years the prevalence among adolescent girls has dropped by a half. FGM is usually inflicted on a child before she can give her informed consent but it may also be difficult for adolescent girls and women to refuse social and extended family pressure to have the procedure. (See [FGM](#)).
- 2.3.7 For further information on assessing risk, see sections 6 and 7 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.4 [Are those at risk able to seek effective protection?](#)

- 2.4.1 For guidance and information about the availability of protection generally, see [Country Information and Guidance Nigeria: Background information, including actors of protection, and internal relocation](#).
- 2.4.2 A number of laws exist to protect women against violence, strengthened by the Violence against Persons (Prohibition) Act 2015 which shows a determination to tackle violence against women, provides stiffer penalties for a number of gender-based offences such as FGM, and may make it easier for women to seek recourse and protection. However, laws were often not effectively implemented in practice.
- 2.4.3 There is widespread under-reporting and a reluctance amongst women to report abuse to the authorities. This is because the police are perceived as being reluctant to take violence against women seriously and pursue allegations. Prosecutions for domestic violence, for example, were low, although the courts are increasingly taking domestic violence more seriously. (See [domestic violence](#) and [police attitudes and responses to violence against women](#)).
- 2.4.4 The police force is, however, working with other agencies to improve its response and attitude to gender based violence, including establishing sexual assault referral centres and reconstituting the Gender Unit. There are also many women's advocacy groups some offering practical help and shelter to assist women. (See [assistance available to women](#)).
- 2.4.5 In general the Nigerian authorities are willing and able to provide protection from non-state agents, albeit women face greater difficulties in seeking and obtaining protection than men particularly for sexual and gender based violence. Each case will need to be considered on its particular circumstances taking into account factors such as their age, socio-economic circumstances, education and ethnicity. The onus is on the person to demonstrate that the state is not willing and able to provide protection.
- 2.4.6 For further information on assessing the availability of state protection, see section 8.1 of the [Asylum Instruction on Assessing Credibility and Refugee Status](#).

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2.5 Are those at risk able to internally relocate within Nigeria?

2.5.1 For guidance and information about relocation generally within Nigeria see [Country Information and Guidance Nigeria: Background information, including actors of protection, and internal relocation.](#)

2.5.2 Decision makers must give careful consideration to the relevance and reasonableness of internal relocation on a case-by-case basis taking full account of the individual circumstances of the particular person.

2.5.3 In general it will not be unduly harsh for a woman, especially if single and without children to support, who is able to access accommodation and is able to support herself, to relocate. (See [Freedom of movement](#))

2.5.4 For further information on considering internal relocation, see section 8.2 of the [Asylum Instruction on Assessing Credibility and Refugee Status.](#)

2.6 Where a claim is refused is the claim one which is likely to be certifiable as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002?

2.6.1 Nigeria is listed as a designated state under section 94 of the Nationality, Immigration and Asylum Act 2002 in respect of men only.

2.6.2 If a woman (or girl) is refused protection decision makers should consider certifying the claim as clearly unfounded on a case-by-case basis if they are satisfied that it is so clearly without substance that it is bound to fail.

For further information on certification, see the [Asylum Instruction on Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002.](#)

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3. Policy summary

3.1.1 Being a woman (or a girl) does not on its own establish a need for international protection. Although women may encounter discrimination they are not in general subject to persecution by state or non-state agents or subject to serious harm that would lead to the need for international protection. Some women may be able to demonstrate a real risk of gender-based persecution or serious harm but that this will depend on their particular circumstances.

3.1.2 A woman will generally be able to avail themselves of protection from state, albeit women face greater difficulties in seeking and obtaining protection than men particularly for sexual and gender based violence.

3.1.3 Women are able to move throughout Nigeria and it is likely that internal relocation will be a reasonable option, depending on their individual circumstances.

Country Information

Updated: August 2015

4. Women and girls - overview

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

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

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

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

'Nigeria ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985, and the Optional Protocol in 2004. The country ratified the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa in 2005.²

- 4.1.2 Freedom House, in its 2014 world report, noted the following about women in Nigeria [the reference to government positions applies to the previous administration]:

¹ WEF Global Gender Gap Index 2014
http://www3.weforum.org/docs/GGGR14/GGGRMainChapterAppendices_2014.pdf Accessed 25 August 2015

² Organisation for Economic Co-operation and Development, Social Institutions and Gender Index, Nigeria Profile, 2014, <http://genderindex.org/country/nigeria>, accessed 20 April 2015

'Women's educational opportunities continue to improve, and women hold several key government positions; in addition, they hold 24 of 360 seats in the House of Representatives and 8 of 109 Senate seats. Women have occupied important posts in the judiciary, including Aloma Mukhtar, who retired in November 2014 as the country's chief justice. However, throughout the country, women experience discrimination in employment and are often relegated to inferior positions. Gender discrimination is especially problematic in the states governed by Sharia statutes, and this has been exacerbated by the Boko Haram insurgency. In addition, women belonging to certain ethnic groups are often denied equal rights to inherit property due to customary laws and practices. Despite the existence of strict laws against rape, domestic violence, female genital mutilation, and child marriage, these offenses remain widespread, with low rates of reporting and prosecution.'³ Following the 2015 elections, 20 women were elected to the House of Representatives members⁴ and 7 women senators were elected⁵.

- 4.1.3 The UN General Assembly's Report of the Working Group on the Universal Periodic Review, published 16 December 2013 noted, 'Nigeria was mindful of the need to protect the rights of women, as well as of disadvantaged groups such as orphans, widows, ... In that context, Nigeria had signed and ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).'
- 4.1.4 The US State Department, Country Reports on Human Rights Practices 2014, Nigeria, stated:

'Although the constitution provides for equality and freedom from discrimination, women experienced considerable economic discrimination. There are no laws barring women from particular fields of employment, but women often experienced discrimination under traditional and religious practices...

'Some women made considerable progress in both the academic and business worlds, but women overall remained marginalized. There are no laws prohibiting women from owning land, but some customary land tenure systems allowed only men to own land, with women gaining access to land only via marriage or family. Many customary practices also did not recognize a woman's right to inherit her husband's property, and many widows became destitute when their in-laws took virtually all the deceased husband's property.

'In the 12 states where sharia was adopted, sharia and social norms affected women to varying degrees. In Zamfara State local governments enforced

³ Freedom House, Freedom in the World 2015 - Nigeria, 28 January 2015, <http://www.refworld.org/docid/54d0d7b115.html> Accessed 2 June 2015

⁴ Inter-Parliamentary Union, NIGERIA House of Representatives, undated <http://www.ipu.org/parline/reports/2363.htm> Accessed 24 July 2015

⁵ Inter-Parliamentary Union, NIGERIA Senate, undated http://www.ipu.org/parline/reports/2364_A.htm Accessed 24 July 2015

⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review : Nigeria, 16 December 2013, <http://www.refworld.org/docid/52f8adc74.html> Accessed 2 June 2015

laws requiring the separation of Muslim men and women in transportation and health care. In 2013 the Kano state government issued a statement declaring that men and women must remain separate while using public transportation.

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

‘NGOs expressed concern over continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and salary equity. According to credible reports, many businesses implemented a “get pregnant, get fired” policy... Unmarried women in particular endured many forms of discrimination. Several states had laws mandating equal opportunity for women.’⁷

- 4.1.5 The British Council’s 2012 report, [Gender In Nigeria: Improving The Lives Of Girls And Women In Nigeria](#), gave a detailed overview of the issues faced by women in Nigeria.⁸

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5. Violence against women

5.1 Legal context

5.1.1 The USSD report for 2014 stated:

‘There are no national laws criminalizing gender-based violence, and some federal laws allow such violence. For example, the law permits husbands to use physical means to chastise their wives as long as it does not result in “grievous harm,” which is defined as loss of sight, hearing, or speech; facial disfigurement; or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman. Ebonyi, Jigawa, Cross River, and Lagos were the only states to have enacted domestic violence laws... The law criminalizes FGM/C except for medical reasons when a doctor performs the procedure. By law an offender is any woman who offers herself for FGM/C; any person who coerces, entices, or induces any woman or girl to undergo FGM/C; or any person who, for other than medical reasons, performs an operation removing part of a woman’s or a girl’s sexual organs.’⁹

⁷ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392> accessed on 16 July 2015

⁸ The British Council, 2012 [Gender In Nigeria: Improving The Lives Of Girls And Women In Nigeria](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67333/Gender-Nigeria2012.pdf), https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/67333/Gender-Nigeria2012.pdf Accessed 23 June 2015

⁹ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392>

5.1.2 However, on 25 May 2015 the Violence against Persons (Prohibition) act 2015 became law. It expanded and/or strengthened legal measures providing protection to women (and men). The law:

‘... prohibits female circumcision or genital mutilation, forceful ejection from home and harmful widowhood practices. It prohibits abandonment of spouse, children and other dependents without sustenance, battery and harmful traditional practices... [It] provides a legislative and legal framework for the prevention of all forms of violence against vulnerable persons, especially women and girls...

‘The law also prohibits economic abuse, forced isolation and separation from family and friends, substance attack, depriving persons of their liberty, incest, indecent exposure, among others. It also intends to eliminate violence in private and public life and provide maximum protection and effective remedies for victims of violence, and punishment of offenders.’¹⁰

5.1.3 The full text of the bill is available on the UNHCR’s refworld database: <http://www.refworld.org/docid/556d5eb14.html>¹¹

5.2 Shari’ah Law

5.2.1 United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, published 30 April 2013, noted:

‘Since 1999, all 12 Muslim-majority northern Nigerian states established, or announced plans to establish, their interpretation of Shari’ah law in their criminal codes... Each of these 12 states has sought to extend the jurisdiction of Shari’ah courts beyond personal status matters to include Shari’ah crimes and punishments for Muslims alone. In the past, such punishments included amputation, flogging, or death by stoning... Trials in Shari’ah courts in these states often fall short of basic international rule of law standards, and defendants have limited rights of appeal and sometimes have no opportunity to obtain legal representation. Women face discrimination under these provisions, especially in adultery cases where pregnancy alone has been used as adequate evidence of guilt. Allegations of rape and sexual violence rarely are investigated.’¹²

accessed on 16 July 2015

¹⁰ National Stability and Reconciliation Programme, President Jonathan passes Violence Against Persons Prohibition bill into law, 25 May 2015, <http://www.nsrp-nigeria.org/2015/05/25/president-jonathan-passes-violence-against-persons-prohibition-bill-into-law/> accessed on 13 July 2015

¹¹ Nigeria: Violence Against Persons (Prohibition) Act, 2015 (VAPP) [Nigeria], 25 May 2015, <http://www.refworld.org/docid/556d5eb14.html> Accessed 22 July 2015

¹² United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013, <http://www.refworld.org/docid/51826efbf.html> Accessed 23 June 2015



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5.2.2 A News24 report of 7 March 2014 noted, 'Since the reintroduction of the sharia justice system in 12 northern states 15 years ago, dozens of amputation sentences have been handed down. But only two have been carried out, with the remainder overturned on appeal largely for "procedural error and outright contravention of the sharia law", said [Lawyer Umar] Ado. The acquittals on appeal include the cases of at least four women who were sentenced to death for adultery after they gave birth out of wedlock.' ¹⁴

5.2.3 The US State Department 2014 country report for Nigeria noted:

'Sharia courts usually accorded the testimony of women and non-Muslims less weight than that of men. Under common law women and members of other groups could testify in civil or criminal proceedings and give testimony that carried the same weight as testimony of other witnesses. Some sharia court judges allowed different evidentiary requirements to prove adultery or fornication for male and female defendants. For women pregnancy represented admissible evidence in some sharia courts. In contrast sharia courts could convict men only if they confessed or there was eyewitness testimony regarding their crime. Sharia courts, however, provided women with certain benefits, including increased access to divorce, child custody, and alimony. It remained significantly easier, faster, and cheaper to get a hearing in a sharia court than in a common law court.' ¹⁵

5.3 Prevalence of violence against women

To provide a comparison it should be noted that the NHS stated that statistics show that 25% of women in the UK will be a victim of domestic violence during their lifetime. ¹⁶

¹³ BBC News, Sharia law 'reaches' Nigeria's south, 1 May 2002.

<http://news.bbc.co.uk/1/hi/world/africa/1962827.stm> Accessed 23 June 2015

¹⁴ News24 Lawyers call for reform in Nigerian sharia law, 7 March 2014

<http://www.news24.com/Africa/News/Lawyers-call-for-reform-in-Nigerian-sharia-law-20140307>
Accessed 23 June 2014

¹⁵ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392>
accessed on 16 July 2015

¹⁶ NHS Choices, Getting help for domestic violence, page reviewed 14 July 2014.

<http://www.nhs.uk/Livewell/abuse/Pages/domestic-violence-help.aspx> Accessed 25 August 2015

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

- Four percent of respondents admitted being victims of rape/attempted rape. South-south and Northeast led the victimization rate with 5%. When asked where the rape occurred, more than 1 in 3 (37%) of the victims said it happened in their own homes, 34% said near their homes, 26% said it occurred in the school or work place with 3% saying it happened elsewhere.
- Nearly one in every three respondents interviewed admitted having been a victim of domestic violence (31%). There was an upsurge in respondents' admission of being victims of domestic violence in Nigeria. Whether this increase is a function or a spike in reporting as a result growing level of awareness or actual increase in the crime requires further investigation. The findings of the 2012 survey revealed that domestic violence ranks amongst the top four most committed crimes in Nigeria.
- The findings of the survey revealed that most crimes are unreported. Just a little above 2 in every 10 respondents (21%) who suffered crime victimisation reported to the police.¹⁷

5.3.2 The US State Department 2014 country report for Nigeria noted:

'Sexual harassment remained a common problem. The founder of the NGO Delta Women estimated that 80 percent of women experienced sexual harassment. There are no statutes prohibiting sexual harassment, but authorities may prosecute violent harassment under assault statutes. The practice of demanding sexual favors in exchange for employment or university grades remained common. Women suffered harassment for social and religious reasons in some regions.'¹⁸

5.4 Rape

5.4.1 The US State Department 2014 country report for Nigeria, published 26 June 2015, noted:

'The law criminalizes rape and provides penalties of 10 years' to life imprisonment and fines of 200,000 naira [£640]. Rape remained widespread. In 2013 Positive Action for Treatment Access, an NGO focused on HIV treatment, released a countrywide survey of 1,000 preadolescents and

¹⁷ CLEEN Foundation, Summary of Findings of 2012 National Crime and Safety Survey. <http://www.cleen.org/SUMMARY%20OF%202012%20National%20Crime%20&%20Safety%20Survey.pdf.pdf> Accessed 20 April 2015

¹⁸ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392> accessed on 16 July 2015

adolescents (ages 10 to 19), which noted that three in 10 girls reported their first sexual encounter was rape.

‘Societal pressure and the stigma associated with rape reduced the percentage of rapes reported and the penalties imposed for conviction. Sentences for persons convicted of rape and sexual assault were inconsistent and often minor.’¹⁹

- 5.4.2 Amnesty International, in their 2014/15 report, published 25 February 2015 stated, ‘Women detained for criminal offences, women relatives of criminal suspects, sex workers and women believed to be sex workers were often targeted for rape and other sexual violence by police officers.’²⁰ It further noted in a September 2014 report that ‘Amnesty International has documented numerous cases of rape and sexual violence against women and girls by security forces in Nigeria. Rape by police is a common method of torture inflicted on women and girls in Nigeria...Amnesty International has documented several cases where female detainees were subjected to sexual violence either to extract a ‘confession’ or for punishment.’²¹
- 5.4.3 The OECD SIGI Index for 2014 stated that ‘Societal pressure to keep silent, victim-blaming and stigma surrounding sexual violence mean that few women report sexual assaults. Although accurate figures as to prevalence are unavailable, rape and sexual violence is recognised as a widespread, serious problem in Nigeria’.²²
- 5.4.4 The Internal Displacement Monitoring Centre reported in December 2014 that ‘Data on the extent of gender-based violence (GBV) among displaced communities is highly unreliable. Many incidents go unreported, in part because victims fear stigmatisation. The number of IDPs, and particularly women and children, living in camps has increased during 2014 following the surge in displacement and exhaustion of host communities’ resources. Women and girls face a greater risk of GBV as a result of their displacement, whether in camps or in host communities, and particularly at night. Female and child-headed households face increased risks from insecurity during displacement... Assessments in September 2014 indicated that vulnerable IDPs including children displaced in Yola town, Adamawa state, have been forced to engage in survival sex to meet their basic needs. There are also reports of camp “discipline committees” meting out corporal punishment to displaced women (IDMC interview with OCHA, October 2014)’.²³

¹⁹ USSD Country report, Nigeria 2014

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, 26 June 2015. Accessed 29 June 2015

²⁰ Amnesty International, Annual Report, Nigeria 2014/15.

<https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/> Accessed 2 June 2015

²¹ Amnesty International, “Welcome to hell fire” Torture and other ill-treatment in Nigeria, 18 September 2014, Rape and other forms of sexual violence p.32

<https://www.amnesty.org/download/Documents/4000/afr440112014en.pdf> Accessed 24 July 2015

²² OECD, SIGI Index 2014, Nigeria, undated, <http://genderindex.org/country/nigeria>, accessed 24 July 2015

²³ Internal Displacement Monitoring Centre, Nigeria: multiple displacement crises overshadowed by Boko Haram, 9 December 2014

For information on spousal rape, see [Domestic violence](#).

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5.5 Domestic violence

5.5.1 Nigeria is divided between a majority Muslim north and a largely Christian south. There are three legal principles that operate in the north and south of the country. The south operates on the basis of a criminal code, while the north applies the penal code and Shari'a law. In Northern Nigeria, for example, Section 55 of the Penal Code is based on punitive philosophy rather than a criminal legal procedure that allows a husband to discipline his wife. Once a woman is married, she is culturally expected to endure whatever condition comes her way in her matrimonial home.²⁴

5.5.2 The US State Department 2014 country report for Nigeria, stated, 'Domestic violence remained widespread and often was considered socially acceptable.'²⁵ The same report continued, 'The law recognizes spousal rape as a separate offense, but spousal rape was difficult to prove in court, and no prosecutions were reported during the year...' ²⁶

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

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

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

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

<http://www.internal-displacement.org/assets/library/Africa/Nigeria/pdf/201412-af-nigeria-overview-en.pdf> Accessed 24 July 2015

²⁴ QScience.com, Survey of unreported cases of domestic violence in two heterogeneous communities in Nigeria, 22 January 2014. <http://www.qscience.com/doi/full/10.5339/irl.2013.dv.4> Accessed 22 June 2015

²⁵ USSD Country report, Nigeria 2014

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, 26 June 2015. Accessed 29 June 2015

²⁶ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392> accessed on 16 July 2015

this group. Churches as well as mosques now offer counselling and even economic support to women who have had to leave their spouses.

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

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

'The National Assembly has hitherto refused to incorporate international instruments and conventions that protect women into Nigerian law, on grounds that some of their provisions violate cultural and religious beliefs. [See, however above [para 4.1.3](#)]

'However, part of Nigerian society is ahead of its judicial system. Josephine Effah Chukwuma, Executive Director of Project Alert, a Nigerian NGO that works to protect women's rights, says public perception and understanding of domestic violence and its negative consequences are growing. "Significant progress has been made as a result of mass sensibilisation", she claims. "Fathers and brothers are seeking help for their daughters and sisters now."

'Chukwuma stresses that "the silence has been broken". She says the support systems are getting better, but there is definitely room for further improvement, especially on the part of government agencies (the police, hospitals and courts). "Most of the support services are given by NGOs," she points out. Meanwhile, most women in Nigeria's disadvantaged north are still treated as second-class citizens, including physical and sexual abuse.' ²⁷

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

'In a statement published in the Nigerian newspaper, Premium Times, the Chairman of the Nigerian National Human Rights Commission (NHRC) stated that domestic violence laws, in the states that have them, are "still quite poorly implemented" (Premium Times 25 Nov. 2013). In a telephone interview with the Research Directorate, a representative of the Legal Defence Assistance Project of Nigeria (LEDAP), a non-governmental organization of lawyers that provides free legal assistance to "poor and vulnerable victims of human rights violations," indicated that of the states with domestic violence legislation, Lagos State, is the "most organized" and the "only state where the state-level domestic violence law is being applied in practice" (16 Oct. 2014). In a telephone interview with the Research Directorate, the Executive Director of ProjectAlert, a non-governmental

²⁷ D+C Development and Cooperation (Germany), Miles apart, sisters in pain, 4 July 2014 <http://www.ein.org.uk/members/country-report/miles-apart-sisters-pain> Accessed 6 May 2015

women's rights organization that promotes and protects the rights of women and young girls and that founded Nigeria's first women's shelter, Sophia's Place, in Lagos, indicated that legislation is not being enforced in the states with domestic violence laws, but stated that it is "being used in court" in Lagos State, although there are still "problems with enforcement" (16 Oct. 2014).²⁸

This response²⁹ gives useful information on legislation and enforcement; state protection and recourse, including government gender sensitisation, reporting an seeking assistance, police response, judiciary, protection orders in Lagos state; domestic violence recourse; legal aid and NGO responses and shelters and services.

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5.6 Female Genital Mutilation (FGM)

5.6.1 The Violence against Persons (Prohibition) Act 2015 (see paras 4.1.3/4) prohibits female circumcision, making it a federal offence, with the following penalties:

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

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

'6(4) a person who incites, aids, or counsels another person to commit the offence provided for in subsection (2) of this section commits an offence and is liable on conviction to a term of imprisonment not exceeding 2 years or to a fine not exceeding N100,00.00 or both.'³⁰

5.6.2 A UNICEF report of 22 July 2013, 'Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change', showed that 19.9million (27%) of girls and women had undergone FGM in Nigeria.³¹

The executive summary of the report analyses prevalence and trends in female genital mutilation/cutting in 29 countries. Drawing on data from more

²⁸ Canada: Immigration and Refugee Board of Canada, Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011-October 2014), 10 November 2014, <http://www.refworld.org/docid/548168e14.html> Accessed 2 June 2015

²⁹ Canada: Immigration and Refugee Board of Canada, Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011-October 2014), 10 November 2014, <http://www.refworld.org/docid/548168e14.html> Accessed 2 June 2015

³⁰ Nigeria: Violence Against Persons (Prohibition) Act, 2015 (VAPP) [Nigeria], 25 May 2015, <http://www.refworld.org/docid/556d5eb14.html> Accessed 22 July 2015

³¹ UNICEF, 'Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, 22 July 2013 http://www.unicef.org/publications/index_69875.html Accessed 2 June 2015

than 70 nationally representative surveys over a 20-year period, the report finds that the practice has declined in Nigeria, with the prevalence among adolescent girls dropping by about half.³²

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

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

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

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

‘FGM is widespread in Nigeria. Some sociocultural determinants have been identified as supporting this avoidable practice. FGM is still deeply entrenched in the Nigerian society where critical decision makers are grandmothers, mothers, women, opinion leaders, men and age groups.’³³

See [Types/variation of FGM in Nigeria](#)³⁴ for a description of the types of excision referred to in this article. See also the [UNICEF map](#) of the geographical distribution of FGM across the country.³⁵

5.6.4 The same report also stated:

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

‘[The respondents] regarded FGM as a tribal traditional practice (our custom is a good tradition and has to be protected), as a superstitious belief practiced for preservation of chastity and purification, family honor, hygiene, esthetic reasons, protection of virginity and prevention of promiscuity, modification of sociosexual attitudes (countering failure of a woman to attain

³² UNICEF, ‘Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, 22 July 2013 http://www.unicef.org/publications/index_69875.html Accessed 2 June 2015

³³ An Overview of Female Genital Mutilation in Nigeria, TC Okeke, USB Anyaehie, and CCK Ezenyeaku, 2012. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507121/> Accessed 2 June 2015

³⁴ An Overview of Female Genital Mutilation in Nigeria, TC Okeke, USB Anyaehie, and CCK Ezenyeaku, 2012. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507121/> Accessed 2 June 2015

³⁵ UNICEF, ‘Female Genital Mutilation/Cutting: A statistical overview and exploration of the dynamics of change, 22 July 2013 http://www.unicef.org/publications/index_69875.html Accessed 2 June 2015

orgasm), increasing sexual pleasure of husband, enhancing fertility and increasing matrimonial opportunities. Other reasons are to prevent mother and child from dying during childbirth and for legal reasons (one cannot inherit property if not circumcised)' ³⁶

- 5.6.5 An article published on 29 November 2010 in the Journal of Medicine and Medical Sciences, 'A review of determinants of female genital mutilation in Nigeria', in a section titled "Socio-Cultural Determinant", stated: 'Socio-cultural determinant is the major determinant of FGM. It also influences lifestyle and behavior. Many people continue FGM because it is part of the societal norms handed down by their mothers and grandmothers and any attempt to discontinue the practice is met with societal pressure and risk of isolation.' ³⁷
- 5.6.6 In a section entitled 'Lifestyle and Behavior Determinants' this article continued, 'FGM is usually not a choice made by girls. The decision is made by parents, grandparents, guardians and members of the extended family claiming to act in the girl's best interest.' ³⁸
- 5.6.7 A 2011 paper by Alfred A. Abiodun, Benjamin A. Oyejola and Obalowu Job, 'Female Circumcision in Nigeria, Prevalence and Attitudes', noted, 'There is a marked decrease of the practice in the younger age cohorts compared to the older age cohorts. As the level of education increases, the likelihood of supporting the practice of female circumcision reduces and regular use of media of communication such as radio and television is an influential factor against the practice of female circumcision in Nigeria.' ³⁹
- 5.6.8 An April 2013 Immigration and Refugee Board of Canada report stated that 'Sources indicate that circumcision is practiced by the Yoruba and Ibo at the following times in a girl or woman's life:
- '...at infancy (ibid.; CWSI 24 Apr. 2013), such as a few weeks to a month old (ibid.); upon marriage, when she is ready to go to her husband's house (ibid.; CDHR 25 Apr. 2013); at the same time of other girls in the area who are getting married (CWSI 24 Apr. 2013); seven to eight months into pregnancy (ibid.).
- 'On 7 December 2010, Modern Ghana, an online Ghanaian news website (Modern Ghana n.d.), reported that FGM is still practised in some parts of Nigeria and that in "some instances an adult female who probably escaped FGM during childhood would be forced to be circumcised before her marriage." [...] The CWSI [Centre for Women Studies and Intervention]

³⁶ An Overview of Female Genital Mutilation in Nigeria, TC Okeke, USB Anyaehie, and CCK Ezenyeaku, 2012. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3507121/> Accessed 2 June 2015

³⁷ Journal of Medicine and Medical Sciences, A review of determinants of female genital mutilation in Nigeria, 29 November 2010, <http://www.interestjournals.org/jmms/december-2010-vol-1-issue-11/a-review-of-determinants-of-female-genital-mutilation-in-nigeria> Accessed 24 June 2015

³⁸ Journal of Medicine and Medical Sciences, A review of determinants of female genital mutilation in Nigeria, 29 November 2010, <http://www.interestjournals.org/jmms/december-2010-vol-1-issue-11/a-review-of-determinants-of-female-genital-mutilation-in-nigeria> Accessed 24 June 2015

³⁹ Female Circumcision in Nigeria, Prevalence and Attitudes, 2011, <https://unilorin.edu.ng/ejournals/index.php/science/article/viewFile/308/190> Accessed 2 June 2015

representative said that women can be circumcised after they have been married for several years (CWSI 24 Apr. 2013). However, she said that women would not be circumcised once they are over 30 years of age since it is usually "young" women that undergo the practice (ibid.).⁴⁰

- 5.6.9 The December 2012 CORI Thematic Report Nigeria: Gender and Age, although using fairly dated sources, gives comprehensive information on prevalence and age/type/excisors/societal discrimination and stigma/force/access to justice/access to support (pages 67-77).⁴¹
- 5.6.10 The Nigeria Demographic and Health Survey 2013 covers FGM in chapter 18 and has interesting data on prevalence and variation among different ethnic groups.⁴²

5.7 Witchcraft

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

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

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

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

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

⁴⁰ Immigration and Refugee Board of Canada, Nigeria: Whether Yoruba and Ibo cleansing rituals for women in their thirties include circumcision in the states of Ogun, Niger, Anambra, and Adamawa; whether women who have been accused of killing a family member through witchcraft would be circumcised during a cleansing ritual (2012-April 2013), 29 April 2013. http://www.ecoi.net/local_link/264515/378265_en.html Accessed 23 July 2015

⁴¹ CORI Thematic Report Nigeria: Gender and Age, December 2012. <http://www.refworld.org/docid/514830062.html> Accessed 2 June 2015

⁴² Nigeria Demographic and Health Survey 2013, http://dhsprogram.com/mwg-internal/de5fs23hu73ds/progress?id=pWU7XbRAgcQMOZAHld_ZS5sDqxgMbx74_jjzH7aBhDk,&dl Accessed 22 July 2015.

in extreme cases death by stoning might be carried out. (WPD 25 Apr. 2013)⁴³

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

'Accusations of witchcraft remain common in this part of the world says Hermione Harris, a social anthropologist at the School of Oriental and African Studies in London. "In a secular society like ours it's very hard to grasp a belief in supernatural forces." But the notion of witches and wizards is embedded in a form of Pentecostal Christianity that is popular in Nigeria, she explains.'⁴⁴

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5.8 Forced marriage

- 5.8.1 There are three types of marriage in Nigeria: Statutory Marriage, Customary Marriage and Islamic Marriage. The Lawyers Chronicle: [Types of Marriages Under Nigerian Law](#) gives details of the laws and customs attached to each of these marriages.⁴⁵
- 5.8.2 Nigeria has signed and ratified the Maputo Protocol which states that 'no marriage shall take place without the free and full consent of both parties', and it further states that 'every marriage shall be recorded in writing and registered in accordance with national laws, in order to be legally recognised'.⁴⁶
- 5.8.3 The Canadian Immigration and Refugee Board, in a response of 9 December 2012, looked at forced marriage in Nigeria - [Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage](#).⁴⁷

⁴³ Nigeria: Whether Yoruba and Ibo cleansing rituals for women in their thirties include circumcision in the states of Ogun, Niger, Anambra, and Adamawa; whether women who have been accused of killing a family member through witchcraft would be circumcised during a cleansing ritual (2012-April 2013), 29 April 2013. http://www.ecoi.net/local_link/264515/378265_en.html Accessed 3 June 2015

⁴⁴ BBC trending: The tragic case of Nigeria's 'bird' woman, 20 October 2015

<http://www.bbc.co.uk/news/blogs-trending-29644681> Accessed 3 June 2015

⁴⁵ The Lawyers Chronicle (undated), Types of Marriages under Nigerian Law <http://thelawyerschronicle.com/types-of-marriages-under-nigerian-law/> Accessed 3 June 2015

⁴⁶ Make every women count, Maputo Protocol, http://www.makeeverywomancount.org/images/stories/documents/AfricanUnion_Maputoprotocol_July2003.pdf Accessed 23 June 2015

⁴⁷ Canada: Immigration and Refugee Board of Canada, Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage, 9 November 2012, <http://www.refworld.org/docid/50b4ab202.html> Accessed 3 June 2015

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

5.8.4 The US State Department 2014 Country Report for Nigeria stated:

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

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

5.8.6 The Social Institutions and Gender Index: Nigeria (Discriminatory Family code) also provides a useful overview.

⁴⁸ Canada: Immigration and Refugee Board of Canada, Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage, 9 November 2012, <http://www.refworld.org/docid/50b4ab202.html> Accessed 3 June 2015

⁴⁹ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392> accessed on 16 July 2015

⁵⁰ CORI Thematic Report Nigeria: Gender and Age, December 2012. <file:///G:/My%20Documents/514830062.pdf> Accessed 2 June 2015

⁵¹ Organisation for Economic Co-operation and Development, Social Institutions and Gender Index,

- 5.8.7 Freedom House, in its 2014 world report noted, 'Despite the existence of strict laws against... and child marriage, these offenses remain widespread, with low rates of reporting and prosecution.'⁵² The BBC reports on a 26-year-old woman from Sokoto who was forcibly married to a Nigerian senator (22 Oct. 2010). After taking her case to the Nigerian high court, the judge said that the case was under the jurisdiction of the Islamic court, and that, based on the constitution, the federal court could not intervene in matters before the Islamic court (BBC 22 Oct. 2010). The judge also indicated that the forced marriage was not a violation of the woman's human rights, and dismissed the case (ibid.).⁵³
- 5.8.8 For information about the treatment of women by Boko Haram including abduction, forced marriage, forced conversion, forced recruitment and sexual abuse see [Country Information and Guidance Nigeria: Fear of Boko Haram](#)

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6. Police responses to violence against women

- 6.1.1 The US State Department 2014 country report for Nigeria noted, 'Police often refused to intervene in domestic disputes or blamed the victim for provoking the abuse. In rural areas courts and police were reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas.'⁵⁴
- 6.1.2 'Justice for All' is a programme funded by the UK's Department for International Development and is managed by the British Council. It is implemented by a consortium of partners who have extensive experience in Nigeria and a strong track record in the justice and policing sectors, as well as experience of working with Nigerian civil society. The programme aims to support better service delivery at the federal, state and local levels with a particular focus on improving human rights and access to justice for poor and disadvantaged members of society, including woman and children.⁵⁵
- 6.1.3 The programme is creating family support units (fsu)/ sexual assault referral centres (sarc) in local police stations which aim to:
- create and manage first contact between a victim and the police

Nigeria Profile, 2014, <http://genderindex.org/country/nigeria>, accessed 20 April 2015

⁵² Freedom House, Freedom in the World 2015 - Nigeria, 28 January 2015, <http://www.refworld.org/docid/54d0d7b115.html> Accessed 2 June 2015

⁵³ Canada: Immigration and Refugee Board of Canada, Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage, 9 November 2012, <http://www.refworld.org/docid/50b4ab202.html> Accessed 3 June 2015

⁵⁴ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392> accessed on 16 July 2015

⁵⁵ Justice for All, <http://www.britishcouncil.org.ng/justice-for-all-nigeria/about> Accessed 22 June 2015

- successfully investigate the complaint and ensure the well-being, physical and mental, of the victim and improve the image of the police
- provide specialised training to officers to staff the FSUs and respond professionally to complaints of family and gender-based violence.⁵⁶

6.1.4 All Africa reported on 13 October 2014 that the Nigerian police force had reconstituted the Gender Unit of the force:

‘The action was to consolidate on the gains made by the police in stemming violence against women and girls. The statement said the unit, among other things, would ensure the implementation of a robust capacity building plan for officers in gender related issues. It also said that the measure would ensure the inclusion of gender training in Nigeria Police curriculum at all levels and see to the establishment of gender desk officers in police formations nationwide.’⁵⁷

6.1.5 The Canadian Immigration and Refugee Board produced a comprehensive response on 10 November 2014: Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims (2011-October 2014), which noted:

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

‘...In an interview with Vanguard, a Nigerian newspaper, a human rights activist involved with the Women's Human Rights Clinic in Lagos, which provides alternative dispute resolution to victims of domestic violence, said that "the Nigerian Police do not respond adequately to complaint[s] from women on domestic violence (Vanguard 15 June 2013). Sources report that police are "reluctant" to intervene in domestic violence (LEDAP 16 Oct. 2014; US 27 Feb. 2014, 35).’⁵⁸

6.1.6 An academic report by Olakunle Michael Folami, published 22 January 2014, surveyed two groups of women (from Victoria Island, Lagos and

⁵⁶ Justice for All, Model Police Stations. <http://www.britishcouncil.org.ng/justice-for-all-nigeria/about/safety-security/model-police-stations> Accessed 22 June 2015

⁵⁷ AllAfrica Nigeria: Acting IG Abba Reconstitutes Force Gender Unit, 13 October 2014 <http://allafrica.com/stories/201410140148.html> Accessed 22 June 2015

⁵⁸ The Canadian Immigration and Refugee Board, Nigeria: Domestic violence, including Lagos State: legislation, recourse, state protection and services available to victims (2011-October 2014), 10 November 2014 <http://www.refworld.org/docid/548168e14.html> Accessed 22 June 2015

Akure, Ondo State) and analysed 462 returned questionnaires to determine why domestic violence is underreported to the police. The following are extracts from the report:

- 'The prevalence of domestic violence and lack of reported cases do not provide accurate demographic facts for the authorities and policy makers to create appropriate laws that could curtail the menace of domestic violence in Nigeria. According to the results of this survey, it seems unreported cases of domestic violence could not be disassociated from women's perception of the police, and the plethora of problems confronting the police, such as lack of motivation, manpower and public confidence, inefficiency, corruption, inadequate training, bribery and leadership problems.
- 'Adding to the police problem, the consequences of reporting domestic violence are severe. A woman becomes a pariah to her husband, relatives, and the larger community if she reports a case of domestic violence to the police; such a woman becomes labeled and stigmatized. The economic base of many women who report domestic violence is often jeopardized because their sources of income, most especially in the rural areas of Nigeria, are largely connected to their husbands. The unreported cases of domestic violence to the police may be a major factor why the problem persists in Nigeria.
- 'Simple percentage tabulations were used to describe the reasons why most cases of domestic violence were not reported. The following factors were identified in the data collected: cultural inhibition 97(21%), distance of police post/station 194(42%), lack of legal awareness 61(13.2%), and community attitude 110(23.8%).
- 'Regardless of their level of education, the respondents in the two communities indicated that they do want to report cases of domestic violence to the police. Women in Victoria Island and Akure stated police mishandling and cultural inhibition are reasons for not reporting. In Victoria Island, domestic violence victims prefer reporting to other authorities, such as family head (9.1%), community head (7.4%), family friend (32.8%), neighbours (40.5%), and traditional ruler (5.6%). In Akure, the respondents would report cases of domestic violence to the following authorities: family head (16.3%); community head (16.9%); family friend (30.9%); neighbour (7.3%); and traditional ruler (26.4%).'⁵⁹

6.1.7 The report included the women's testimony:

- "Reporting to police is out of the question. Our culture does not approve this, but you are protected culturally if you report to the family

⁵⁹ QScience.com, Survey of unreported cases of domestic violence in two heterogeneous communities in Nigeria, 22 January 2014. <http://www.qscience.com/doi/full/10.5339/irl.2013.dv.4> Accessed 22 June 2015

head, compound head, family friends, community head and other traditional figures. The traditional figures always face reality and they are decisive. Besides, reporting to the police is like a waste of time. Police cannot protect you if your husband divorces you. They simply don't have the capacity."

- "I cannot report to police because our laws are very weak and do not protect women's interests. When it comes to women's protection, our police perform very poorly. Wives survive at the mercy of their husbands. No social protection, no economic empowerment exist, many women are subjected to further trauma by reporting to the police. Also, there is no referral system (social worker, social care, public complaint) for those who reported cases of domestic violence. Moreover, police posts are far from this community. In my own case, I prefer reporting to my family friends, who can stand by the truth, regardless of whose ox is gored."
- "How should I report a problem between my husband and I to the police. Police do compound problems. They are slow in action, especially on a reported case of forceful sexual intercourse. They trivialize and treat it as a family issue. I do report cases of battery involving my husband and I to the community head because of the dispatch manner by which he handles such matter... I remembered my husband was sentenced to community work and asked to pay a fine to me before he could stop beating me."
- "Mark you, Victoria Island is an elites' community. We don't have traditional authorities here. Left to me, I do report any trouble in my family to my family friends, most especially the 'best man'. I neither reported any issue to my in-laws nor my parents. I don't report to police because police will not help matters. Police waste time, prolong issues, demand bribes and hardly take the side of law."⁶⁰

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7. Non state assistance to women

7.1.1 The US State Department 2014 country report for Nigeria noted:

'Project Alert on Violence Against Women, a Lagos-based NGO, continued various outreach efforts to combat domestic violence, including training programs for police on domestic violence, support groups for women, programs for male abusers, and assistance to faith-based organizations in counseling victims. In addition Project Alert also operated a shelter, Sophia's Place, for victims of domestic violence, which offered counselling and legal aid. The Women's Rights Advancement and Protection Alternative and the

⁶⁰ QScience.com, Survey of unreported cases of domestic violence in two heterogeneous communities in Nigeria, 22 January 2014. <http://www.qscience.com/doi/full/10.5339/irl.2013.dv.4> Accessed 22 June 2015

Nigerian Women's Trust Fund also served as leading voices in the campaign to reduce violence against women.'⁶¹

- 7.1.2 The Nigeria Stability and Reconciliation Programme (NSRP) stated that it works to address violence against women and girls by supporting partners in creating physical 'safe spaces' for young people aged ten to 24 in which they learn to manage conflict non-violently and to report and to challenge gender-based violence. They also learn skills that encourage them to participate in leadership, mediation and peacebuilding initiatives.. The site lists the other organisations it works with.⁶²
- 7.1.3 The October 2011 report financed by the Spanish Agency of International Cooperation for Development, Analysis Of The History, Organisations And Challenges Of Feminism In Nigeria gives details of women's movements today including those providing assistance to victims of abuse.⁶³
- 7.1.4 The Organisation for Economic Co-operation and Development's Social Institutions and Gender Index (OECD SIGI), in its 2014 Nigeria country profile, noted, 'Women's rights organisations are active in providing support services to victims of domestic violence and other forms of violence against women, as well as raising awareness, and pushing for legislation to address domestic violence to be introduced.'⁶⁴

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8. Trafficking

- 8.1.1 The USSD Trafficking in Persons report for 2014, Nigeria, stated:

'Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Nigerian trafficking victims are recruited from rural and, to a lesser extent, urban areas within the country; women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic service, mining, stone quarrying, agriculture, and begging. Young boys who attend Koranic schools, commonly known as Almajiri children, are often moved between Kano, Kaduna, and Sokoto and subjected to forced begging. Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them into situations of prostitution or labor...

'The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant

⁶¹ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dliid=236392> accessed on 16 July 2015

⁶² Nigeria Stability and reconciliation Programme, <http://www.nsrp-nigeria.org/wp-content/uploads/2014/10/E187-NSRP-3.2-Violence-against-women-FINAL-WEB.pdf> Accessed 23 June 2015

⁶³ Analysis Of The History, Organisations And Challenges Of Feminism In Nigeria, 2011 <http://www.nawey.net/wp-content/uploads/downloads/2012/05/Feminism-in-Nigeria.pdf> Accessed 23 June 2015

⁶⁴ Organisation for Economic Co-operation and Development, Social Institutions and Gender Index, Nigeria Profile, 2014, <http://genderindex.org/country/nigeria>, accessed 20 April 2015

efforts to do so. During the reporting period, the government demonstrated an increase in anti-trafficking law enforcement efforts by increasing the number of trafficking investigations, prosecutions and convictions and by providing extensive specialized anti-trafficking training to officials from various government ministries and agencies. The National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP) increased protection efforts by developing a formal referral mechanism for victim protection, increasing the capacity of its shelters, and identifying and providing services to a larger number of victims. Despite these efforts, the government has yet to pass draft legislation that would restrict the ability of judges to offer fines in lieu of prison time during sentencing and, with the exception of receiving training from NAPTIP, the Ministry of Labor did not make any new efforts to address labor trafficking during the reporting period. Additionally, despite the growing number of Nigerian trafficking victims identified abroad, the government has yet to implement formal procedures for the return and reintegration of Nigerian victims.⁶⁵

For further information see:

[United States Department of State, 2014 Trafficking in Persons Report - Nigeria, 20 June 2014 \(page 297\)](#)

[BBC News 'Nigerian trafficking 'top priority', commissioner says' 17 June 2015](#)

[\(Nigerian\) National Agency for the Protection of Trafficking of Persons](#)

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9. Freedom of movement

- 9.1.1 The US State Department 2014 report noted that the constitution and law provide for freedom of internal movement and that there are no laws barring women from particular fields of employment.⁶⁶
- 9.1.2 The current Bradt Travel Guide for Nigeria noted, 'Nigerian women all over the country travel on their own, be it on a long journey by bus or for a short hop on the back of an okada [commercial motorcycle used as a vehicle for hire].'⁶⁷

⁶⁵ US State Department, Trafficking in Persons 2014 Report, Nigeria, June 2015, <http://www.state.gov/j/tip/rls/tiprpt/countries/2014/226790.htm> accessed on 13 July 2015

⁶⁶ US State Department, Country Reports on the Human Rights Practices for 2014, 25 June 2015, section 6, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2014&dld=236392> accessed on 16 July 2015

⁶⁷ Bradt Travel Guide, Women Travellers <https://books.google.co.uk/books?id=omL5460steUC&pg=PA77&lpg=PA77&dq=employment+travel+women+nigeria&source=bl&ots=xljQ7nr6WW&sig=MFJUKLPSb4vruM0wCvFIUZUaJWo&hl=en&sa=X&ved=0CEwQ6AEwCWoVChMI2t7B6YXExwIvIEAaCh0FyQl0#v=onepage&q=employment%20travel%20women%20nigeria&f=false> Accessed 25 August 2015

9.1.3 The Organisation for Economic Co-operation and Development's (OECD) Social Institutions and Gender Index reported with regard to women in purdah:

'Women's freedom of movement is restricted in that in some cases they are obliged to obtain their husbands' permission to obtain a passport or to travel outside the country. Women in purdah (in Muslim communities in northern areas) cannot leave their homes without permission from their husbands and must be accompanied by a man at all times when in public. Purdah also restricts women's freedom of dress in that Muslim women must be veiled in public. Widows in these regions face the greatest degree of discrimination: they are confined to the home and must keep their heads shaven and wear mourning dress.' ⁶⁸

See also [Country Information and Guidance Nigeria: Background Information, including actors of protection, and internal relocation](#) –Section 2.8 Freedom of Movement.

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⁶⁸ Organisation for Economic Co-operation and Development (OECD), 'Social Institutions & Gender Index 2014: Nigeria, Undated, Restricted Civil Liberties', <http://genderindex.org/country/nigeria> , accessed 7 May 2015

Version Control and Contacts

Contacts

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

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

Clearance

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

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- approved on: **19 August 2015**

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N/A

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