



7 November 2013

## A Commentary on the January 2013 Nigeria Operational Guidance Note

This commentary identifies what the ‘Still Human Still Here’ coalition considers to be the main inconsistencies and omissions between the currently available country of origin information (COI) and case law on Nigeria and the conclusions reached in the January 2013 Nigeria Operational Guidance Note (OGN) issued by the UK Home Office. Where we believe inconsistencies have been identified, the relevant section of the OGN is highlighted in blue.

An index of full sources of the COI referred to in this commentary is also provided at the end of the document.

This commentary is a guide for legal practitioners and decision-makers in respect of the relevant COI, by reference to the sections of the Operational Guidance Note on Nigeria issued in January 2013. Access the complete OGN on Nigeria [here](#).

**The document should be used as a tool to help to identify relevant COI and the COI referred to can be considered by decision makers in assessing asylum applications and appeals. This document should not be submitted as evidence to the UK Home Office, the Tribunal or other decision makers in asylum applications or appeals. However, legal representatives are welcome to submit the COI referred to in this document to decision makers (including judges) to help in the accurate determination of an asylum claim or appeal.**

**The COI referred to in this document is not exhaustive and should always be complemented by case-specific COI research.**

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### 3.6 The Niger Delta

The conclusion for this main category of claim states:

Excerpt from the January 2013 Nigeria OGN

3.6.10 Conclusion. Whilst applicants from the Niger Delta may face harassment and ill-treatment at the hands of the security forces who work to protect the interests of the oil industry, they are unlikely to be able to establish that they face treatment amounting to persecution based solely on their residence there. Applicants who are able to demonstrate that they face a level of harassment and ill-treatment amounting to persecution at the hands of the security forces in the Niger Delta are unlikely to be able to seek redress from the authorities. Such applicants, however, have the option to relocate internally to another area of the country outside of the Niger Delta where they will not be of continuing interest to the security forces feared. Therefore, a grant of asylum or Humanitarian Protection will not be appropriate for this category of claim.

The conclusion for this main category of claim asserts that applicants can escape the threat of persecution from the security forces by relocating outside of the Niger Delta. Note the position of the UNHCR Guidelines on internal relocation in cases raising the state as the agent of persecution:

- [UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23/07/2003](#)  
[...] I. The Relevance Analysis  
[...] b) Is the agent of persecution the State? National authorities are presumed to act throughout the country. If they are the feared persecutors, there is a presumption in principle that an internal flight or relocation alternative is not available. [...]

The conclusion for this main category of claim also only raises the 'safety' or 'relevance' criteria of internal relocation; the reasonableness of internal relocation is not addressed. For analysis on this point, see section [2.4 Internal Relocation](#).

The conclusion addresses the risk arising from state security forces, but does not mention the risk arising from armed groups in the Niger Delta. The following non-exhaustive, illustrative COI from the past 12 months indicates that kidnappings continue to be perpetrated by armed groups in the Niger Delta:

- **Kidnapping by armed gangs in the Niger Delta**
- [BBC, Archbishop Ignatius Kattey freed by Nigerian kidnappers, 15 September 2013](#)  
[...] One of Nigeria's most senior Anglican clerics, who was kidnapped by armed men more than a week ago, has been freed.  
Archbishop Ignatius Kattey was released without a ransom on Saturday evening near the southern city of Port Harcourt, police said. He was in a stable condition.  
Officials provided no further information about his captors.  
Kidnapping for ransom has become common in the oil-rich Niger Delta region around Port Harcourt in recent years.  
Numerous armed gangs operate in the area following years of violent protests against the oil industry.  
Archbishop Kattey is the head of the Anglican Church in the predominantly Christian Niger Delta.  
The cleric and his wife Beatrice were seized close to their Port Harcourt residence on 6 September. His wife was released unharmed several hours later.  
"The archbishop was released behind a filling station at Eleme in Rivers state," police spokeswoman Angela Agabe said in a statement.  
"His captors dropped him when the police were about to close in on them. No ransom was paid." [...]

➤ [BBC, Nigeria police bodies found in Niger Delta after ambush, 10 April 2013](#)

[...] Nigeria's security forces have recovered the bodies of 11 of the 12 policemen killed in the oil-rich Niger Delta on Friday, police have said.

Some of the bodies had been mutilated and burnt beyond recognition, AFP news agency quoted witnesses as saying.

Last week, a militant group said it would resume attacks after its leader, Henry Okah, was jailed for a bombing campaign in 2010.

The oil-rich region is vital to Nigeria's economy.

However, many people are poor, fuelling resentment towards the national government and oil companies. At the weekend, the Movement for the Emancipation of the Niger Delta (Mend) said it had ambushed a police boat in the creeks and waterways of Bayelsa state, killing the policemen.

Police spokesman Alex Akhigbe said 11 bodies had been recovered, while one was still unaccounted for. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] b. Disappearance

Continuing abductions of civilians by criminal groups occurred in the Niger Delta and Southeast

Other parts of the country also experienced a significant increase in abductions. Political figures were often targets of abduction, largely due to their status as wealthy figures in the community; rarely did kidnapers announce political motives for the abductions.

[...] In recent years Akwa Ibom, Abia, Anambra, Imo, and Rivers states passed strict antikidnapping laws that prescribe long prison sentences, and sometimes the death penalty, for those found guilty of kidnapping. These laws resulted in few convictions.

Police and other security forces were often implicated in the kidnapping schemes. On April 5, then acting inspector general of police Mohammed Abubakar ordered the arrest of the officer in charge of the Anti-Kidnapping Task Force in Delta State, a chief superintendent of police, and six other officers under suspicion they aided and abetted kidnapers in the state. The IGP also disbanded the task force. Police officials suspected the accused officers had provided information on the movements of prominent people in the state to kidnapers. In June the police service commission returned the head of the task force to his former position, provoking protests from the Delta State Legislature. [...]

The Niger Delta region is home to a large oil industry that has a maximum production capacity of approximately 2.5 million barrels of crude oil per day. However, during the year, floods, oil theft, and pipeline sabotage lowered production to approximately 2.2 million barrels a day. From 2006 to 2009, militant groups used violence, including kidnapping oil company workers, as part of a campaign to demand greater control of the region's resources. In June 2009 the government announced a general and unconditional amnesty for militants in the Niger Delta, and almost all major militant leaders accepted the offer by the October 2009 deadline. Although the amnesty led to a sharp decline in attacks by militants, kidnapping for ransom, armed robberies, gang wars, and fighting connected to the theft of crude oil, known as illegal oil bunkering, continued and contributed to the region's general insecurity and lack of economic vitality. [...]

g. Use of Excessive Force and Other Abuses in Internal Conflicts

[...] By year's end 26,368 former militants had benefitted in some way from the amnesty program. Many former militants received vocational training and stipends. At year's end 5,280 former militants were undergoing vocational training, with 1,538 attending courses abroad. The amnesty program resulted in a sharp decline in militant violence in the region. Some observers expressed concern, however, the militants used amnesty payments to purchase more arms. [...]

Criminal gangs, called "cults" in some parts of the region, copied the methods of more sophisticated militants to amass wealth and power. In a recent trend, kidnapers targeted businessmen, doctors, teachers, religious leaders, foreign residents, and others. Gangs extended their reach beyond the Niger Delta states, where they originated as politically sponsored thugs to intimidate opponents and aid election rigging. Kidnappings committed primarily for ransom increased throughout the country, including in the North (see section 6). In recent years power struggles between gangs resulted in extensive property damage and hundreds of deaths, including of civilian bystanders. [...]

Abductions: Government authorities responded to kidnappings in the Niger Delta by deploying the JTF, which reportedly used excessive force and engaged criminals in gun battles.

During the year criminals continued to kidnap the relatives (usually children or parents) of prominent politicians for ransom or to force payment for services such as protection details and voter intimidation during elections. [...]

➤ [US Institute of Peace, What's Next for Security in the Niger Delta? 6 April 2013](#)

[...] The Amnesty

[...] There has been no rigorous assessment of the amnesty program's successes and failures to date, and this report passes no final judgment. The necessary data are absent: No outside body has tracked outcomes over the past four years, and the Presidential Amnesty Office, which administers the program, is still developing its own monitoring and evaluation tools. Furthermore, success would be hard to measure, given that the government never articulated clear goals for the amnesty. The Jonathan administration has also struggled at times to communicate its achievements, whether on the Niger Delta or more broadly.

Successes

The above notwithstanding, gains from the amnesty have been real and substantial. Most notably, the program helped cut armed attacks on oil installations to almost zero. [...] In addition to the oil sector rebound, anecdotal evidence suggests kidnappings, particularly of expatriates, fell sharply in late 2009. Conflict-related deaths likely dropped, though no good data exist. [...]

Warlordism" and Organized Crime

Perhaps the strongest criticism of the amnesty is that its transfers of wealth and political power have turned militant leaders into "warlords." At first glance, this designation appears apt in several ways. The most influential ex-commanders now hold government mandates to guard national oil company pipelines and help police Nigeria's coastal and inland waters. Military and police forces—which once engaged leaders in armed combat—provide them and their associates security details in Lagos and Abuja. State governors defer to them on some decisions. A handful of ex-militants have come to rival the state as providers of public services, offering communities food, education, and health care. A few arbitrate local disputes and regulate access to land, water, or other natural resources within limited boundaries. Finally, as will be discussed later in this report, some ex-fighters have assumed the warlord-like roles of middle-man and beneficiary from organized crime.

But how much Niger Delta militants resemble warlords from other conflict zones? The federal government arguably has not ceded them territorial sovereignty or a monopoly on violence to the extent seen in Afghanistan, Liberia, Somalia, or other warlord strongholds. Neither does the state lack physical or legal access to militant turf, as has been the case in Chechnya or Pakistan's Federally Administered Tribal Areas. Niger Delta militants do not have the political footholds or records of atrocities seen in some places, where disturbed individuals who carried out massacres, regulated trade, used child soldiers, an murdered heads of state won high seats in government. Nor do they seem to have created large "shadow states" that eclipse the Nigerian government in legitimacy, diplomatic presence, or ultimate territorial control, thereby signaling "state failure." It should also be remembered that periods of militia activity are common in underserved, weakly governed, rural, ethnic-minority enclaves like the Niger Delta, particularly when the formal state is transitioning from military to democratic rule.

Arguably the ultimate measure of security risk from a warlord is the amount of difficulty the state faces in dislodging him from his turf. No strong evidence suggests Nigeria's security forces could not corral the current group of Niger Delta militant leaders if called upon. The main commanders likely are weaker in fighting strength and tactical sophistication than the military. They may know the terrain better, but they do not control human or signals intelligence out of the region. Most major military strikes on militant positions during the 2000s ended in quick retreats, particularly when air strikes were used. So long as the delta remains calm, however, provoking the ex-commanders through military action would make little sense. [...]

While the amnesty has not created warlords in the worst senses, it arguably has helped strengthen the local environment to enable certain types of crime. Organized criminality in the Niger Delta, from bank robbery and kidnapping to industrial-scale oil theft and arms and drug trafficking, certainly predates 2009. Facilitation of crime around the amnesty, it should be noted, was not an overt federal government policy. But in some cases, the cease-fire conditions that went along with the program gave violent actors fresh political standing and cover to engage in crime. The recent booms in Gulf of Guinea sea piracy and the illegal refining of stolen oil have strong links to ex-militants. Oil theft, in turn, has undermined the higher

production and revenues from the amnesty, sped up environmental devastation, and forced Nigeria to draw on savings at a time of high global oil prices. Nothing says the trends are irreversible, and a zero-tolerance policy for some types of crime could seriously jeopardize the peace. But again, addressing Niger Delta organized criminality at this stage carries an uncertain amount of risk. What can be said with certainty is this: The amnesty and its aftermath have created some new space for violent actors in national politics. Compared with some conflict-affected nations, their powers may be relatively small. But now that the space for them has opened, others likely will compete to fill it once the current group is finished. Closing this space will pose a fresh challenge in Nigerian political life, whether it is done by President Jonathan or a successor. [...]

➤ [Vanguard, Why bunkering, kidnappings are back in Niger Delta – Security agencies, 30 March 2013](#)

[...] Barely four years after Niger Delta militants denounced violence against the state and accepted an unconditional amnesty, the perpetrators of the twin evil of oil bunkering and kidnapping for ransom, are back to work even with greater steam and sophistication, Saturday Vanguard has learnt. The late President Umaru Yar'Adua declared amnesty for repentant militants on June 25, 2009, paving the way for the return of a large cache of weapons by militants and the relocation and reintegration of the former warlords from the vast creeks of the Niger Delta region to the society.

However, indications emerged yesterday that kidnapping and bunkering, which had significantly died down in the wake of the general pardon to militants, had resumed in earnest in most parts of the creeks.

Findings by Saturday Vanguard revealed that the attempt by the government to compensate major warlords in the region with mouth-watering contracts running into billions of Naira for the protection of pipelines was responsible for the renewed level of attacks and oil theft in the Niger Delta.

A top security expert in the Niger Delta told Saturday Vanguard that the award of multi-million contracts by the Federal Government to selected former Niger Delta militant leaders for the protection of oil pipelines was responsible for the resurgence of the new wave of criminality in the area.

The source, who has been working with other security agencies in the Niger Delta for many years, pointed out that most of the Niger Delta warlords who got the oil pipelines surveillance jobs betrayed the government by not taking care of their foot soldiers who were part and parcel of bunkering, kidnapping and destruction of oil facilities before the 'accepted amnesty'. [...]

➤ [Jamestown Foundation, No End in Sight: Violence in the Niger Delta and Gulf of Guinea, 8 March 2013, Terrorism Monitor Volume: 11 Issue: 5](#)

[...] The Kidnapping Industry

Perhaps more worrying, a recent spate of kidnapping incidents involving wealthy Nigerians and foreigners (a favorite MEND pastime) highlights the increase in criminal activity in the region. [...]

In the most high-profile of these incidents, Kamene Okonjo, the mother of Finance Minister Ngozi Okonjo-Iweala, was abducted from her home in Delta State on December 9, 2012. In response, soldiers arrested 63 people (including two policemen) during raids aimed at finding Okonjo in Delta State. Finance Minister Okonjo-Iweala is a former leading candidate to head the World Bank and is known in Nigeria for her campaign to end the controversial fuel subsidy program. Okonjo-Iweala blamed her mother's kidnapping on those angered by the government's decision to discontinue the controversial fuel subsidy program. The subsidy has benefited impoverished locals who enjoy artificially low prices on gas, but has also constituted a major drain on the government's resources, leading Okonjo-Iweala to end the program. However, since Nigeria lacks adequate refining capacity and must export its oil abroad to be refined, the subsidy has also been a cash cow for smugglers and corrupt politicians who import refined fuel at inflated prices and then collect on the subsidy (This Day, December 12, 2012). While it remains unknown whether Niger Delta militants were directly involved in the kidnapping (Okonjo-Iweala blamed only the corrupt political elite of the ruling People's Democratic Party for her mother's abduction), the matter nonetheless demonstrates the growing instability of a region in which security and political officials are complicit in energy-related criminal activity, whether in alliance with administrators in Abuja, rebels in the Delta creeks, or both. [...]

➤ [BBC, Hyundai paid Nigeria kidnap ransom, police say, 4 January 2013](#)

South Korean firm Hyundai paid a ransom of \$190,000 (£118,000) to free six workers kidnapped last month, Nigerian police say.

Bayelsa state police say they learned of the ransom after capturing members of the criminal gang believed responsible.

Hyundai Heavy Industries has not commented on the reports.

The BBC's Habiba Adamu, in Abuja, says it is rare for anyone to acknowledge ransoms paid to kidnappers in Nigeria.

The kidnapping of foreigners and wealthy Nigerians is common in the oil-rich Niger Delta region, and has become a lucrative trade for criminals.

Gunmen kidnapped the four South Korean and two Nigerian workers after storming a passenger boat on 17 December.

They were released days later but South Korean officials declined to say whether they had paid a ransom.

Bayelsa state police commissioner Kingsley Omire said most of the suspected kidnappers were later arrested, including the leader.

He told the police that a payment of 30m naira (\$190,000) had been made, with each gang member getting 3m, Mr Omire told BBC Hausa.

The man is said to have later escaped from custody.

"The police did not know a ransom was paid before the release," the state police chief said.

He said that paying ransoms would only encourage more kidnapping and urged people to instead contact the police, saying they have freed several hostages.

The mother of Finance Minister Ngozi Okonjo-Iweala was kidnapped in December and held for five days before being freed.

It is not clear whether a ransom was paid, or whether the motive was criminal or political.

➤ [Voice of America News, Civilian Armed Groups Fight Crime, Wreak Havoc in Niger Delta, 31 December 2012](#)

[...] Niger Delta authorities say civilian armed groups with no formal training are working with Nigerian security forces to quell a spate of violent crimes and kidnappings. Some locals say these groups can be as dangerous as the criminals they hunt.

Nigeria's Niger Delta region

The Niger Delta region has all of Nigeria's oil, which comprises the vast majority of the country's budget. With all that oil there is also a lot of money. But in this land of riches, most people live off of less than \$1 a day. The result is high crime - especially kidnappings for ransom, armed robbery and oil theft. And while security forces try to bring down the crime levels, civilian armed groups are now authorized by the government to do the job. In Delta State, Monday Okwoserie heads about 80 groups that are composed of between 20 and 200 men each. He says armed robberies have decreased dramatically since they have been on patrol. But, he adds, kidnappings now plague wealthy Niger Delta families on a nearly daily basis.

"The latest crime now is kidnapping. We are fighting against kidnapping. We want to reduce it by all means." In early December, 83-year-old Kamene Okonjo, the mother of Nigeria's finance minister and the wife of a traditional king in the Niger Delta, was abducted from her palace, prompting many people to say that no one is safe. Gabriel Asakene, a security consultant in Delta State, says the civilian armed groups have made the streets safer in some places where security forces are overstretched. "They are supposed to guide and protect the citizenry in that particular locality. Actually, the role they are supposed to play is to maintain peace for that particularly place," he said. "To see that there's no sign of robbery, thieves and the rest of them." He says, however, little oversight of the groups, sometimes known as bakassi, means they can act like thugs, beating up people and demanding thousands of Nigerian naira, the local currency.

"An incident that happened not that long ago in my area: Some bakassi came and arrested some group of boys and they got home and beaten up. And in the end they were instructed to be settling themselves with some 15,000, some 8,000 [Nigerian naira]," he said. Asakene says local people often fear the bakassi, and that fear alone prevents some crimes. [...]

➤ [Unlock Nigeria \(Fund for Peace\), Beyond Terror and Militants: Assessing Conflict Risk in Nigeria, 10 December 2012](#)

[...] Cult Violence In Rivers State

On one level, Nigeria's Amnesty program has been a great success. Since 2009, militant attacks on state assets and oil facilities have declined significantly. Partly due to this trend (as well as global economic

factors) oil production is now up. In 2008, an average of 800,000 barrels per day were produced; in 2012, this figure has soared to 2.4 million barrels per day.

The Amnesty program was designed to address a narrow problem: militancy against state assets. Unfortunately, the broader problem of human insecurity remains. Abductions, violent crime, mob violence, conflict over land and resources, chieftaincy tussles, political thuggery, abuses by public security forces, and gang violence are major issues for people living in the Niger Delta, issues that the Amnesty program was not designed to address. In fact, as one person told our researcher in Port Harcourt, frankly speaking, "for us, militancy was not the problem."

As expressed in Focus Groups and Key Informant Interviews, one key driver of human insecurity that needs to be addressed is cult violence, as groups of armed youths terrorize the population despite several initiatives by the government to eradicate them. Cults are gangs whose membership rosters are secret and are bound by oaths.

Cults that once stood for the protection and emancipation of the people of the Niger Delta have become among the most feared elements of society. [...]

Urban cult godfathers provide members with arms, especially during electioneering for political thuggery. Criminals hire them to administer routes and provide onsite-security for illegal oil bunkering activities. Cult gangs are active within community youth associations as enforcers, to defend the interests of their members, increase their influence and for protection. Businesses have been known to make direct payments to those associated with cult gangs, to ensure the safety of their operations. In addition to extortion and racketeering activities, cultists are used as bouncers in clubs, restaurants, and brothels. In sum, cult gangs are funded through illegal activities such as armed robberies, protection money, dues paid by members, land rights from prostitutes, and payments for hits. The police are undertrained and frequently ill-equipped to deal with this threat to public security. Corruption also undermines the effectiveness of the response. Cults have served as a gateway into all kinds of criminality and violence, including militancy. [...]

Although the Amnesty program did in fact peel off the leaders and incentivize the syndicates to stop attacking state assets, it did little to address issues of criminality, political thuggery, and other forms of violence that these groups are frequently involved in. Furthermore, as the legitimacy of traditional leadership structures has eroded due to their inability to deal with transcommunal issues, cult groups have backed their own candidates to take leadership in the community, further destroying traditional dispute resolution mechanisms. Chieftaincy tussles and other violent intra-communal conflicts have erupted across the Niger Delta. [...]

#### Urban Cults in Rivers State

Urban cult gangs originate from innocuous cultural groupings of young people that usually grew up together or went to the same school. Over time these evolve into street cult gangs dedicated to the protection of their members and territory and providing them with economic opportunities within their community. Members are bound by an oath and keep their identities secret.

These gangs are prevalent in squatter camps and poor, dense neighborhoods. Urban gangs maintain fluid alliances, merging with confraternity military wings and are often sourced by ethnic militias, politicians, and criminals for specific tasks and activities.

Cultism and the response to cultism frequently leads to escalations in human insecurity. A recent example in Rivers of such a vicious cycle was the October 2012 lynching of four alleged thieves who were reported to be cult gang members. According to some news sources five young men from the University of Port Harcourt went to Aluu village to collect a debt from another student.

As they were attempting to do so, local villagers apprehended them and accused them of stealing a phone and a laptop. As punishment for the offence a vigilante mob beat them and burned four of them alive. In retaliation, students from the university invaded Aluu destroying cars, setting buildings ablaze and looting houses and shops. The university was closed for weeks and people left the village of Aluu for fear of further violence, whether by cultists, student protesters, or police. This incident is an example of how the prevalence of cultism and criminality has led to a cycle of vigilantism and security crackdowns, escalating violence in an environment where people have little confidence in the judicial system. [...]

### **3.7 Fear of cults, gangs and vigilante groups (including fear of juju, student confraternities and bakassi boys)**

The conclusion for this main category of claim states:

Excerpt from the January 2013 Nigeria OGN

3.7.10 Conclusion. Applicants who fear, or who have experienced ill-treatment at the hands of these groups will generally be able to seek protection. However those applicants for whom sufficiency of protection is not available will generally be able to safely relocate within the country to escape such treatment. Therefore, a grant of asylum or Humanitarian Protection will not generally be appropriate for this category of claim.

The conclusion asserts that effective protection will generally be available for persons fearing cults, gangs and vigilante groups, however no COI is included in the OGN to support this supposition. COI presented below indicates collusion between certain cults, gangs and vigilante groups and the authorities, undermining the ability of applicants to seek state protection. Indeed, the OGN includes such information in relation to the Bakassi boys at paragraphs 3.7.8 and 3.7.9 of the OGN.

In addition to the general issues besetting the police force as are outlined in detail in section [2.3 Actors of Protection](#), COI presented below indicates the specific shortcomings in relation to the police addressing cults, gangs and vigilante violence. For information on the risk of kidnapping from gangs operating in the Niger Delta, see section [3.6 The Niger Delta](#). For information on vigilante groups formed to assist the authorities in their fight against Boko Haram, information on the Ansaru group and vigilante inter-communal and religious violence see [3.8 Religious persecution](#).

Illustrative COI from the past 12 months is presented below on the following issues:

- [Relationship between cults/gangs/vigilante groups and the authorities \(security forces and judiciary\)](#)
- [Effective protection from cults/gangs/vigilante groups](#)

### **Relationship between cults/gangs/vigilante groups and the authorities (security forces and judiciary)**

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] g. Use of Excessive Force and Other Abuses in Internal Conflicts

[...] Criminal gangs, called "cults" in some parts of the region, copied the methods of more sophisticated militants to amass wealth and power. In a recent trend, kidnappers targeted businessmen, doctors, teachers, religious leaders, foreign residents, and others. Gangs extended their reach beyond the Niger Delta states, where they originated as politically sponsored thugs to intimidate opponents and aid election rigging. [...]

**Abductions:**

[...] Government authorities responded to kidnappings in the Niger Delta by deploying the JTF, which reportedly used excessive force and engaged criminals in gun battles.

During the year criminals continued to kidnap the relatives (usually children or parents) of prominent politicians for ransom or to force payment for services such as protection details and voter intimidation during elections. [...]

➤ [Unlock Nigeria \(Fund for Peace\), Beyond Terror and Militants: Assessing Conflict Risk in Nigeria, 10 December 2012](#)

[...]Urban Cults in Rivers State

Urban cult gangs originate from innocuous cultural groupings of young people that usually grew up together or went to the same school. Over time these evolve into street cult gangs dedicated to the protection of their members and territory and providing them with economic opportunities within their community. Members are bound by an oath and keep their identities secret.

These gangs are prevalent in squatter camps and poor, dense neighborhoods. Urban gangs maintain fluid alliances, merging with confraternity military wings and are often sourced by ethnic militias, politicians, and criminals for specific tasks and activities. [...]

➤ [Immigration and Refugee Board of Canada, Nigeria: The Black Axe confraternity, also known as the Neo-Black Movement of Africa, including their rituals, oaths of secrecy, and use of symbols or particular signs; whether they use force to recruit individuals \(2009-November 2012\), 3 December 2012](#)

[...] 6. Black Axe Confraternity's Connection to Officials

Sources indicate that clashes between the Black Axe and Aiye confraternities in Benin City are related to the sharing of money that has been given to these cults by politicians (Leadership 27 July 2012; Vanguard 27 July 2012).

According to a January 2011 article by Vanguard, cultists have been recruited "as thugs" by politicians during primaries (24 Jan. 2011). Leadership newspaper indicates that cults are reportedly supported by people in "high places" such as security agencies (27 Oct. 2011). [...]

### **Effective protection from cults/gangs/vigilante groups**

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] b. Disappearance

Continuing abductions of civilians by criminal groups occurred in the Niger Delta and Southeast.

Other parts of the country also experienced a significant increase in abductions. [...]

Police and other security forces were often implicated in the kidnapping schemes. On April 5, then acting inspector general of police Mohammed Abubakar ordered the arrest of the officer in charge of the Anti-Kidnapping Task Force in Delta State, a chief superintendent of police, and six other officers under suspicion they aided and abetted kidnappers in the state. The IGP also disbanded the task force. Police

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officials suspected the accused officers had provided information on the movements of prominent people in the state to kidnappers. In June the police service commission returned the head of the task force to his former position, provoking protests from the Delta State Legislature. [...]

- [Immigration and Refugee Board of Canada, Nigeria: The Black Axe confraternity, also known as the Neo-Black Movement of Africa, including their rituals, oaths of secrecy, and use of symbols or particular signs; whether they use force to recruit individuals \(2009-November 2012\), 3 December 2012](#)

[...] 7. State protection

[...] *Leadership* indicates that, according to Nigerians living in Delta state, the federal government, the police, and traditional and religious institutions show a "lack of commitment in addressing the underlying causes of cult-related violence" (21 Feb. 2011).

According to the *Vanguard*, the Edo state Police Commissioner said that the federal government is "doing its best" to tackle the problem of cult violence in Edo state, "but there are areas that still need improvement" (*Vanguard* 24 Jan. 2011). The Edo state Police Commissioner reportedly also said that police are facing a shortage of patrol vehicles, adding that no divisional operational department has more than one police vehicle (*ibid.*) [...]

### 3.8 Religious persecution

The conclusion for this main category of claim states:

Excerpt from the January 2013 Nigeria OGN

3.8.19 Conclusion. The right to religious freedom and expression is enshrined in the constitution and there are no reports of anyone experiencing any problems with the Federal Government in practising their chosen religion. Claims under this category will therefore be clearly unfounded and as such should be certified. Applicants who express a fear of Shari'a courts have the constitutional right to have their cases heard by the parallel (non-Islamic) judicial system and as such their claims are likely to be unfounded and fall to be certified. Applicants expressing fear of Hisbah groups are able to safely relocate elsewhere in Nigeria where such groups do not operate or have no influence. Claims made on the basis of fear of Hisbah groups are therefore also likely to be clearly unfounded and will similarly fall to be certified.

3.8.20 Those applicants who fear persecution at the hands of Boko Haram should be able to seek protection from the authorities and should be able to relocate to an area outside of the North of Nigeria where attacks by Boko Haram are less frequent. Applicants claiming asylum in this category are likely to be refused but case owners should remember that each case should be looked at on its individual merits.

With regards to the first highlighted sentence, whilst there are no reports of abuses of religious freedom by the Federal Government, the conclusion fails to mention that there are abuses by both state and local governments:

- [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)  
[...] Government Practices  
There were no reports of abuses of religious freedom by the federal government. However, there were reports of abuses by some state and local governments, including reports of detentions. In addition, some state and local governments imposed restrictions on religious freedom that affected members of religious groups. Some state governments asserted that they placed limits on religious activity to address security and public safety concerns. [...]

For further information on abuses by states and local governments, see COI presented below on:

- [State abuses of religious freedom](#)
  - [State treatment of Muslims \(particularly in south Nigeria\)](#)
  - [State treatment of Christians and non-Muslims \(particularly in north Nigeria\)](#)

In the second highlighted sentence above, the OGN concludes that 'applicants who express a fear of Shari'a courts have the constitutional right to have their cases heard by the parallel (non-Islamic) judicial system'. However, the COI below suggests that this right only applies to non-Muslims. The same excerpt also indicates that whilst Muslims can theoretically appeal Shari'a court decisions, this had not been done before:

- [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)  
[...] The constitution provides for state courts based on the common law or customary law systems. Twelve northern states maintain Sharia courts. The constitution specifically recognizes Sharia courts for civil but not criminal matters. Non-Muslims have the option to try their cases in the Sharia courts if involved in disputes with Muslims. Common law courts hear the cases of non-Muslims who do not agree to the use of Sharia courts. Sharia courts cannot compel participation by non-Muslims, but some non-

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Muslims took cases to Sharia courts, citing their speed and low cost. Aggrieved parties can appeal Sharia court judgments to three levels of Sharia appellate courts. Decisions by the Sharia court of appeal (the highest level of the Sharia courts) theoretically can undergo appeal to the Federal Court of Appeal and then to the Supreme Court, although none has done so. [...]

[...] Government Practices

[...] Some non-Muslims alleged that use of government-funded Sharia courts amounted to the adoption of Islam as a state religion. [...]

The following excerpt gives an indication of those scenarios in which a Muslim may fear of a Shari'a court decision:

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...] APPLICATION OF STRICT INTERPRETATIONS OF SHARI'AH

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. No new Shari'ah laws were established during the reporting period. 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. No such sentences were reported in 2012. 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. [...]

Excerpt from the January 2013 Nigeria OGN

3.8.19 Conclusion. The right to religious freedom and expression is enshrined in the constitution and there are no reports of anyone experiencing any problems with the Federal Government in practising their chosen religion. Claims under this category will therefore be clearly unfounded and as such should be certified. Applicants who express a fear of Shari'a courts have the constitutional right to have their cases heard by the parallel (non-Islamic) judicial system and as such their claims are likely to be unfounded and fall to be certified. Applicants expressing fear of Hisbah groups are able to safely relocate elsewhere in Nigeria where such groups do not operate or have no influence. Claims made on the basis of fear of Hisbah groups are therefore also likely to be clearly unfounded and will similarly fall to be certified.

3.8.20 Those applicants who fear persecution at the hands of Boko Haram should be able to seek protection from the authorities and should be able to relocate to an area outside of the North of Nigeria where attacks by Boko Haram are less frequent. Applicants claiming asylum in this category are likely to be refused but case owners should remember that each case should be looked at on its individual merits.

The Hisbah as mentioned above are a religious police supported by state governments in Bauchi, Zamfara, Niger, Kaduna, and Kano:

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...] APPLICATION OF STRICT INTERPRETATIONS OF SHARI'AH

[...] In addition, some Nigerian states in recent years have instituted discriminatory practices based on religious precepts or tolerated the societal application of such practices. These include banning the sale and consumption of alcohol and disadvantaging women in education, health care, and public transportation. These practices affect Muslims and non-Muslims alike. The Hisbah, or religious police, as they call themselves, are funded and supported by state governments in Bauchi, Zamfara, Niger, Kaduna,

and Kano. The Hisbah enforce their interpretation of Shari'ah in their respective states. In some areas, the Hisbah primarily work as traffic wardens and marketplace regulators, but the Kano Hisbah have focused on enforcing prohibitions against alcohol and prostitution. It is not uncommon for a truck transporting beer to be pulled over by the Kano Hisbah and for its contents to be confiscated, even if the truck was on a federal highway. [...]

The conclusion of the OGN above asserts that persons fearing the Hisbah can safely relocate to another area of Nigeria to escape the threat of this group. However, the conclusion fails to mention the required reasonableness assessment of internal relocation. Depending on the religion of the person fearing the Hisbah, or indeed another actor, COI is required on both the state, armed group and societal religious abuses and religious violence, together with whether effective protection is available in the proposed site of relocation.

It should be noted that the conclusion for this main category of claim also fails to mention the risk arising from inter-religious and communal violence, and the lack of effective protection available for such violence from the authorities, which may also be relevant to an assessment of internal relocation.

For a full analysis of the issues for research required for the relevance and reasonableness assessment, see the [2.4 Internal Relocation](#) section.

Non-exhaustive, illustrative COI from 2013 is presented at the end of this section on the following issues to assist an assessment of whether relocation to a new area would be unduly harsh based on a claimant's religion:

- [State abuses of religious freedom](#)
  - [State treatment of Muslims \(particularly in south Nigeria\)](#)
  - [State treatment of Christians and non-Muslims \(particularly in in north Nigeria\)](#)
- [Societal violence and discrimination \(not including attacks by Boko Haram\)](#)
  - [Societal violence and discrimination against Muslims \(particularly in south Nigeria\)](#)
  - [Societal violence and discrimination against Christians and non-Muslims \(particularly in in north Nigeria\)](#)
- [Inter-communal and religious violence in the central states](#)
- [Effective state protection available for persons fearing religious and communal violence](#)
- [Targets and reach of Boko Haram and Ansaru](#)
- [State protection against Boko Haram and Ansaru attacks\(particularly in north Nigeria\)](#)

Excerpt from the January 2013 Nigeria OGN

3.8.19 Conclusion. The right to religious freedom and expression is enshrined in the constitution and there are no reports of anyone experiencing any problems with the Federal Government in practising their chosen religion. Claims under this category will therefore be clearly unfounded and as such should be certified. Applicants who express a fear of Shari'a courts have the constitutional right to have their cases heard by the parallel (non-Islamic) judicial system and as such their claims are likely to be unfounded and fall to be certified. Applicants expressing fear of Hisbah groups are able to safely relocate elsewhere in Nigeria where such groups do not operate or have no influence. Claims made on the basis of fear of Hisbah groups are therefore also likely to be clearly unfounded and will similarly fall to be certified.

3.8.20 Those applicants who fear persecution at the hands of Boko Haram should be able to seek protection from the authorities and should be able to relocate to an area outside of the North of Nigeria where attacks by Boko Haram are less frequent. Applicants claiming asylum in this category are likely to be refused but case owners should remember that each case should be looked at on its individual merits.

The OGN concludes that persons fearing Boko Haram should be able to seek state protection. However, available COI indicates that effective state protection is compromised by Boko Haram attacks directly targeting state agencies and personnel and also by Boko Haram's on-going ability to carry out attacks despite a May 2013 military offensive and the declaration of a state of emergency. COI indicates that protection is further compromised by: vigilantes working with the security forces which analysts have argued may exacerbate civilian reprisals; the unlikelihood of a diplomatic solution to end the violence; and also by the security forces committing human rights abuses and corruption in the course of cracking down on Boko Haram, which causes growing resentment as is detailed below. Also see the general issues besetting the police force which further undermines effective protection in section [2.3 Actors of Protection](#).

The conclusion with regards to Boko Haram also indicates that applicants 'should be able to relocate to an area outside of the North of Nigeria where attacks by Boko Haram are less frequent'. However it fails to address any risk of new harm in the proposed site of relocation, or the reasonableness of internal flight. For example, Muslim applicants relocating outside of the North to escape the threat of Boko Haram may face both state abuses of religious freedom and societal discrimination and violence due to their religion as is set out below. For a full analysis of the reasonableness assessment of internal relocation, see [2.4 Internal Relocation](#).

Also note that the OGN does not address the Ansaru group, which is reported to be a dissident offshoot of Boko Haram. For background information, see:

- [ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: ecoi.net featured topic on Nigeria: Boko Haram, 27 September 2013](#)
- [BBC, Profile: Who are Nigeria's Ansaru Islamists? 11 March 2013](#)

Non-exhaustive, illustrative COI from the past 12 months is presented at the end of this section on the following issues:

- [Targets and reach of Boko Haram and Ansaru](#)
- [State protection against Boko Haram and Ansaru \(particularly in north Nigeria\)](#)

## **State abuses of religious freedom**

### **State treatment of Muslims (particularly in south Nigeria)**

- [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)  
[...] Government Practices  
[...] Some Muslims in the south alleged that local government officials demolished or prevented the construction of mosques in retaliation for denials in the north. On August 12, Muslims in predominantly Christian Anambra State protested the state government's decision to demolish a mosque, allegedly for a road construction project. By year's end, government officials had not compensated the community or provided a new mosque. [...]
- [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)  
[...] DISCRIMINATION  
[...] The State Department continues to report that Muslim communities in southeastern Nigeria echo some of the complaints of minority Christian communities in northern Nigeria. Southern Muslim leaders report official or officially-sanctioned discrimination in the media, education, and representation in government institutions. [...]

### **State treatment of Christians and non-Muslims (particularly in north Nigeria)**

- [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)  
[...] 72. ECLJ [European Centre for Law and Justice] stated that it was common in the northern states for authorities to effectively ban Christian churches. Permits for the construction or renovation of such churches were frequently denied. [...]
- [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)  
[...] Government Practices  
[...] Sharia-based practices, such as the separation of the sexes in public schools, health care, voting, and transportation services, affected non-Muslim minorities in the north. State governments in Bauchi, Zamfara, Niger, Kaduna, and Kano funded Sharia law enforcement groups called the Hisbah, which enforced Sharia law inconsistently and sporadically. There were no verified reports that Sharia courts illegally heard criminal cases during the year, although they have done so in the past. Sharia courts continued to hear civil cases as permitted by law.  
On August 8, Kano State Hisbah personnel arrested 20 people who chose not to fast during Ramadan. Authorities reportedly denied the detainees food to "teach them how to fast" and released them after three days. Kano State authorities maintained steep fines and prison sentences for the public consumption and distribution of alcohol, in compliance with Sharia statutes. Some non-indigene and non-Muslim residents of Kano accused the Hisbah of impounding alcoholic beverages transported on federal roads through Kano, and harassing and injuring travelers passing through the state because they used or possessed alcohol.  
Authorities in some states reportedly denied building permits for construction of new places of worship of the non-dominant religious community, or for expansion and renovation of existing ones. Christians from both the north and the south alleged that in the predominantly Muslim northern states, local government officials used zoning regulations and title registrations to stop or slow the establishment of new churches. Early in the year, a church in a northern state purchased land from a private seller to expand its rectory, but local government officials refused to transfer the title into the church's name. [...]

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...]APPLICATION OF STRICT INTERPRETATIONS OF SHARI'AH

[...] In addition, some Nigerian states in recent years have instituted discriminatory practices based on religious precepts or tolerated the societal application of such practices. These include banning the sale and consumption of alcohol and disadvantaging women in education, health care, and public transportation. These practices affect Muslims and non-Muslims alike. The Hisbah, or religious police, as they call themselves, are funded and supported by state governments in Bauchi, Zamfara, Niger, Kaduna, and Kano. The Hisbah enforce their interpretation of Shari'ah in their respective states. In some areas, the Hisbah primarily work as traffic wardens and marketplace regulators, but the Kano Hisbah have focused on enforcing prohibitions against alcohol and prostitution. It is not uncommon for a truck transporting beer to be pulled over by the Kano Hisbah and for its contents to be confiscated, even if the truck was on a federal highway.

DISCRIMINATION

Christians in northern Nigerian states complain of what they view as discrimination at the hands of Muslim-controlled state governments and say they are treated as "second-class citizens." Their allegations of official discrimination include denials of applications to build or repair places of worship, lack of access to education, failure to make provisions for the teaching of the Christian religion in public schools, failure to allow for Christian religious programs in state-run media, and lack of representation in government bodies and government employment. [...]

**Societal violence and discrimination (not including attacks by Boko Haram)**

**Societal violence and discrimination against Muslims (particularly in south Nigeria)**

➤ [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)

[...] Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Because ethnicity and religion were often inextricably linked, it was difficult to categorize social abuses or discrimination cases as either ethnic or religious intolerance. [...]

In some communities, Muslims or Christians who converted to another religion reportedly faced ostracism by adherents of their former religion. [...]

Muslims and Christians increasingly feared reprisal attacks based on their religious affiliation, especially following attacks on churches. In June an estimated 50 people died in reprisal attacks after a series of church bombings in Kaduna, and several prominent Christian leaders made inflammatory statements. However, most Christian and Muslim religious leaders based in areas experiencing violence either spoke up for tolerance or remained silent. Several Christian and Muslim religious leaders speculated that the perpetrators of an October suicide bombing of a church in the Middle Belt intended to spark communal violence in the surrounding community. They also acknowledged that the state government's quick action to maintain order and establish a curfew averted a larger crisis. [...]

While the law prohibits religious discrimination in employment and other activities, some businesses continued to discriminate based on religion or ethnicity in hiring. Muslim women in the south reportedly continued to face job discrimination in the private sector, especially when applying for jobs requiring interactions with customers. [...]

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...]32. JS 12 [Jubilee Campaign; Advocates International, International Institute for Religious Freedom; Institute on Religion and Democracy; Human Rights Law Foundation; Mitchell Firm; Open Doors International; and Union of Councils for Jews in the Former Soviet Union (Joint Submission 12)] stated that discrimination against religious minorities was endemic in at least 16 of the 19 northern states in Nigeria.

Religious minorities were denied equal rights, most state jobs and promotions. Christian neighborhoods were frequently overlooked for development or maintenance.

33. JS 13 [Christian Solidarity Worldwide (CSW), CSW USA, CSW Nigeria and Stefanus Alliance International (Joint Submission 13)] stated that non-Muslims in Shari'a states often suffered marginalisation, particularly in rural areas. They were rarely permitted to join the military or the public sector. There was discrimination in employment with qualified applicants from minority faiths being disregarded for key positions. [...]

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...] Sectarian Violence in 2012

Sectarian violence continued in 2012, although not at the levels of previous reporting periods. There were three reported instances of sectarian violence in this reporting period. On January 10, in Potiskum, eight people were killed when gunmen opened fire in a bar, in reprisal for an assault on a mosque and Islamic school in Benin in which five were killed and six injured. Three were arrested in this incident, but there are no reports of prosecutions. On November 18, Christians set up an illegal checkpoint on a road near their church during services to prevent attacks. A Muslim who tried to go through the checkpoint was killed. Muslims retaliated and riots ensued, houses and shops were torched, and 10 were killed, including both Muslims and Christians. There were no known arrests or prosecutions. [...]

**Societal violence and discrimination against Christians and non-Muslims (particularly in north Nigeria)**

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 72. ECLJ [European Centre for Law and Justice] stated that it was common in the northern states for authorities to effectively ban Christian churches. Permits for the construction or renovation of such churches were frequently denied.

73. JS 12 [Jubilee Campaign; Advocates International, International Institute for Religious Freedom; Institute on Religion and Democracy; Human Rights Law Foundation; Mitchell Firm; Open Doors International; and Union of Councils for Jews in the Former Soviet Union (Joint Submission 12)] stated that in January 2012, Christians in Yobe state, particularly in Potiskum and Damaturu were attacked in nightly house-to-house killings, and were targeted solely for their religious identity.

74. STP [Society for Threatened People, Göttingen, Germany] stated that Boko Haram or its offshoots was targeting and killing people in the northern states of Nigeria based on their Christian religion and ethnicity.

[...] 76. JS 13 [Christian Solidarity Worldwide (CSW), CSW USA, CSW Nigeria and Stefanus Alliance International (Joint Submission 13)] stated that child abduction and forcible conversion continued to occur, particularly in the remote areas of Shari'a states. [...]

101. JS 13 stated that in Kano State girls attending public school have been required to wear the hijab as part of their school uniform, regardless of their religious affiliation. Also, most private schools were required to have compulsory lessons of Islam and to employ Muslim clerics.

102. JS 13 stated that in several states, children in public schools were obliged to perform Muslim prayers regardless of religious backgrounds. Also, in some Shari'a states, children were obliged to change their name to a Muslim name and adopt Muslim practices, including worship, in order to receive a state education, risking expulsion if discovered not to be Muslim. [...]

➤ [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)

[...] Section III. Status of Societal Respect for Religious Freedom

There were reports of societal abuses or discrimination based on religious affiliation, belief, or practice. Because ethnicity and religion were often inextricably linked, it was difficult to categorize social abuses or discrimination cases as either ethnic or religious intolerance.

Early in the year, a Muslim woman in a northeast state reportedly received death threats after she converted to Christianity. Anonymous harassers whom she suspected were Boko Haram members told her to convert back to Islam. When she refused, unknown gunmen shot and killed members of her immediate family in her home. [...]

In some communities, Muslims or Christians who converted to another religion reportedly faced ostracism by adherents of their former religion. [...]

Muslims and Christians increasingly feared reprisal attacks based on their religious affiliation, especially following attacks on churches. In June an estimated 50 people died in reprisal attacks after a series of church bombings in Kaduna, and several prominent Christian leaders made inflammatory statements. However, most Christian and Muslim religious leaders based in areas experiencing violence either spoke up for tolerance or remained silent. Several Christian and Muslim religious leaders speculated that the perpetrators of an October suicide bombing of a church in the Middle Belt intended to spark communal violence in the surrounding community. They also acknowledged that the state government's quick action to maintain order and establish a curfew averted a larger crisis. [...]

There were credible reports that some Christian and Southern indigenes temporarily moved away from the northeastern states of Borno and Yobe early in the year. They cited general security concerns, including attacks on churches and sustained violence between extremists and government security forces. [...]

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...] Sectarian Violence in 2012

Sectarian violence continued in 2012, although not at the levels of previous reporting periods. There were three reported instances of sectarian violence in this reporting period. On January 10, in Potiskum, eight people were killed when gunmen opened fire in a bar, in reprisal for an assault on a mosque and Islamic school in Benin in which five were killed and six injured. Three were arrested in this incident, but there are no reports of prosecutions. On November 18, Christians set up an illegal checkpoint on a road near their church during services to prevent attacks. A Muslim who tried to go through the checkpoint was killed. Muslims retaliated and riots ensued, houses and shops were torched, and 10 were killed, including both Muslims and Christians. There were no known arrests or prosecutions. In Bichi town on November 22, a Christian allegedly blasphemed the Prophet Muhammad, leading to riots by hundreds of Muslim youths, in which Christian shops and places of worship were looted and burnt and four Christians died. Police and soldiers sent in to restore calm arrested 10 with no prosecutions to date. [...]

**Inter-communal and religious violence in the central states**

➤ [Voice of America News, Year After Church Bombings Kaduna Struggles to Rebuild, 17 June 2013](#)

[...] Sectarian violence has plagued central Nigeria for decades and tens of thousands of people have been killed. Many mosques and churches are still rubble and in some cities the population has segregated itself out of fear. It is the first anniversary of triple church bombings that sparked sectarian riots in the central city of Kaduna.

There is no roof on this mosque in Kaduna and no walls to protect worshippers from the smell of a nearby open sewer. It's been almost a year since the last time it was burnt to the ground but people still come here to pray.

Mallum Abdullahi Bayero, a spokesman for the Supreme Council of Sharia in Nigeria, says because so many mosques have been destroyed in this area, some Muslims are afraid to attend services.

"A lot of Muslim brothers doesn't have the free of fear atmosphere, a conducive atmosphere for them to practice and actualize their religion," said Bayero.

The third time this mosque was destroyed was last June, after three churches were bombed, killing 19 people. In the days that followed nearly 100 more people died in fighting between Christians and Muslims in Kaduna.

Christian leaders say despite the relative calm over the past year, their members are also still afraid to attend services.

Yohanna Buru is the president of the Peace Revival and Reconciliation foundation of Nigeria, a Christian non-governmental organization. He says nearly 100 churches and mosques lay in rubble in Kaduna. [...]

Analysts say the clashes are not usually about religion itself, but politics, economics and reprisal attacks. However in the Middle Belt, ethnic, economic and political lines are often the same as religious lines and people on the streets tend to identify the fighting as between Christians and Muslims. [...]

➤ [Inter Press Service, 39 die in Nigerian religious violence: police, 4 May 2013](#)

[...] Thirty-nine people died and 30 were injured in fierce fighting between Christian and Muslim mobs in central Nigeria's Taraba state on Friday, prompting a round-the-clock curfew, police said.

Scores of houses were set ablaze and destroyed during the clashes in the town of Wukari which come amid a surge in religious violence in the west African nation.

"We have so far compiled a death toll of 39 people while 30 others were seriously injured," state police spokesman Joseph Kwaji told AFP on Saturday.

Local residents told AFP that the death toll could rise.

"Thirty-two houses have also been destroyed in the violence," Kwaji said of the unrest which has prompted authorities to impose an indefinite all-round curfew in the predominantly Christian city.

He added that 40 suspects were arrested in the aftermath of the violence.

State information commissioner Emmanuel Bello said that extra troops were deployed to the city on Saturday to bolster security.

"We have deployed more troops today to Wukari to ensure that the situation, which has been brought under control, is strengthened," he told AFP.

The police spokesman Kwaji said Friday's violence erupted when the funeral procession of a traditional chief from the predominantly Christian Jukun ethnic group marched through a Muslim neighbourhood chanting slogans, which Muslims viewed as an act of provocation. [...]

Tensions have been on the rise in Wukari since February, when a dispute over the use of a football pitch between Muslim and Christian soccer teams set off sectarian riots that claimed several lives.

Friday's violence came a day after the state government inaugurated a committee to investigate the February violence. [...]

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...] In 2012, there were numerous reported incidents of Fulani in the middle of the night attacking Christian villages in Plateau and Kaduna states, killing and wounding hundreds. The most serious recent incident occurred on July 7, when armed Muslim Fulani killed at least 25 Christians in three villages in Jos South. Nineteen of the gunmen were killed in an exchange with the military Special Task Force. Mourners were then attacked the following day during a burial service, with at least 20 killed, including Federal Senator for Plateau State North Gyang Dalyp Datong and Majority Leader in the Plateau State House Assembly Gyang James Fulani. [...]

➤ [Agence France Presse, Seven dead in central Nigeria attack: military, 9 April 2013](#)

[...] Clashes between rival ethnic groups in central Nigeria killed seven people at the weekend, the latest flare up in a conflict that has left at least 66 people dead in three weeks, the military said Tuesday.

Plateau state, which falls on the dividing line between Nigeria's mostly Muslim north and predominately Christian south, has been racked for more than a decade by ethnic violence fuelled by land and political disputes.

"Seven people were killed in the attack at (the central) Langtang area of the state over the weekend," the military spokesman in Plateau, Captain Salisu Mustapha told AFP.

He said the suspected gunmen were members of the mostly Muslim Fulani ethnic group, made up largely of nomadic herdsmen.

The violence continued in another area on Monday when purported Fulani attackers razed several homes and fired weapons, but no one was killed, Mustapha added.

The Fulani have been blamed for scores of attacks on Christians in the state, who are mainly farmers.

Plateau's Christian ethnic groups see themselves as the state's indigenous people and hold greater land ownership and political rights. They have accused the Fulani of trying to steal wide swathes of land.

Fulani leaders have said their tribesmen are the victims of unequal treatment from the state's mostly Christian political leaders.

The conflict is estimated to have killed 4,000 people since 2001, according to the International Crisis Group.

At least 23 people, including both Fulani and Christian settlers, were killed in clashes on March 20 and 21, while 36 others died in violence over the last weekend of March.

Dozens of houses were also burnt in the violence last month. [...]

- [International Crisis Group \(ICG\), Curbing Violence in Nigeria \(I\): The Jos Crisis, 17 December 2012, Africa Report N°196](#)

#### EXECUTIVE SUMMARY AND RECOMMENDATIONS

[...] Since 2001, violence has erupted in Jos city, capital of Plateau state, in Nigeria's Middle Belt region. The ostensible dispute is over the "rights" of the indigene Berom/Anaguta/Afizere (BAA) group and the rival claims of the Hausa-Fulani settlers to land, power and resources. Indigene-settler conflicts are not new to Nigeria, but the country is currently experiencing widespread intercommunal strife, which particularly affects the Middle Belt. [...]

Because the settlers are almost entirely Muslim and the indigenous people predominantly Christian, struggle over land ownership, economic resources and political control tends to be expressed not just in ethnic but also religious terms. [...]

- [Human Rights Watch, Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria, 11 October 2012](#)

[...] I. Fertile Ground for Militancy

[...] Inter-communal Violence

Nigeria is the largest country in the world that is almost equally divided between Christians and Muslims. Its population of some 160 million people belongs to more than 250 different ethnic groups. The vast majority of the north is Muslim, while southeast Nigeria is largely Christian. Many parts of central Nigeria, often referred to as the "Middle Belt," are predominately Christian, though some states in this region have a Muslim majority. The population of southwest Nigeria is roughly evenly mixed among Christians and Muslims.[30] Divisive state and local government policies that discriminate against individuals solely on the basis of their ethnic heritage and relegate thousands of state residents to permanent second-class status have exacerbated existing ethnic tensions. Boko Haram has exploited Nigeria's history of ethnic and sectarian strife, along with chronic impunity for perpetrators of violence, including Christians accused of killing Muslims, as justification for its own violent campaign.

Though a national phenomenon, inter-communal violence has been most deadly in the "Middle Belt" region, especially in Kaduna and Plateau states. Since 2000, several thousand people have been killed in each of these states. The victims, including women and children, have been hacked to death, burned alive, and dragged out of cars and murdered in tit-for-tat killings that in many cases were based simply on their ethnic or religious identity. Mobs have burned down both mosques and churches. Since 2010, three mass killings in which more than 100 people died in each incident took place in small towns and villages of these states. The highest death toll occurred in an attack on April 18 and 19, 2011 in the town of Zonkwa, in southern Kaduna State, which left at least 300 Muslim men dead. The attack followed election riots and burning of churches in northern states.

### **Effective state protection available for persons fearing religious and communal violence**

- [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 42. Edmund Rice International (ERI) stated that the recommendation in paragraph 103.20 of the Report has not been implemented with the failure of the government at all three levels to prevent politically motivated and sectarian and religious based violence.

[...] 43. ERI stated that the recommendations in paragraph 103.31 of the Report concerning religious-based conflict have not been implemented. HRAN [Human Rights Agenda Network, Abuja, Nigeria (Joint

Submission)); stated that the increase in sectarian violence, terrorism and other forms of violence crime between 2009 and 2013 have resulted in upsurge of unlawful killings.

44. HRW stated that inter-communal violence has left several thousand people dead in Kaduna and Plateau states. State and local government policies that discriminate against “non-indigenes” people who cannot trace their ancestry to what is said to be the original inhabitants of the area have exacerbated inter-communal tensions and perpetuated ethnic-based divisions.

[...] 71. European Centre for Law and Justice (ECLJ) stated Nigeria had neglected to adequately address issues of inter-religious cooperation and the protection of citizens from religiously motivated crimes, in accordance with those recommendations as contained in paragraphs 103.11, 103.18, 103.20 and 103.31 of the Report. [...]

➤ [Integrated Regional Information Networks \(IRIN\), Bandit attacks displace northern Nigeria herders, 19 June 2013](#)

[...] Incessant deadly attacks on Fulani settlements and villages in northern Nigeria by armed bandits - made up partly of disgruntled Fulani who themselves have lost cattle - are threatening herds and upping tensions in northern Nigeria.

Gangs of heavily armed bandits prowl the vast Dajin Rugu forest which spans several hundred square kilometres across Zamfara, Katsina and Kaduna states and Niger State in central Nigeria, according to Fulani leaders.

In February 2012 alone, over 23,000 Fulani herders poured into Cameroon from Nigeria's northeastern state of Taraba, following deadly clashes with farming communities, according to the Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN), an umbrella association of Fulani herders. The gangs steal herds, loot and burn homes, and assault women in the attacks, according to Fulani leaders.

Many of the armed bandits are Fulanis who have joined gangs involved in cross-border armed robbery and cattle-rustling in Nigeria, Niger, Chad, Cameroon, Senegal and Mali.

[...] More coordinated efforts by the local authorities and security forces is needed to try to temper the violence, said Kaduna State information commissioner Saidu Adamu. "A military battalion is grossly inadequate to patrol the vast forest. We are in touch with Zamfara, Katsina and Niger state governments to forge a common front in dealing with this security threat," he told IRIN.

Shehu Hammayidi, a community leader from Unguwar Tsamiya, a village in Faskari District, Katsina State, urged the Nigerian government to establish a special joint military and police unit on cattle rustling as an effective approach to quelling the violence.

But any efforts that do not involve MACBAN will not work, warned Bayeri, saying that only it can mobilize community surveillance to track bandits on the scale needed.

"These criminals are a transnational syndicate of renegade Fulani nomads who know the forest very well, and no amount of military deployment can check their activities without the involvement of MACBAN," he said.

MACBAN knows who some of the criminals are and is willing to expose them, he said, but has been rebuffed by local authorities whom, he says, mistakenly blame all of MACBAN for being complicit in the violence. [...]

➤ [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)

[...]Government Inaction

[...] The federal government did not act swiftly or effectively to quell communal violence, nor to investigate and prosecute those responsible for abusing religious freedom. Although religious leaders and civil society groups commended the Kaduna state government for taking decisive action to halt reprisal killings after a church bombing in October, an overall air of impunity persisted. Legal proceedings against five police officers arraigned in 2011 for the extrajudicial killing of Boko Haram leader Mohammed Yusuf did not resume as scheduled in February. No indictments or prosecutions followed August 2011 communal violence in Jos in which 100 people died.

Federal, state, and local authorities did not effectively address underlying political, ethnic, and religious grievances that led to violence. Recommendations from numerous government-sponsored panels for resolving ongoing ethno-religious disputes in the Middle Belt included establishing truth and reconciliation committees, redistricting cities, community sensitization, and ending the dichotomy between indigenes and settlers. Nationwide practice distinguishes between indigenes, whose ethnic group is native to a

location, and settlers, who have ethnic roots in another part of the country. Local authorities grant indigenes certain privileges, including preferential access to political positions, government employment, and lower school fees, based on a certificate attesting to indigene status. The federal government did not implement any recommendations despite urging by a prominent group of northern leaders in May. [...]

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...] FINDINGS: The government of Nigeria continues to tolerate systematic, ongoing, and egregious violations of religious freedom that lead to particularly severe violations affecting all Nigerians, both Christian and Muslim. For many years, the government has failed to bring those responsible for sectarian violence to justice, prevent and contain acts of such violence, or prevent reprisal attacks. [...]

While there were fewer incidents of sectarian conflict during the reporting period, the government made no progress on prosecuting perpetrators. Despite thousands of deaths in religion-related violence, USCIRF is aware of no case being prosecuted during the past year, and only 170 individuals having ever been prosecuted for perpetrating such violence. While other causes factor into the violence in areas of conflict, religion is a significant catalyst and is often misused by politicians, religious leaders, or others for political gain. The Nigerian government's failure to address chronic religion-related violence contrasts with its commitment to stop Boko Haram, which at times has resulted in the indiscriminate use of force against civilians and in human rights abuses. [...]

RECURRENT SECTARIAN VIOLENCE

Impunity for Sectarian Violence

[...] The Nigerian government, at the state and federal levels, has proven unable or unwilling to address the violence and its underlying causes.

[...] Almost universally, individuals identified as perpetrators have not been prosecuted, and there were no known prosecutions for sectarian violence in 2012. In more than a decade, and out of 14,000 sectarian deaths, fewer than 200 individuals are confirmed by USCIRF to have been prosecuted for their involvement in sectarian violence. In 2011, the Minister of Justice told USCIRF that he expected a number of prosecutions, and said that his Director of Public Prosecutions would provide USCIRF with statistics of prosecutions and convictions that have occurred that year. Unfortunately, by the end of the reporting period the Ministry of Justice had not provided this information to either the U.S. Embassy in Abuja or to USCIRF. During a USCIRF meeting with Plateau State Governor Jonah Jang and the Plateau State Attorney General, in October 2011, the Attorney General indicated he believed some prosecutions were moving forward. In 2012, a number of prosecutions moved forward in both Kaduna and Plateau states, including some convictions.

This dearth of prosecutions is despite the fact that video and photographic evidence of sectarian conflicts identifying perpetrators can be found on the internet. While police and judicial mechanisms have been underutilized in curbing sectarian violence, the government has repeatedly called upon Nigerian federal police and military to intervene, and they have been repeatedly accused of using excessive force, including extrajudicial killings

Since USCIRF first recommended that Nigeria be designated a CPC in 2009 for its toleration of severe religious freedom violations and the failure to prosecute perpetrators of sectarian and communal violence, the federal government has prosecuted only a handful of cases, all against Fulani Muslims. These cases concerned 41 individuals convicted for terrorism and 123 individuals convicted for illegal possession of a weapon during their involvement in communal violence in Plateau State in March 2010 where 500 persons were killed (see below). USCIRF is not aware of any other successful prosecutions for violence perpetrated during this or other attacks.

A climate of impunity exists due to the lack of effective law enforcement and failure to impose penalties for religious violence. Since there are no consequences for violence, large-scale incidents regularly trigger ricochet riots in other areas for retaliation. Such incidents include, but are not limited to, the following: clashes in February 2009 in Bauchi State in retaliation for the destruction of two mosques in Jos in March 2008, killing between 11 and 20, displacing 1,500 and destroying churches, parsonages and one mosque; attacks in April 2009 on a procession of Christians who were celebrating Easter in two separate towns; riots in January 2010 in Plateau State, after Christians attacked a Muslim trying to build a home in a Christian area, which left an estimated 150 persons dead and 3,000 displaced; in March 2010 Muslim Fulani herdsmen attacked Christian villages in Jos South, killing at least 500 persons including women,

children, and babies, and displacing an estimated 800 persons; January 2011 violence in Bauchi state over the burning of a Christian man's billiards table that left at least 20 dead and mosques and Muslim homes burned; April 2011 post-election violence and August 2011 violence in Jos after Christian youths attempted to prevent a Muslim Izala from using prayer grounds during the Muslim holiday of Eid al-Fitr, which killed between 40 and 100 Christians and Muslims. To date, there have been no confirmed prosecutions of perpetrators of any of the above violence.

Federal-state jurisdictional disputes and a lack of political will continue to pose a challenge to successful prosecutions. In order for state attorneys general to pursue prosecutions, Nigeria's federal police must cooperate with state-level criminal justice partners to conduct investigations to develop a case. If this occurs and a case is developed, the state attorneys general must then have the political will to prosecute the cases. Thus far, neither side has shown the will to fully and professionally investigate perpetrators of sectarian violence or prosecute those arrested.

In response to religion-related violence, federal and state officials have formed commissions of inquiry to review the causes of the violence and make recommendations to prevent further violence. More than a dozen such commissions have been formed since 1999, and they often make the same recommendations to federal and state officials. These recommendations include: arresting and prosecuting perpetrators; better training of police forces to respond to violence; improving and increasing inter-faith dialogues; repealing "indigeneship" provisions in the constitution, which grant preferences to ethnic groups considered native to an area; ending discrimination based on religion in the building of houses of worship; monitoring religious institutions for religious hate speech and incitement to violence and removing outdoor speakers from religious institutions where such sentiments are aired; and improving early warning systems and procedures. However, these recommendations are rarely implemented, and these commissions often fault the government for failing to implement the recommendations put forth by previous such commissions.

On a positive note, in Jos since 2010, a special security joint task force comprised of the army, police, and other security services has been present in large numbers in the city and its environs, which has helped prevent large-scale outbreaks by quickly responding to violence. [...]

➤ [Human Rights Watch, Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria, 11 October 2012](#)

[...] I. Fertile Ground for Militancy

[...] Inter-communal Violence

[...] In all but a handful of cases, the Nigerian authorities have failed to prosecute the perpetrators of inter-communal killings, and the cycle of violence has continued. [...]

### **Targets and reach of Boko Haram and Ansaru**

➤ [UN Office of the High Commissioner for Human Rights \(OHCHR\), Nigeria : attack on a wedding convoy in Borno State, 5 November 2013](#)

[...] We strongly condemn this weekend's atrocious attack on a wedding convoy in Borno State, Nigeria.

On November 2, some 30 guests arriving from a wedding were ambushed and killed along the Bama-Mubi-Banki road, in Borno State. This road, which is located close to the border with Cameroon, is notorious for attacks by Boko Haram. During the attack, a Joint task Forces post was burned down and 4 soldiers killed. A bridge link to the nearby town of Mubi was also bombed.

According to information we have received, there are attacks almost on a daily basis in the North East of Nigeria, especially in Borno and neighbouring areas.

We strongly condemn the cowardly attacks by Boko Haram, who continue to target civilians, including students and worshippers, politicians, members of government institutions, foreign nationals as well as security forces.

Members of Boko Haram and other groups and entities, if judged to have committed widespread or systematic attacks against a civilian population - including on grounds such as religion or ethnicity -- could be found guilty of crimes against humanity. [...]

- [Agence France Presse, Boko Haram kill 40, torch 300 homes in Nigeria: official, 4 November 2013](#)  
[...] Islamist insurgents last week killed a total of 40 people and wounded a dozen others in two separate incidents in restive northeast Nigeria, a local official said Monday.  
Some 70 gunmen stormed the town of Bama in Borno state on a convoy of motorcycles and pick-up trucks late Thursday, said Baba Shehu from the area's local government.  
"They shot ... 27 persons and injured 12. About 300 houses were burnt," Shehu told reporters in Borno's capital Maiduguri, where Boko Haram was founded more than a decade ago.  
"Immediately people saw the gunmen, they (locals) started fleeing the town but the insurgents opened fire on them," said Shehu, adding that the wounded were receiving treatment at a local hospital.  
In a separate incident on Saturday, Shehu said 13 people travelling on a bus in the same area were "ambushed by the (Islamist) militants and murdered in cold blood."  
"The attackers took the travellers unawares ... Some of the passengers escaped unhurt from the vehicle but were pursued by the insurgents and killed," he added. [...]  
In 2009, the insurgency was largely concentrated in Borno but later spread across the wider north and as far south as the capital Abuja. [...]
- [BBC, 'Boko Haram' gunmen kill 19 motorists in Nigeria, 20 October 2013](#)  
[...] Militants wearing army uniforms have killed 19 people at checkpoints on a road in Nigeria's Borno state.  
The armed men reportedly stopped motorists on the road and ordered them out of their cars before shooting them or hacking them to death.  
Witnesses told the BBC the men were from Boko Haram, though the Islamist militant group has not yet commented.  
North-eastern Nigeria is under a state of emergency as Boko Haram attempts to create an Islamist state there.  
The group targets both the military and civilians, including in schools, and frequently clashes with the Nigerian armed forces. [...]
- [African Arguments, Citadels of learning, Boko Haram's new slaughter fields – By Alkasim Abdulkadir, 15 October 2013](#)  
[...] The insurgency in Nigeria's North Eastern corner has once more brought into sharp relief the precarious balance between life and death in the region. Scores of people are killed on a daily basis and the frequency has also ensured a sense of 'tragedy fatigue' amongst the country's populace.  
The sustained escalation of attacks by the Nigerian army on insurgent hideouts has motivated the insurgents to retaliate, targeting areas regarded as soft targets like schools. This became more notable after the offensive at Kasiya forest, which left about 16 soldiers dead alongside 150 insurgents; one of the most deadly face offs between the Nigerian Army and the insurgents.  
But the Gujba emirate in Yobe State had not previously seen the kind of the violence that tore up the College of Agriculture located in the sleepy town 2 weeks ago. The attack at Gujba saw the insurgents round up scores of students and shoot them dead. With phone networks switched off by the authorities it became impossible to call for help from Damaturu, some 30 kilometers away. Most of the dead were discovered the next morning beside the fence of the institution – the slaughter lasting for almost two hours. One of the survivors, Idris, who was widely quoted, said they started gathering students into groups outside, and then they opened fire and killed one group before moving onto the next and killing them. According to the Provost of the College, those killed were between the ages of 18 and 22. This also shows that the demography of the victims of the insurgents is changing; they are now focusing on young people.  
The most horrific and gut-wrenching of these attacks was the one that occurred in the town of Mamudo near Potiskum in Yobe State. On 6th July, insurgents attacked a secondary school in Mamudo and killed 41 students and their teacher. The average secondary school leaving age in Nigeria is around 18, which means the average age of those who were killed is around 15. This exemplifies the fact that the war now being waged is often against young defenseless people.  
It is interesting to note that the targets have metamorphosed over time and the violence is settling into a pattern – from policemen (who were the initial targets) to churches, government officials and administrative buildings to soldiers, markets and mosques, before most recently focusing on commuters on the highway and educational facilities. [...]

- [Agence France-Presse, 20 killed as Boko Haram, Nigerian troops clash in mosque, 6 October 2013](#)

[...] Boko Haram Islamists claimed five lives in an attack on a mosque in northeast Nigeria over the weekend, before being repulsed by soldiers who killed 15 of the insurgents, the military said in a statement Sunday.

The latest attack by the extremist group, which has been waging an insurgency since 2009, struck on Saturday morning at Damboa town in Borno state, the group's stronghold. [...]
- [Amnesty International, Nigeria: 'Keep away from schools or we'll kill you': Right to education under attack in Nigeria, 4 October 2013](#)

[...] 1. Introduction

[...] Education is under attack in northern Nigeria. Since the beginnings of 2012, according to Amnesty International's research, at least 70 teachers and over 100 schoolchildren and students have been killed or wounded. At least 50 schools have either been burned or seriously damaged and more than 60 others have been forced to close. Thousands of children have been forced out of schools across communities in Yobe, Kaduna, Adamawa and Borno states. Many teachers have been forced to flee for their safety to other states. The highest number of attacks was in Borno state in the north-east. According to the Nigeria Teachers' Union, more than 1,000 teachers have been forced to flee from areas in the north since 2012. The Islamist armed group commonly known as Boko Haram has claimed responsibility for some of the attacks. As far as Amnesty International is able to ascertain, no other group or individuals have claimed responsibility for attacking schools in the north. However, it is possible other groups or individuals have also carried out attacks. [...]

2. Background

[...] Since July 2009, the Islamist armed group Jamā'atu Ahlis Sunnah Lādda'awatih wal Jihad [People Committed to the Propagation of the Prophet's Teachings and Jihad], commonly referred to as Boko Haram [meaning "Western education is forbidden"], and individuals or groups claiming to be members of Boko Haram, have claimed responsibility for bombings and gun attacks across northern and central Nigeria. The group has killed Muslim and Christian clerics and worshippers, politicians, journalists and lawyers, and also police personnel and soldiers. Boko Haram has claimed responsibility for attacks on churches, prisons, police stations, school buildings, newspaper offices and the UN. [...]
- [Agence France-Presse, Boko Haram kills 40 students in Nigeria college dorm, 29 September 2013](#)

[...] Boko Haram gunmen on Sunday opened fire in a college dormitory in northeast Nigeria as the students slept, killing 40, in the latest massacre blamed on the Islamist insurgents.

All of the dead were students of the College of Agriculture in the town of Gujba in Yobe state, the area governor said in a statement. [...]

Some of the recent violence has targeted vigilante groups that have formed to help the military. [...]
- [Minority Rights Group, State of the World's Minorities and Indigenous Peoples 2013, 24 September 2013](#)

[...] Nigeria

[...] Boko Haram

In 2012 Boko Haram ('western education is a sin' in the Hausa language) increased its violence in the largely Muslim north, with additional attacks elsewhere in the country. The group is primarily targeting members of the Christian community, although it has carried out bomb attacks across the country. Security forces and Muslims suspected of opposing the group appeared to be other primary targets. [...]
- [BBC, Nigeria's 'Boko Haram': Abuja sees security forces targeted, 20 September 2013](#)

[...] A cell of suspected Islamist militants has opened fire on security forces in Nigeria's capital Abuja, say officials.

The clash occurred at about 03:00 local time after a tip-off about the location of a suspected Boko Haram weapons cache, Nigeria's spy agency said.

The State Security Service did not give any details about casualties. A witness told the BBC he saw nine bodies.

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However, other witnesses told Reuters news agency the shooting came during an attempt to move squatters.

If confirmed, it would be the first time Boko Haram has staged an attack in Abuja this year.

Attacks in the north-east have increased recently despite a massive military deployment to the worst-affected areas. [...]

*For an illustrative list of Boko Haram incidents from January 2013 to 21 September 2013, see:*

- [ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: ecoinet featured topic on Nigeria: Boko Haram, 27 September 2013](#)

*For an illustrative list of Boko Haram incidents from April 2012 to April 2013, see:*

- [ACCORD - Austrian Centre for Country of Origin and Asylum Research and Documentation: ecoinet featured topic on Nigeria: Boko Haram, 29 April 2013](#)

- [Human Rights Watch, Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria, 11 October 2012](#)

[...] Summary

[...] Since July 2009, suspected members of Boko Haram, an armed Islamic group, have killed at least 1,500 people in northern and central Nigeria. The group, whose professed aim is to rid the country of its corrupt and abusive government and institute what it describes as religious purity, has committed horrific crimes against Nigeria's citizens.

Boko Haram's attacks—centered in the north—have primarily targeted police and other government security agents, Christians worshiping in church, and Muslims who the group accuses of having cooperated with the government. Boko Haram has carried out numerous gun attacks and bombings, in some cases using suicide bombers, on a wide array of venues including police stations, military facilities, churches, schools, beer halls, newspaper offices, and the United Nations building in the capital, Abuja. In addition to these attacks, the group has forced Christian men to convert to Islam on pain of death and has assassinated Muslim clerics and traditional leaders in the north for allegedly speaking out against its tactics or for cooperating with authorities to identify group members. [...]

### **State protection against Boko Haram and Ansaru attacks (particularly in north Nigeria)**

- [Agence France Presse, Boko Haram kill 40, torch 300 homes in Nigeria: official, 4 November 2013](#)

[...] The military maintains that its massive offensive against the Islamists, which has included aerial bombings, has left the group in disarray and contained the rebel fighters in remote parts of the northeast. But a major attack last month in Damaturu, the heavily fortified capital of northeastern Yobe state, cast doubt on that claim. Shekau [Boko Haram's purported leader] claimed responsibility for the October 24 attack in a video released on Sunday and obtained by AFP. On December 14, Jonathan will have to decide whether to extend the state of emergency when its six-month mandate expires. Some analysts say the emergency measures and the military assault have been effective, while others counter that Boko Haram could still regroup and resume attacks on a range of targets across the country. [...]

- [Amnesty International, Nigeria: Authorities must investigate deaths of Boko Haram suspects in military custody, 16 October 2013](#)

[...] Hundreds of people may have died in detention facilities run by the Joint Task Force (JTF) in 2013. Amnesty International is calling on the Nigerian authorities to conduct a thorough, impartial and transparent investigation into the deaths, as a matter of urgency. Amnesty International received credible information from a senior officer in the Nigerian Army that over 950 people died in detention facilities run by the Joint Task Force in the first six months of 2013 alone. A large proportion of these people are believed to have died in Giwa military barracks in Maiduguri, Borno state and Sector Alpha, commonly referred to as 'Guantanamo' and Presidential Lodge (known as 'Guardroom') in Damaturu, Yobe state -

facilities used by the JTF to detain people suspected of being members of or associated with Boko Haram. According to former detainees interviewed by Amnesty International, people died on an almost daily basis in Giwa barracks as well as Sector Alpha detention centres, from suffocation or other injuries due to overcrowding and starvation. Some suffered serious injuries due to severe beating and eventually died in detention due to lack of medical attention and treatment. Others were reportedly shot in the leg during interrogation, provided no medical care and left to bleed to death [...]

➤ [Integrated Regional Information Networks \(IRIN\), Boko Haram violence takes toll on education, 4 October 2013](#)

[...] The Nigerian government declared a state of emergency in northeastern Borno, Yobe and Adamawa states on 14 May and heavily deployed troops to neutralize BH and dislodge them from areas they had taken over, especially in northern Borno on the border with Cameroon, Niger and Chad.

The strategy has failed to stop the attacks, which have become more frequent and deadlier despite the shut-down of telephone signals to prevent BH from coordinating attacks.

"Although there is increase in troop movement and military hardware deployment in the northeast, people were yet to see the kind of action on the ground that effectively nips criminal and terrorists activities in the bud," Bego [Yobe governor's spokesman] said in a 29 September statement. [...]

➤ [Agence France-Presse, Boko Haram kills 40 students in Nigeria college dorm, 29 September 2013](#)

[...] Military offensive criticised

The military has described the recent school attacks as a sign of desperation by the Islamists, claiming that they lack the capacity to strike anything but soft targets.

Defence officials have said that an offensive launched against Boko Haram in mid-May has decimated the group and scattered its fighters across remote parts of the northeast, the insurgents' traditional stronghold.

While many of the recent attacks have occurred in more remote areas, often targeting defenceless civilians, the unchecked killing has cast doubt on the success of the military campaign.

"Although there is increase in troop movement and... more military hardware in the northeast, people were yet to see the kind of action on the ground that effectively nips criminal and terrorist activities in the bud," the Yobe governor's statement said. [...]

➤ [BBC, Nigeria's 'Boko Haram': Abuja sees security forces targeted, 20 September 2013](#)

[...] Local vigilante groups have been formed to help counter the militants but scores of these volunteers have been killed in recent weeks. [...]

➤ [Jamestown Foundation, Nigerian Army Takes over Anti-Boko Haram Operation, 6 September 2013](#)

Nigerian President Goodluck Jonathan has authorized the creation of a new Nigerian Army Division dedicated to conducting operations against the Boko Haram Islamist militant group in the Borno, Yobe and Adamawa states of north-eastern Nigeria currently under a state of emergency. The new Division is taking over operations against Boko Haram from the multi-service Joint Task Force (JTF), a counter-terrorism force initially created to combat militants in the oil-rich Niger Delta, but whose deployment in north-eastern Nigeria during the current anti-terrorist offensive has been characterized as heavy-handed with a casual regard for the safety and security of civilians in combat areas.

The handover from the JTF to the new division took place on August 19 and marked a new stage in Operation BONOYA, a three-month old offensive against Boko Haram terrorists operating in northeastern Nigeria near the unsecured borders with Chad, Niger and Cameroon. With its headquarters in Maiduguri, the new division will be under the command of Major General Obida Etnan, former commander of the Army Garrison Headquarters in Abuja (Nigerian Tribune, August 18).

Three armored brigades currently based in the northeastern states of Bauchi, Borno and Adamawa will form the core of the new division along with the 241st Reconnaissance Battalion in Yobe, which brings the Nigerian Army to a strength of six divisions with headquarters in Maiduguri, Kaduna, Jos, Bradan, Lagos and Enugu (Daily Trust [Abuja], August 19; Nigerian Tribune, August 18). Some 900 Nigerian troops that were prematurely withdrawn from their mission in Mali will also be directly assigned to the new division

(Leadership [Abuja], August 19; for the Nigerian withdrawal from Mali, see Terrorism Monitor Brief, July 25).

Earlier this year, Chief of Army Staff Lieutenant General Onyeabo Azubuike Ihejirika created a new counterterrorism training center in Kontagora (Niger State) where Nigerian troops could receive advanced training for operations against Boko Haram. The director of the training facility, Brigadier General TK Golau, said the course included training in house entry and clearance, urban patrols, unarmed combat, arms skills, the creation of road-blocks and checkpoints, recognition and disposal of IEDs and "the dynamics of terrorism and insurgency as they relate to Boko Haram, among others" (Leadership [Abuja], February 21).

The creation of the new division came a day before General Ihejirika made a scathing speech before various commanding officers in which he criticized the army's mode of operations against Boko Haram and complacency in the officer corps that was allowing infiltration of the military by terrorists (Channels TV, August 19). The remarks were a counterpoint to President Goodluck Jonathan's more optimistic views: "We are consistently adapting our security architecture to deal with terrorism which has become a challenge to the whole world. Boko Haram is being progressively weakened but we are not resting on our oars. We will continue to do everything possible to achieve greater security for all who reside within our borders" (Guardian [Lagos], August 31).

However, despite his efforts to improve discipline in the Army's ranks, General Ihejirika has come under accusations of nepotism and ethnic favoritism from other senior officers who have gathered under the banner of the Group for the Salvation of the Nigerian Army (Osun Defender/Punch [Lagos], September 4). Meanwhile, attempts by the civilian population to assert themselves against Boko Haram terrorists through the formation of vigilante groups backfired on August 31 when roughly 100 members of a Borno vigilante group joined what they thought was a group of uniformed Nigerian troops on their way into the forest to apprehend Boko Haram members. The men instead led the vigilantes into an ambush in which 24 were killed (AFP, August 31; Reuters, August 31).

The vigilante groups are typically poorly armed (often bearing little more than machetes and clubs) but have played an important part in intercepting Boko Haram movements, making the vigilantes and their families a target for retribution. However, there are fears that the formation of vigilante groups from unemployed youth in the region will open the door to their use as private militias by various politicians (Nigerian Tribune, September 1).

➤ [Reuters, ANALYSIS-Nigeria backlash against Boko Haram spurs risky vigilante war, 11 August 2013](#)

[...] Nigerian ironworker Ba Kaka initially felt sympathy for Boko Haram's violent uprising against a state he and many others saw as corrupt, un-Islamic and kowtowing to Western ideology.

But as deaths mounted in the Islamist sect's bloody campaign against state institutions, security services, Christians and even school children in northeast Nigeria, he began to see them as a threat to his life and livelihood.

"We thought they were doing God's work at the beginning, but over time, we realised they were just a cult," said Kaka, who was forced to close his shop in the northeast's main city of Maiduguri after a spate of Boko Haram attacks in his area.

Kaka is part of a popular backlash against the Islamists - a member of one of a number of government-approved vigilante groups that have become a weapon in a military offensive that has dismantled Boko Haram networks and squeezed its fighters into a mountainous area by the Cameroon border.

Though the sect remains the gravest threat to Africa's most populous country and top oil producer, it is weaker than it has been for years.

Yet the decision to give these gangs of largely unemployed youths the go ahead to hunt down militants risks dragging civilians further into the north's conflict. Reprisals are already a problem, and security troubles could emerge further down the line, as has happened in the past with youth gangs.

Though the state is not giving them guns, a few have acquired them anyway. Kaka himself uses his iron-working skills to fashion bladed weapons like machetes for the militias. [...]

Before May, Boko Haram had seemed close to setting up a de facto Islamic state in the lawless border areas around Lake Chad, where Nigeria meets Chad, Cameroon and Niger. Local council officials had fled and police stations were empty, especially in Borno state, relic of an old Islamic caliphate.

The military crackdown has re-established sovereignty over these areas. Military officials say senior Boko Haram commanders have also been killed or arrested - though they decline to name names - which could mean a secession crisis if Shekau is caught. [...]

Since the vigilantes rose up, Boko Haram, whose name roughly translates to "Western education is forbidden", has turned on civilians. Fighters killed dozens of people in assaults on Western-style schools, which Islamists suspect harbour youths who are informants.

"Boko Haram can intimidate the (vigilantes) by targeting their family members and villages where they are strong," said Jacob Zenn of the Washington-based Jamestown Foundation.

This will in turn lead to paranoia and over-reaction by the vigilantes when they hunt homes for militants, he said.

Shehu Sani, president of Nigeria's Civil Rights Congress, says there have been cases of summary executions and burning down the houses of suspects by the vigilantes - the sort of abuses Nigeria's military had been accused of in the past.

"The army is starting to use them to perpetrate things they don't want to be seen to be doing themselves," he said.

Nigeria's history is riddled with examples of angry, destitute youths who formed groups backed by politicians for a particular purpose, which then grew out of control. [...]

- [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 113. IDMC-NRC [Internal Displacement Monitoring Centre of the Norwegian Refugee Council] stated that counter-terrorist operations had often resulted in human rights violations committed by the security forces.

114. IHRC [Islamic Human Rights Commission] stated that the security forces had inflicted serious human rights abuses in their campaign against Boko Haram following the claim that Boko Haram was responsible for the bomb blast at the United Nations office in Abuja and the attack at St. Theresa Catholic Church in Madalla. [...]

- [Thompson Reuters, Nigeria to pull many peacekeepers from Mali, Darfur, 19 July 2013](#)

[...] Nigeria plans to withdraw much of its 1,200-strong contingent from international peacekeeping missions in Mali and Sudan's Darfur region saying the troops are needed to beef up security at home, sources familiar with the matter said on Thursday.

Nigeria is battling Islamist group Boko Haram, but the troop withdrawal comes just 10 days before a presidential election in Mali, which is meant to restore democracy after a coup and the occupation of the desert north by al Qaeda-linked rebels last year.

The 12,600-man U.N. mission in Mali is rolling out to replace most of the 4,500 French forces who intervened successfully in January to halt an Islamist advance south.

"It seems Nigeria is pulling out its infantry but leaving some other elements ... I think that it is because the troops are needed at home," said a Nigeria-based diplomat.

A Nigerian military source and two other diplomats in West Africa confirmed the planned pullout, saying it was mainly due to the need to tackle the country's own insurgency. [...]

A two-month offensive against Boko Haram in northeast Nigeria since President Goodluck Jonathan declared a state of emergency in mid-May has stretched its security forces and new rotations are needed to go in. [...]

- [Agence France-Presse, Armed gang kills 48 in raid in Nigeria: official, 19 June 2013](#)

[...] An armed gang has raided a northern Nigerian village and killed 48 people in an apparent reprisal attack targeting a local vigilante group, a state official said Wednesday.

The attack saw gunmen move house to house as well as take positions atop a hill and open fire, the official said. Houses were also burnt, but it was not clear how many.

"There was an attack by armed bandits early Tuesday on Kizara village where 48 residents were killed in apparent targeted killings by cattle rustlers that have been terrorising the state for some time now," said

Ibrahim Birnin-Magaji, commissioner for information in Zamfara state, where the remote village is located.

Dozens of gunmen arrived in the village before dawn on motorbikes, he told AFP.

"Some of them climbed up the hill overlooking the village and opened fire indiscriminately," he said.

"They later moved house to house, telling residents that they were looking for members of local vigilante (groups) whom they said had been disturbing them."

He said those killed included the local chief, the chief imam and the head of the vigilante group in the village.

"The police from nearby Keta mobilised and engaged the bandits in a shootout, but they were overwhelmed by the gunmen's superior firepower and were forced to retreat," said Birnin-Magaji.

Many villages in Nigeria form local vigilante groups to defend themselves against violent cattle rustlers or other criminal gangs, sometimes leading to a cycle of clashes and reprisal attacks.

Zamfara state, located in Nigeria's northwest, has seen a number of such incidents. [...]

➤ [Integrated Regional Information Networks \(IRIN\), Analysis: Nigerians on the run as military combat Boko Haram, 22 May 2013](#)

[...] Since January 2013 BH [Boko Haram] has taken control of Marte, Mobbar, Gubio, Guzamala, Abadam, Kukawa, Kala-Balge and Gamboru Ngala local government areas in northern Borno, chasing out local government officials, taking over control of government buildings and imposing Sharia law.

This prompted President Goodluck Jonathan to declare last week that he would "take all necessary action... to put an end to the impunity of insurgents and terrorists," including the arrest and detention of suspects, taking over BH hideouts, the lockdown of suspected BH enclaves, raids, and arresting anyone possessing illegal weapons.

The military crackdown came after several attempts at dialogue - the most recent on 17 April, when the president set up a 26-member Amnesty Committee (headed by Nigerian Special Duties Minister Kabiru Tanimu) with a three-month mandate to try to convince BH to lay down its arms in exchange for a state pardon and social reintegration.

Dialogue soon broke down, and BH stepped up bombing attacks and assassinations in April and May in apparent defiance of the proposed amnesty. BH has repeatedly rejected peace talks, citing insincerity on the part of the Nigerian government following a series of failed mediated negotiations.

On 8 and 9 May the Amnesty Committee met Nigerian security chiefs in Abuja and then BH members in detention in Kuje prison near Abuja to gather information on how to reach out to the BH leadership for talks. But on 9 May around 200 BH gunmen, armed with rocket launchers and rifles, launched coordinated attacks on security forces in the town of Bama in northern Borno, including a military barracks, a prison and police buildings, killing 42 people including soldiers, policemen, prison guards and civilians and freeing 105 inmates. Some 13 BH gunmen were killed in the attacks, according to the military.

In a 13 May video, BH leader Abubakar Shekau rejected the government's amnesty overtures and vowed not to stop his group's violent campaigns to establish an Islamic state in Nigeria.

Flip-flopping

The government's flip-flop approach is evidence of its frustration with the deteriorating security situation. But the next steps are not clear. "Deployment of troops and the declaration of war on BH by the president have put a huge stumbling block on the path of the Amnesty Committee," said Mohammed Kyari, a political science professor at Modibo Adama University of Science and Technology in neighbouring Adamawa State capital Yola, which is also affected by the emergency decree.

"It will now be difficult to win the confidence of BH which is crucial in bringing them to the negotiating table because you can't talk of peace on one hand and be deploying troops on the other." A leading rights activist in the north, Shehu Sani, who has participated in past negotiations with BH, agrees.

But many say the government had no choice. Yahaya Mahmud, a prominent constitutional lawyer in Nigeria, told IRIN: "No government anywhere will allow a group to usurp part of territorial sovereignty. The declaration of a state of emergency was necessitated by the constitutional obligation to restore a portion of Nigeria's territory taken over by an armed group which involves the suspension of constitutional provisions relating to civic rights."

The fear now is that the more violent the crackdown, the greater the chance of radicalizing angry young men to join the rebel cause. Babagoni Kachalla, a resident of Wuljo, one of the areas taken over by BH in northern Borno, said BH has been going village-to-village since January in all-terrain vehicles fitted with

loudspeakers to gather recruits and preach their ideology. In the days leading up to the military response, BH fighters stepped up their recruitment drive, said Borno State residents.

Political scientist Kyari worries, in response to the crackdown, that BH will just shift their bases. "BH can't face Nigerian troops in conventional war; the troop deployment to northern Borno means they will move out to other towns and cities with less military presence and launch guerrilla war, which is deadlier." [...]

➤ [U.S Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)

[...] *Abuses by Rebel or Foreign Forces or Terrorist Organizations*

[...] Government attempts to stop Boko Haram were largely ineffective. Actions taken by security forces often increased the death toll, especially in the remote and troubled city of Maiduguri, Borno State, where large clashes between Boko Haram and security personnel occurred frequently. Religious leaders, civil society, and international human rights organizations condemned the government's heavy-handed military response in Maiduguri. [...]

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

[...] In contrast to its response to sectarian violence, the Nigerian government in 2012 took a number of steps to prevent or end Boko Haram attacks in northern Nigeria. President Goodluck Jonathan declared a six-month state of emergency in Borno, Yobe, Niger, and Plateau states on December 31, 2011, allowing the Nigerian army to enter those states. However, rather than stop Boko Haram, the army's use of excessive force exacerbated the problem. Hundreds of Muslims were jailed without charge for being suspected Boko Haram members, with trial dates yet to be determined. The Nigerian government attempted three times in 2012 to enter into peace negotiations with the group, which failed when Boko Haram continued to undertake acts of violence. On November 25, the government announced hundreds of thousands of dollars of rewards for information leading to the capture of suspected Boko Haram leader and U.S.-designated terrorist Abubakar Shekau and other senior Boko Haram commanders.

Due to repeated Boko Haram attacks on churches, the Nigerian government has taken steps to try to protect churches, including stationing police and erecting barriers at church entry points. While this has not stopped all attackers, it has prevented a number of them from reaching their targets, thereby reducing the number of deaths and injuries. [...]

➤ [Human Rights Watch, Spiraling Violence: Boko Haram Attacks and Security Force Abuses in Nigeria, 11 October 2012](#)

[...] Summary

[...] Nigeria's government has responded with a heavy hand to Boko Haram's violence. In the name of ending the group's threat to citizens, security forces comprising military, police, and intelligence personnel, known as the Joint Military Task Force (JTF), have killed hundreds of Boko Haram suspects and random members of communities where attacks have occurred. According to witnesses, the JTF has engaged in excessive use of force, physical abuse, secret detentions, extortion, burning of houses, stealing money during raids, and extrajudicial killings of suspects. These killings, and clashes with the group, have raised the death toll of those killed by Boko Haram or security forces to more than 2,800 people since 2009. [...]

On December 31, 2011—after a series of Boko Haram bombings across northern Nigeria—President Goodluck Jonathan declared a state of emergency, which suspended constitutional guarantees in 15 areas of 4 northern states. The state of emergency, which remained in effect for six months, did not ameliorate insecurity. Nor did regulations issued in April 2012 that detailed emergency powers granted to security forces to combat the Boko Haram threat. The group carried out more attacks and killed more people during this six-month period than in all of 2010 and 2011 combined. Nigeria has kept Boko Haram suspects in detention often incommunicado without charge or trial for months or even years and has failed to register arrests or inform relatives about the whereabouts of detainees. [...]

IV. Security Forces Abuses

[...] The government has deployed security personnel across northern and central Nigeria in an effort to protect vulnerable minority groups and other potential targets of violence. In Maiduguri, for example, Human Rights Watch observed, in May 2012, military and police personnel behind sandbagged barricades guarding the city's prominent churches. Although security personnel often become targets themselves,

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these extra measures have provided protection that is critical for vulnerable groups in this region. Nevertheless, the conduct of the security forces has also undermined the effectiveness of the enhanced security procedures. [...]

According to civil society leaders, JTF abuses have created growing resentment in communities, making community members more reluctant to provide information that could help curtail Boko Haram.

As one prominent civil society activist in the north said: "The abuses by the JTF have created more distance between the people and the government. Ordinary people are alienated by the activities of the JTF, so they don't want to cooperate." [...]

Residents might also shun the police and military because of the prevalence of corruption within the security agencies, which has eroded social interaction with communities and undermined efforts to tackle Boko Haram. [...]

### 3.9 Female Genital Mutilation (FGM)

The conclusion for this main category of claim states:

Excerpt from January 2013 Nigeria OGN

3.9.6 Conclusion Whilst protection and/or assistance are available from governmental and non-governmental sources, this is limited. Case owners will need to ensure that each case is considered on its own merits, however in general those who are unable or, owing to fear, unwilling to avail themselves of the protection of the authorities, can safely relocate to another part of Nigeria where the family members who are pressurising them to undergo FGM would be unlikely to trace them. Women in this situation would if they choose to do so, also be able to seek protection from women's NGO's in the new location.

The concluding guidance suggests that protection and assistance, though limited, is available for girls or women who are at risk of FGM, and it further asserts that IFA is likely to be relevant. This is despite no COI being included throughout the OGN that specifically addresses these two issues in relation to FGM.

With regards to the possibility to safely and reasonably relocate to another part of Nigeria, please refer to the [2.4 Internal Relocation](#) section below.

As for protection, the COI available in the public domain and presented below highlights that protection and assistance is not just limited, but practically unavailable from the government.

- **State protection available for girls fearing FGM**
- [U.S. Department of State, Country Reports of Human Rights Practices for 2012: Nigeria, 19 May 2013](#)  
[...] Section 6. Discrimination, Societal Abuses, and Trafficking in Persons  
[...] The federal government publicly opposed FGM/C but took no legal action to curb the practice. Twelve states banned FGM/C; however, once a state legislature criminalized FGM/C, NGOs found they had to convince local government authorities that state laws applied in their districts. [...]
- [Freedom House, Freedom in the World 2013 - Nigeria, January 2013](#)  
[...] Although the federal government publicly opposes female genital mutilation, it has taken no action to ban the practice. [...]
- [Country of Origin Research and Information \(CORI\), CORI Thematic Report, Nigeria: Gender and Age, December 2012](#)  
[...] 2.3.3.6 Access to justice  
[...] In July 2011 the Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health stated that law enforcement authorities do not intervene in FGM cases, which are viewed as a private, family matter, the NGO was not aware of any prosecutions for carrying out FGM,  
"FGM is considered a private matter, and Nigerian authorities generally do not interfere. We as an NGO have never heard of anybody being prosecuted for carrying out FGM. The law enforcement authorities see FGM as a family problem."  
In an interview with CORI in July 2011 the Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health reported that FGM is considered a private family matter and that the state does not get involved with tackling it,  
"FGM is considered a private matter, and Nigerian authorities generally do not interfere. It is difficult to apprehend the [FGM] violators because the victim is usually a baby (talking about south western Nigeria) and the parents and the circumcisers are willing collaborators. The State does not interfere with the issue of FGM and the work on FGM elimination has been solely the prerogative of NGOs."  
[...] 2.3.3.7. Access to support

In a July 2011 interview with CORI the Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health reported that few women have used a hotline set up by the organisation, they further report losing contact with a woman they were supporting who went into hiding due to threats from her in-laws,

"Though we set up a hotline for victims to call and maybe we could rescue them, we have had very few people calling in and mainly parents who one way or the other had listened to our programmes on radio or are opportune to attend sensitization programmes and we have been able to dissuade them from circumcising their children. It is rare to have victims themselves call for assistance because in most cases they are minors and have no choice but to succumb to the dictates of their parents. Once we had an adult but she later went underground and we could not locate her because of the threats from her in-laws."

In a July 2011 interview with CORI the Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health stated that there are no shelters or protection schemes for women who fear forcible subjection to FGM. In response to a question concerning whether there any protection schemes available to individuals who fear being the victim of family violence or subjected to FGM the Inter African Committee stated, "No except few NGOs who have established homes for victims of Domestic Violence but not that of FGM." [...]

➤ [Immigration and Refugee Board of Canada: Nigeria: Whether parents can refuse female genital mutilation for their daughters; protection available to the child \[NGA104220.E\], 21 November 2012](#)

[...]3. State Protection

[...] 3.2 Effectiveness

A 2010 report on Nigeria by the UN Committee on the Rights of the Child noted the lack of updated information on the measures taken by Nigeria to prevent and eliminate harmful traditional practices (UN 21 June 2010, para. 65).

[...] According to Okeke, even though parents can lodge complaints at the police station in states where FGM is prohibited, "many people will not exercise this option as [FGM] is considered a family issue" (7 Nov. 2012). The CWSI representative indicated that people's attitude toward FGM being practiced is "it's not my business' and so no one is reported" (12 Nov. 2012). The CWSI representative added that "the law does not go into communities where [FGM is practiced] to monitor and punish offenders" (12 Nov. 2012). Okeke indicated that "[m]ost likely, police will also consider it a family affair and refuse to interfere" (Okeke 7 Nov. 2012). She further pointed out that "people hardly go to court for many reasons: Nigerians are generally non-litigious, many people are afraid of the aftermath of litigation (may breed bad name, etc.), people avoid stigma, the penalty is not severe, amongst other reasons" (ibid.). The Women's Rights Watch Nigeria project coordinator indicated that she is not aware of this offence having been prosecuted (7 Nov. 2012). She also indicated that laws that ban FGM are not used because it is a "cultural belief and widely accepted by people" (Women's Rights Watch Nigeria 7 Nov. 2012). She further indicated that other states have not criminalized this practice for the same reasons (ibid.). The CWSI representative expressed the view that, when the majority of the members in state legislative bodies favour patriarchy, laws that address issues such as FGM will not be enacted, since for them "it is not an issue" (12 Nov. 2012). [...]

➤ [Bertelsmann Stiftung, BTI 2012 — Nigeria Country Report, December 2012](#)

[...] 3 Rule of Law

[...] The state lacks the ability to protect women and girls, in particular of lower status, from violence including rape, spousal abuse, female circumcision and abuses perpetrated through customary law [...]

➤ [Amnesty International, Human Rights Agenda 2011-2015, 14 October 2011](#)

[...] 7.3 Domestic Violence and Violence in the Community

[...] In many communities, the harmful traditional practice of female genital mutilation continues to traumatize young girls and leave women with lifelong pain and damage to their health. In most cases, the criminal justice system fails to offer protection, justice or reparation to women who have been subjected to violence in the home or community. [...]

➤ [Leadership, Nigeria: Female Genital Mutilation - Will the 'Cutting' Stop?, 28 February 2011](#)

Beyond policy formation, the government of the Federal Republic of Nigeria, through a signatory to the Maputo Declaration on the Prohibition of all Harmful Practices Against Women, has not taken steps aimed at achieving results. What would have been responsible [sic] for this action?

Stakeholders have continued to express worry over the fact that though Nigeria is a signatory to the Maputo Declaration on the Prohibition of all Harmful Practices against Women, the federal government has not taken concrete steps, beyond policy formulation, to curb the menace of Female Genital Mutilation (FGM), in the country. [...]

- [Inter-African Committee on Traditional Practices Affecting the Health of Women and Children, LEGISLATION TO ADDRESS THE ISSUE OF FEMALE GENITAL MUTILATION \(FGM\) Expert paper prepared by: Ms. Berhane Ras-Work, Executive Director Inter-African Committee on Traditional Practices Affecting the Health of Women and Children Addis Ababa, Ethiopia, Expert Group Meeting on good practices in legislation to address harmful practices against women, United Nations Conference Centre Addis Ababa, Ethiopia 25 to 28 May 2009, 21 May 2009](#)  
[...] Nigeria  
[...] Lessons Learnt: Some bold excisers [sic] make mockery of the laws and dare any lawenforcement agent to arrest them [...]

The OGN asserts that protection may be provided by NGOs. As part of the establishment of a Common European Asylum System (CEAS), the EU introduced in April 2004 the first Qualification Directive, one of five legal instruments that make up the EU *acquis* (body of law) on asylum. Article 7 established that protection could be provided by: (emphasis added):

#### Article 7

##### Actors of protection

1. Protection can 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.**

2. Protection is generally provided when the actors mentioned in 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 the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Council acts.<sup>1</sup>

An NGO providing shelter clearly does not come under this definition of actors providing protection.

The position of the European Council on Refugees and Exiles (ECRE) is that:

non-state actors should never be considered as actors of protection. Non- State actors cannot be held accountable under international law and are often only able to provide protection which is limited in duration and scope. Given the inclusion of the requirements to provide protection which is effective and non-temporary it is extremely unlikely that non-State actors will be able to fulfil this requirement in practice.<sup>2</sup>

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<sup>1</sup>[European Union, Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted](#)

<sup>2</sup>[ECRE, ECRE Information Note on the 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](#)

Please note here that Article 7 (2) of the Qualification Directive states that protection is “generally provided” where reasonable steps are taken to “prevent the persecution” by “operating an effective legal system for the detection, **prosecution and punishment of acts** constituting persecution [emphasis added]”. COI included in the OGN at paragraphs 3.9.4 and 3.9.5 highlights the fact that no cases of legal prosecution have so far been brought forward:

Excerpt from January 2013 Nigeria OGN

3.9.4 FGM is a phenomenon found in large parts of Nigeria, but there is great variation in how it is practised. There is a clear tendency that the share of girls and young women subjected to FGM is decreasing with every generation. FGM is practised by all larger ethnic groups in Nigeria, but other social factors influence the practise and cause great variation within these ethnic groups. FGM is a criminal offence in a number of Nigerian states, but no cases of legal prosecution of people who have subjected girls or women to FGM have been recorded. Projects against FGM, run by both state authorities and NGOs, focus on information to the general public and consciousness building. Differentials in the prevalence of female circumcision by age indicate that the practice has become less common over time. Women age 45- 49 are nearly twice as likely as women age 15-19 to have been circumcised (38 percent compared with 22 percent).

3.9.5 The federal government publicly opposed FGM but took no legal action to curb the practice. Twelve states banned FGM; however, once a state legislature criminalised FGM, NGOs found that they had to convince the local government authorities that state laws applied in their districts. The Ministry of Health, women’s groups, and many NGOs sponsored public awareness projects to educate communities about the health hazards of FGM; however, underfunding and logistical obstacles limited their contact with health care workers.

In 2011 the EU recast the Qualification Directive, which applies to all EU Member States except the UK, Ireland and Denmark which opted out of the recast Directive. The UK and Ireland will continue to be bound by Directive 2004/83/EC whilst Denmark is not bound to either of these Directives. The recast Article 7 amends the concept of actors of protection in so far as it clarifies that protection **can only be** provided by the actors indicated on this provision, as well as by requiring that protection must be effective and of a non-temporary nature [emphasis added]:

Article 7

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.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Union acts.<sup>3</sup>

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[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 \(recast\), 7 October 2013](#)

<sup>3</sup>[European Union, 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 \(recast\)](#)

### 3.10 Victims of trafficking

The conclusion for this main category of claim states:

#### Excerpt from January 2013 Nigeria OGN

3.10.7 Conclusion That a person has been trafficked is not, in itself, a ground for refugee status. However, some trafficked women have been able to establish a 1951 Convention reason (such as a membership of a particular social group) and may have valid claims to refugee status. Forced recruitment of women for the purposes of forced prostitution or sexual exploitation is a form of gender-related violence and/or abuse and may amount to persecution. Trafficked women may face serious repercussions upon their return to their home country, such as reprisals or retaliation from trafficking rings or individuals, or discrimination from their community and families and there may be a risk of being re-trafficked. Each case should be considered on its individual merits and in the context of the country on which it is based.

3.10.8 Where a victim of trafficking has agreed to give evidence as part of a criminal prosecution consideration should be given to whether this is likely to affect the basis of the asylum claim (for example by increasing the risk of retribution), and therefore whether the decision should be postponed until after the trial is concluded. The impact of the applicant's evidence at the trial on the likelihood of future risk can then be assessed. It may be necessary to liaise with the police in this situation.

3.10.9 Support and protection from governmental and non-governmental sources in Nigeria are generally available to victims of trafficking. Internal relocation will often also be a viable option for applicants who fear reprisals from traffickers upon return to the country. Case owners should refer to paragraph 192 of PO Nigeria when considering the risk to an individual of being re-trafficked. Applications from those who have been trafficked and who are able to demonstrate that the treatment they will face on return amounts to torture, inhuman or degrading treatment must be considered in the context of the individual circumstances of each claim. Not all trafficked women returning to Nigeria will be able to access the arrangements and facilities available to enable successful re-integration and as such some trafficked women may well be members of a PSG. Where an applicant is able to demonstrate that they fall into this category a grant of asylum may be appropriate.

The concluding guidance for this category of claimants suggests that effective protection is generally available to victims of trafficking, but recognises that some women might not be able to access the services needed for a successful re-integration. However, it is considered that the COI included at paragraphs 3.10.2 – 3.10.6 is outdated as it is taken from the U.S. Department of State annual trafficking report covering 2011, the website of the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) accessed in November 2011 and the 2008 report of the Danish Immigration Service Fact-Finding Mission report respectively. Moreover, more recent, though limited, COI found in the public domain continues to highlight the serious difficulties of accessing effective protection and services and suggests that firstly, support from NGOs is insufficient and secondly, that state sponsored support is inadequate and protection not effective:

- [U.S. Department of State, Trafficking in Persons Report 2013: Nigeria, 19 June 2013](#) [emphasis added]

[...] During the reporting period, the government demonstrated a modest increase in anti-trafficking law enforcement efforts through the conviction of 25 traffickers and the provision of specialized anti-trafficking training to officials by various government ministries and agencies. The National Agency for the Prohibition of Trafficking in Persons and Other Related Matters (NAPTIP) received a slight increase in funding in 2012. 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 the Nigerian Police Force (NPF) continued to experience difficulty identifying trafficking victims. The Ministry of Labor did not make any new efforts to address labor trafficking during the reporting period.

[...] Prosecution

[...] The government conducted extensive training sessions throughout the reporting period

[...] Despite these efforts, however, high levels of training remained difficult to maintain, as police officers within the NPF were frequently rotated to different positions and many never receive antitrafficking training.

[...] Protection

The Government of Nigeria made slightly increased efforts to protect trafficking victims during the year.

[...] All victims identified by NAPTIP received initial screening and assistance by NAPTIP, after which 250 victims were referred to government-run care facilities for further medical care, vocational training, education, and shelter

[...] In 2012, NAPTIP continued to operate eight shelters with a total capacity of 293 victims, an increase in capacity from 2011. Through these shelters, NAPTIP provided access to legal, medical, and psychological services, as well as vocational training, trade and financial empowerment, and business management skills. Victims who required additional medical and psychological treatment were provided services by hospitals and clinics through existing agreements with NAPTIP. While all shelter staff received basic training in victim care, NAPTIP funded additional specialized training for 50 counselors during the reporting period that was conducted by a local university and UNODC. The NAPTIP shelters offered short-term care, generally limiting victims' stays to six weeks, though victims were allowed to extend their stays under special circumstances. If victims needed longer-term care, they could be referred to two shelters operated by the Ministry of Women's Affairs in Kano and Benin City; during the reporting period, NAPTIP referred 20 victims to these two shelters. Additionally, NAPTIP collaborated with NGO-run shelters, which also provided longer-term care. Victims in NAPTIP shelters were not allowed to leave unless accompanied by a chaperone

[...] **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; consequently, many victims are not afforded adequate care upon their return to Nigeria. This is of particular concern, as some European countries deny Nigerian victims' attempts to seek asylum or access to European victim programs on the basis of the perceived availability of adequate victim services in Nigeria.[...]**

➤ [Institute for Public Policy Research, Homecoming: Return and Reintegration of Irregular Migrants from Nigeria, April 2013](#)

[...] Executive Summary

[...] There are currently many gaps in the support available to people returning to Nigeria. Some returnees are better supported than others. The policy response to return migration only caters for the extreme ends of the returnee experience. Services are developed partially for migrants perceived as the most vulnerable (female victims of trafficking, for example), and the most valuable (such as the highly skilled diaspora). This is not to say that the support in place for trafficked people is sufficient to meet acute and substantial needs.

[...] 2.3.3 Journey to the country of origin

Previous research by IPPR found that in many cases there was a lack of smooth transition between European and Nigerian agencies as people were returned (Cherti et al 2013). Victims of trafficking who had been returned to Nigeria through an AVR scheme arrived at the airport with no one to meet them, and had no means of contacting the organisation that they had been given details of. Some ended up in detention in Nigeria, or were met at the airport by their trafficker (ibid).

[...] 4.2 Return and reintegration in practice

[...] Furthermore, although support was available for people who had been trafficked, we found that it did not meet their needs. The support was not provided in such a way as to be therapeutic. While it met basic material needs, it was often offered on a short-term basis without adequate follow-up, as opposed to long-term support which helps people to become independent gradually over time. Support to enable trafficked people to access employment is particularly narrow. Yet this is important: previous IPPR research (Cherti et al 2013) has found that women's inability to support themselves through work, whether due to discrimination or low training opportunities, was a key factor that made them vulnerable to trafficking.

[...] Some stakeholders and interviewees reported that some organisations lacked sensitivity to the issues surrounding social reintegration. One interviewee reported that although she was afraid of contacting her family because they had colluded with her trafficker, her support provider had contacted them regardless,

on the assumption that family reintegration would be the final outcome of their intervention – despite the abuse that the interviewee had suffered. [...]

➤ [Institute for Public Policy Research, Beyond Borders, Human Trafficking from Nigeria to the UK, January 2013](#)

[...] Executive Summary

[...] Under the current system, victims of trafficking are often not able to access protection that is open, targeted, supportive and transformational, whether in the UK or Nigeria.

[...] Former victims of trafficking face significant vulnerability in Nigeria. The close relationship between traffickers and the communities that trafficked people originate from, or their families, causes particular difficulties. Even where the risk of re-trafficking can be avoided, the prospects of former trafficking victims remain poor: as well as returning with possible health problems and broken social networks, the social stigmatisation of former trafficking victims is high. The capacity of support organisations in Nigeria is low, with support frequently constrained by lack of funding and poor coordination. While some services are highly professional and proficient, this is not the case across the board. Victims' support too often lacks therapeutic value and is unsafe. 'Safe' houses are known targets of traffickers. Some services presume the ultimate outcome to be family reunification, but this is often inappropriate. Vulnerability to traffickers often started as a result of individuals fleeing a violent or abusive family situation. In other cases, family members were complicit in the trafficking or relatives were at risk of reprisals.

[...] 5.2 Prosecution of traffickers in Nigeria

The problem of trafficker impunity in Nigeria is still acute. Consequently, many offenders are able to operate with little risk of prosecution (Okojie 2009). Nigeria's weak rule of law, coupled with at times the indifference and even, according to our stakeholder respondents, the active involvement of police and other officials, has led to low penalties and prosecution rates for trafficking. Low prosecution rates for violent crimes such as sexual assault as well as low tariffs for those convicted are also an issue. This is in part because, outside NAPTIP itself, knowledge and concern about trafficking among officials and police is perceived to be generally low. NAPTIP has been making some efforts to address this, for example through educational outreach with federal and state judges on the particular complexities of trafficking crimes (US Department of State 2012). At the same time, it seems that until the fundamental issues of corruption and malpractice among police and other officials are effectively addressed, these initiatives will have only a limited impact. Several respondents reported incidents of indifference or even active complicity when victims or their families notified police about their situation, only to be told it was a 'private' matter. In at least one case, the families were subsequently murdered. In another, the victim appeared to have been handed over directly from custody by police to a stranger, who then trafficked her into sexual exploitation.

[...] While in theory the penalties for trafficking were appropriate, even where prosecutions could be brought, this was undermined by the option for some offenders to pay a fine in place of serving a prison term. Of the 23 offenders convicted in the 2011/2012 period, eight were offered fines in lieu of a prison sentence, ranging from US\$63 to US\$316 (US Department of State 2012). These reflect neither the severity of trafficking as a crime nor its high profitability. At the same time, alongside the impunity of many traffickers, victims often have little recourse to official protection themselves. 'If the victim is concerned that she is being sold as a slave,' said one British stakeholder, '[she] can't go to the police as there's a very good chance [the trafficker] is being paid by criminals. They are in a no-win situation as not only will it not help, but it might get back to traffickers.' This view was also echoed by many respondents:

'The police there they cannot help you ... If I was in Nigeria and I [ran] away like I did, the police, what the police would do, even the college, they wouldn't help me. They'll say you have to go back or they'll call the [traffickers] themselves or they'll report you to the police, the [traffickers] will bribe them; and the police, they'll help them to beat you or send you back to the [traffickers].' Female victim, 21

This creates a potent enabling context for human trafficking. For the professional gangs, as well as the many 'ordinary' people such as family members who collaborate in the recruitment and exploitation of the victim, the incentives are not only the large and lucrative demand for trafficked persons but also the high levels of impunity. Trafficking is still regarded as a low-risk activity compared to its profit (UNESCO 2006). 'Trafficking is one of the booming businesses which traffickers earn a lot of money from,' said one Nigerian informant. 'The risk involved in trafficking is not as much as that of drug or arms trafficking, because a trafficker can recruit a victim, maybe from one particular point, with a minimum of amount of money.'

[...] 6.2. Within Nigeria

Our research identified that many organisations engaged in anti-trafficking within civil society can be vulnerable to political pressures and be reliant on senior political support rather than grassroots activism. Many actors lack resources and as a result struggle to work together due to funding pressures. NAPTIP did not provide a developed role to capture best practice nor encourage collaboration between different NGOs. [...]

The OGN also asserts that protection may be provided by NGOs. As part of the establishment of a Common European Asylum System (CEAS), the EU introduced in April 2004 the first Qualification Directive, one of five legal instruments that make up the EU *acquis* (body of law) on asylum. Article 7 established that protection could be provided by (emphasis added):

Article 7

Actors of protection

1. Protection can 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.**

2. Protection is generally provided when the actors mentioned in 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 the applicant has access to such protection.

3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Council acts.<sup>4</sup>

An NGO providing shelter clearly does not come under this definition of actors providing protection.

The position of the European Council on Refugees and Exiles (ECRE) is that:

non-state actors should never be considered as actors of protection. Non-State actors cannot be held accountable under international law and are often only able to provide protection which is limited in duration and scope. Given the inclusion of the requirements to provide protection which is effective and non-temporary it is extremely unlikely that non-State actors will be able to fulfil this requirement in practice.<sup>5</sup>

In 2011 the EU recast the Qualification Directive, which applies to all EU Member States except the UK, Ireland and Denmark which opted out of the recast Directive. The UK and Ireland will continue to be bound by Directive 2004/83/EC whilst Denmark is not bound to either of these Directives. The recast Article 7 amends the concept of actors of protection in so far as it clarifies that protection **can only be** provided by the actors indicated on this provision, as well as by requiring that protection must be effective and of a non-temporary nature [emphasis added]:

Article 7

Actors of protection

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<sup>4</sup>[European Union, Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted](#)

<sup>5</sup>[ECRE, ECRE Information Note on the 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 \(recast\), 7 October 2013](#)

THIS DOCUMENT SHOULD BE USED AS A TOOL FOR IDENTIFYING RELEVANT COUNTRY OF ORIGIN INFORMATION. IT SHOULD NOT BE SUBMITTED AS EVIDENCE TO THE HOME OFFICE, THE TRIBUNAL OR OTHER DECISION MAKERS IN ASYLUM APPLICATIONS OR APPEALS © Still Human Still Here 2013

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.
3. When assessing whether an international organisation controls a State or a substantial part of its territory and provides protection as described in paragraph 2, Member States shall take into account any guidance which may be provided in relevant Union acts.<sup>6</sup>

The following document lists organisations and their contact details that provide some form of shelter or assistance to victims of trafficking. It might be useful contacting these organisations directly in order to gain further information about the services they offer, the number of intakes, length of stay etc.

➤ [International Organization for Migration, Country Sheet: Nigeria, August 2013](#)

[...] IX. VULNERABLE PERSONS

1. Assistance to Women and Mothers returning alone (Gender Projects)

[...] Other minorities

- African Women Empowerment Group (AWEG)
- The Women’s Consortium of Nigeria (WOCON)
- Girls Power Initiative(GPI)
- Committee for the Support of the Dignity of Women (COSUDOW) [...]

Contact details for the governmental National Agency for the Prohibition of Traffic in Persons and other related matters (NAPTIP) can be found [here](#). According to its website they operate 8 shelters in a variety of locations throughout the country, with a total capacity of 293 places and length of stay limited to 6 weeks:

➤ [National Agency for the Prohibition of Traffic in Persons and other related matters \(NAPTIP\), Counseling & Rehabilitation Department, Undated \[last accessed: 5/11/2013\]](#)

Shelter management Section takes care of the day-to-day running of the shelter facilities established for housing rescued trafficked persons. Services offered at the shelter includes feeding, clothing, provision of regular hygiene products, physical exercises, basic educational courses. The Agency operates eight shelters across the country with the capacity to accommodate the following number of victims at a time.

S/N	LOCATION OF SHELTER	NUMBER OF BEDSPACE
1.	Abuja	38
2.	Lagos	60
3.	Benin	40
4.	Uyo	45
5.	Enugu	30
6.	Kano	30
7.	Sokoto	30
8.	Maiduguri	20

<sup>6</sup>[European Union, 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 \(recast\)](#)

TOTAL: 293 This statistics is on capacity rate and not occupancy rate.

Please note that NAPTIP operates transit and closed shelters because of the peculiarity of the Agency. Length of stay is limited to 6 weeks. Any person needing a longer stay is referred to the shelters owned by collaborating NGOs. [...]

Excerpt from January 2013 Nigeria OGN

3.10.7 Conclusion That a person has been trafficked is not, in itself, a ground for refugee status. However, some trafficked women have been able to establish a 1951 Convention reason (such as a membership of a particular social group) and may have valid claims to refugee status. Forced recruitment of women for the purposes of forced prostitution or sexual exploitation is a form of gender-related violence and/or abuse and may amount to persecution. Trafficked women may face serious repercussions upon their return to their home country, such as reprisals or retaliation from trafficking rings or individuals, or discrimination from their community and families and there may be a risk of being re-trafficked. Each case should be considered on its individual merits and in the context of the country on which it is based.

3.10.8 Where a victim of trafficking has agreed to give evidence as part of a criminal prosecution consideration should be given to whether this is likely to affect the basis of the asylum claim (for example by increasing the risk of retribution), and therefore whether the decision should be postponed until after the trial is concluded. The impact of the applicant's evidence at the trial on the likelihood of future risk can then be assessed. It may be necessary to liaise with the police in this situation.

3.10.9 Support and protection from governmental and non-governmental sources in Nigeria are generally available to victims of trafficking. Internal relocation will often also be a viable option for applicants who fear reprisals from traffickers upon return to the country. **Case owners should refer to paragraph 192 of PO Nigeria when considering the risk to an individual of being re-trafficked.** Applications from those who have been trafficked and who are able to demonstrate that the treatment they will face on return amounts to torture, inhuman or degrading treatment must be considered in the context of the individual circumstances of each claim. Not all trafficked women returning to Nigeria will be able to access the arrangements and facilities available to enable successful re-integration and as such some trafficked women may well be members of a PSG. Where an applicant is able to demonstrate that they fall into this category a grant of asylum may be appropriate.

The concluding guidance of the OGN refers case owners to "paragraph 192 of PO Nigeria". The CG case [PO \(Trafficked Women\) Nigeria CG \[2009\] UKAIT 00046 \(23 November 2009\)](#) was heard in November 2008 and January 2009, and its determination published in November 2009. In its appeal, [PO \(Nigeria\) v Secretary of State for the Home Department \[2011\] EWCA Civ 132 \(22 February 2011\) \[paragraph 58\]](#), only paragraphs 191 and 192 of the original determination were upheld and remain "interim guidance, pending further consideration" from the Immigration and Asylum Tribunal. Paragraph 191 determines that effective state protection is available to victims of trafficking, whilst paragraph 192 highlights that the risk of re-trafficking for victims of trafficking returned to Nigeria and reprisal against their family members is highest for those who have outstanding "target earnings", ie a particular sum of money for the trafficker or gang required to be earned by the victims before being free of any obligation to the trafficker or gang:

- [PO \(Trafficked Women\) Nigeria CG \[2009\] UKAIT 00046 \(23 November 2009\)](#) [emphasis added]

[...] Risk to Victims of Trafficking in being Re-trafficked on Return to Nigeria

192. It must be born in mind, however, that a claimant may still have a well-founded fear of persecution if she can show that the Nigerian authorities know or ought to know of circumstances particular to her case giving rise to his fear, but are unlikely to provide the additional protection her particular circumstances reasonably require. To that end:

(a) A very careful examination of the circumstances in which the victim was first trafficked must be undertaken and careful findings made. **If a victim has been told that she is required to earn a particular sum of money ("target earnings") for the trafficker or gang, before being free of any obligation to the trafficker or gang, then, if the victim should escape before earning the target sums, there may well be a risk to the victim that on return to Nigeria she may be re-trafficked if found.** The extent of the risk of the trafficking will very much depend on the circumstances in which the victim was originally trafficked.

(b) It must always be remembered that within Nigeria there are gangs of people traffickers operating who generate enormous sums of money from their activities. **The evidence seems to us to be clear that where a victim escapes the clutches of her traffickers before earning the target earnings, then the traffickers are very likely to go to extreme lengths in order to locate the victim or members of the victim's family, to seek reprisals.**

(c) In the absence of evidence that a trafficked victim has been trafficked by an individual, it should be borne in mind that it is likely that the trafficking will have been carried out by a collection of individuals, many of whom may not have had personal contact with the victim. Within trafficking gangs, individual members perform different roles. One might, for example, be a photographer who takes the photograph which is used within the victim's passport, whether or not the passport is a genuine one. One gang member may, for example, be a forger who is involved in the preparation of false passports or other documents for use by the victim; one might be a corrupt police official, or a border guard, whose role is to assist in facilitating the victim's passage in some way. **Gang members may perform any number of different roles but it is essential to bear in mind that if a victim has been trafficked by a gang of traffickers, as opposed to a single trafficker, then the risk of re-trafficking may be greater for someone who escapes before earning the target earnings set by the trafficker, because the individual gang members will have expected to receive a share of the target sum and will, therefore, be anxious to ensure that they do receive that share or seek retribution if they do not.**

Recent, though limited, COI postPOfound in the public domain inform about the fear of trafficking victims to testify in court, the size of Nigerian trafficking gangs and state complicity with traffickers, further undermining effective protection available for victims:

➤ [National Agency for the Prohibition of Traffic in Persons and other related matters \(NAPTIP\), Fact Sheet 8: Challenges, Undated \[last accessed: 5/11/2013\]](#)

[...] Victims are reluctant to testify in court as a result of the following:

- Intimidation or threat (real or perceived) of physical harm to the persons of the victim by the traffickers or his associates
- Post-trauma depression as a result of prolonged exploitation
- Fear of voodoo [...]

➤ [Institute for Public Policy Research, Beyond Borders, Human Trafficking from Nigeria to the UK, January 2013](#)

[...] 5.2 Prosecution of traffickers in Nigeria

[...] Several respondents reported incidents of indifference or even active complicity when victims or their families notified police about their situation, only to be told it was a 'private' matter. In at least one case, the families were subsequently murdered. In another, the victim appeared to have been handed over directly from custody by police to a stranger, who then trafficked her into sexual exploitation. [...]

➤ [Waging NonViolence, Flash mob shines light on human trafficking, 30 May 2012](#)

[...] Janete, a woman now in her early 20s, was lured from her native Nigeria for the purpose of sexual exploitation in Spain. (Her name has been changed for her protection.) After gathering the courage to escape from her traffickers more than three years ago, she still lives in daily fear that they will find her.

[...] During Janete's enslavement, no passersby, neighbors, "clients" or police officers stopped to question or report the situation. Moved by witnessing other women in similar circumstances who had been forced to work as prostitutes for years without pay, Janete eventually took the risk she understood could cost her life: She filed a report against her traffickers. The following day, her story was published on the front page

of a local newspaper, immediately compromising her anonymity. Lack of awareness on the part of the media ultimately put both Janete and her family in imminent danger. Back in Nigeria, family members began receiving death threats, and shortly afterwards their house was burned down. Janete was later attacked by one of her traffickers as retribution for turning him in. [...]

Excerpt from January 2013 Nigeria OGN

3.10.7 Conclusion That a person has been trafficked is not, in itself, a ground for refugee status. However, some trafficked women have been able to establish a 1951 Convention reason (such as a membership of a particular social group) and may have valid claims to refugee status. Forced recruitment of women for the purposes of forced prostitution or sexual exploitation is a form of gender-related violence and/or abuse and may amount to persecution. Trafficked women may face serious repercussions upon their return to their home country, such as reprisals or retaliation from trafficking rings or individuals, or discrimination from their community and families and there may be a risk of being re-trafficked. Each case should be considered on its individual merits and in the context of the country on which it is based.

3.10.8 Where a victim of trafficking has agreed to give evidence as part of a criminal prosecution consideration should be given to whether this is likely to affect the basis of the asylum claim (for example by increasing the risk of retribution), and therefore whether the decision should be postponed until after the trial is concluded. The impact of the applicant's evidence at the trial on the likelihood of future risk can then be assessed. It may be necessary to liaise with the police in this situation.

3.10.9 Support and protection from governmental and non-governmental sources in Nigeria are generally available to victims of trafficking. **Internal relocation will often also be a viable option for applicants who fear reprisals from traffickers upon return to the country.** Case owners should refer to paragraph 192 of PO Nigeria when considering the risk to an individual of being re-trafficked. Applications from those who have been trafficked and who are able to demonstrate that the treatment they will face on return amounts to torture, inhuman or degrading treatment must be considered in the context of the individual circumstances of each claim. Not all trafficked women returning to Nigeria will be able to access the arrangements and facilities available to enable successful re-integration and as such some trafficked women may well be members of a PSG. Where an applicant is able to demonstrate that they fall into this category a grant of asylum may be appropriate.

The OGN suggests that victims of trafficking are able to relocate internally without any assessment of the relevance or reasonableness of internal flight. COI available in the public domain highlights the difficulty single lone women face in Nigeria. Please refer to the [2.4 Internal Relocation](#) section below for such information, especially that relating to the

- [Economic situation for women](#)
- [Discriminatory practices against women](#)
- [Risk of violence against women](#)
- [Lack of effective protection by the Nigerian police force](#)
- [Lack of services available to single lone women](#)
- [Restrictions on women's freedom of movement](#)

COI available in the public domain and included below highlights the difficulties women face returning to Nigeria after having been trafficked:

- [Institute for Public Policy Research, Homecoming: Return and Reintegration of Irregular Migrants from Nigeria, April 2013](#)  
[...] 2.4.3 Social stability and networks

[...] Migrants also made clear the importance of social support when they discussed the barriers to their reintegration. For some, the stigma they faced upon returning or being deported presented major social hurdles – particularly for those who had been victims of trafficking. [...]

➤ [Voice of America news, Nigerian Sex Trafficking Victims Abandoned, 26 November 2012](#)

For many Nigerian victims of sex trafficking, coming home is as hard as the trip. In Edo State, sometimes the same kind of so-called "magic" that binds victims to traffickers is used to set them free. After five years of sex work on the streets in Italy, Patience Ken had paid \$40,000 to her madam, essentially buying her freedom. Before she could make any money of her own, she was arrested and thrown into a Roman jail. Months later, she was handcuffed and brought to the airport. From there, she was shipped back to Nigeria. After she landed, they told her she was free. She fainted. "They said I am free, so there I got faint," she recalled. "I got faint because what am I going to do? Where am I going to start from? There is no money. I am stranded. No clothes. Only the clothes that I am putting on. Only the shoes that I am putting on." Ken sold her mobile phone to pay for her trip back to her village in Edo State, where most Nigerian sex trafficking victims in Europe originate. When she arrived, her family was not happy to see another mouth to feed. Neighbors whispered: "Had she been a prostitute? Why then did she have no money?" Solomon Okoduwa is the president of the Initiative for Youth Awareness on Migration, Immigration, Development and Re-integration, an aid organization for returnees. Okoduwa says returning victims do not just face poverty and isolation at home. Many fear they will be killed by a juju spell, the supposed magical oath in which they swore they would pay traffickers for their passage to Europe.

[...] His organization runs a training program for returnees, teaching agriculture and business. But when students finish the program, they often find no available jobs, and have no capital to start up businesses. This problem, he says, is why so many young people want to leave in the first place. "The economic situation, that is the drive of our people that is chasing so many of them out of our country thinking that the grass is greener on the other side," he said. [...]

➤ [Science Nordic, Victims of sex trafficking return home to great expectations, 12 September 2012](#)

A great responsibility awaits Nigerian women who have sold sex on European streets when they return home. In Nigeria, repatriated women are regarded as socioeconomically advantaged individuals by their families – even when it's apparent that they have sold sex in Europe. Relatives expect the former sex workers to have made money and established contacts in Europe, which could help them all out of poverty. So concludes a new study which has looked into lives of Nigerian women upon their return to Africa after having sold sex in the West. [...]

➤ [Meleena M. Bowers, Room for Improvement: Nigeria's Approach to Trafficking, 4 September 2012](#)

[...] The stigma associated with being a victim of sexual slavery has severe negative consequences for the successful rehabilitation of a trafficked person [...]

➤ [The Independent, The curse of 'juju' that drives sex slaves to Europe, 7 April 2011](#)

[...] Paved roads and reliable electricity may not have reached this part of rural Nigeria, but the myth of the "Italos" – the women who have made a fortune in Italy – has permeated every household. It is an open secret that the Italos earn their money by selling sex, and there is no shame in it – Nigerian women who travel are stigmatised only if they return home penniless. But many do, often beaten and HIV-positive, and are rejected by their families. [...]

### 3.11 Gay men and lesbians

The conclusion for this main category of claim states:

Excerpt from the January 2013 Nigeria OGN

3.11.10 Conclusion Societal hostility and discrimination against LGBT persons exists in Nigeria and same sex relationships are illegal. Whilst the law criminalises homosexual relationships, prosecutions are rare and it cannot be said homosexuals are being persecuted as a generality when concrete examples are few. However personal circumstances may place some individual gay men and lesbians at risk. Where gay men and lesbians do encounter social hostility which puts them at real risk, the individual would be unable to seek effective protection from the authorities. Case owners should consider whether the claimant could avoid the risk by relocating elsewhere in Nigeria. Case owners must however take into account that the Supreme Court in the case of HJ (Iran) made the point that individuals cannot be expected to modify their behaviour and that internal relocation is not the answer if it depends on the person concealing their sexual orientation in the proposed new location for fear of persecution.

3.11.11 Each case must however be examined on its own merits. Where case owners conclude that a claimant is at real risk of persecution in Nigeria on account of their sexual orientation and are unable to internally relocate then they should be granted asylum because gay men, lesbians and bisexuals in Nigeria may be considered to be members of a particular social group.

3.11.12 If an individual chooses to live discreetly because he/she wants to avoid embarrassment or distress to family and friends, that person will not be deemed to have a well founded fear of persecution and will not qualify for asylum. This is because he/she has adopted a lifestyle to cope with social pressures and not because he/she fears persecution due to their sexual orientation.

3.11.13 If an individual chooses to live discreetly because he/she fears persecution if they were to live as openly gay, lesbian or bisexual, then that person will have a well founded fear and should be granted asylum. It is important that gay, lesbian and bisexual persons enjoy the right to live openly without fear of persecution. They should not be asked or be expected to live discreetly because of their well founded fear of persecution due to their sexual orientation.

No COI is included in the 'Treatment' section for this main category of claim on the implementation of Nigerian laws criminalising same-sex relationships, nor police treatment of the LGBT community. The highlighted conclusion above that 'prosecutions are rare' is not supported by any COI included in the OGN. In fact, available COI which post-dates the publication of the January 2013 indicates that as of October 2013 there were 12 persons in prison or awaiting trial under Nigeria's laws against consensual sex between men. It is also reported that the authorities view same-sex marriage as against Nigerian national values and culture and that the passage of the Same-Sex Marriage Prohibition Bill has led to increased police harassment, blackmail and extortion of the LGBTI community. With regards to societal treatment, COI from 2013 indicates that societal discrimination against the LGBTI community persists; that there is very strong public support of the proposed bill to make same-sex marriages punishable with 14 year prison sentences (92% according to one poll) and the introduction of the bill has increased the level of hostility towards those accused of same-sex activities. There are also reports of communities beating and parading naked suspected homosexuals through villages and pastors and Anglican bishops denouncing homosexuality:

- [State treatment of LGBTI community](#)
- [Societal treatment of LGBTI community](#)
- [Effective protection for LGBTI persons](#)

### **State treatment of LGBTI community**

- [76 Crimes, Nigerian LGBT case brings total to 12 in prison or awaiting trial, 9 October 2013](#)

[...] Two more Nigerian men were hauled into court on homosexuality charges on Oct. 3, bringing to 12 the number of those in prison or awaiting trial under Nigeria's laws against consensual sex between men. Premium Times Nigeria reported that Emeka Eze, 35, and Jonathan Akatin, 22, were arraigned Oct. 3 in an Upper Area Court, Jos, and charged with homosexual behaviour. The alleged offense, which occurred at 10 p.m. Sept. 7, was reported to police by their neighbors. Click on the image for the blog's list of people in prison or awaiting trial for homosexuality. Click on the image for the blog's list of people in prison or awaiting trial for homosexuality. They were charged under Section 284 of the Penal Code (Northern States) Federal Provisions Act, which provides for up to 14 years in prison for same-sex relations. The two men pleaded guilty and asked for leniency, saying that they were unaware that homosexual relations were illegal. [...]
- [Pink News, Nigeria: Two men charged with 'homosexual behaviour' face up to 14 years in prison, 4 October 2013](#)

[...] Two men have been arrested and charged with "homosexual behaviour" in Nigeria. Emeka Eze, 35, and Jonathan Akatin, 22, were charged on Thursday in the city of Jos, and face a potential prison sentence of 14 years. The pair were arrested by police following a tip-off from neighbours, who alleged that they had been engaging in homosexuality, Premium Times reports. The prosecutor, Gokwat Ibrahim, told the court that the accused committed the alleged offence at 10pm on 7 September. "The accused have been committing the offence in their compound publicly, which is against the order of nature. During police investigation, the suspects confessed to the crime," Mr Ibrahim said. [...]
- [76 Crimes, Nigeria: 'Suspected homosexuals' charged, plead not guilty, 3 October 2013](#)

[...] Two young men were arraigned Oct. 1 in Osogbo, Nigeria, on charges of homosexual activity and released on bail pending trial. The "suspected homosexuals," as they were described in AllAfrica and Africa Spotlight, are the defendants Samuel Friday, 19, and Oni Oluwatobi, 18, who pleaded not guilty. The charges against them were described as "a two-count charge of indecent sexual practice and seducing another into homosexuality." [...] Bail was set at N100,000 each (US \$620) plus two sureties of the same amount. [...]
- [Huffington Post, In Nigeria a Mere Rumor of Being Gay Can Lead to Violence and Imprisonment, 8 August 2013](#)

[...] This week police in Aba state, Nigeria, had 40-year-old Benjamin Ndubuisi go on trial for having gay sex with a 23-year-old man, based on rumors. Police allege that Ndubuisi, who they say is a pastor, had sex with a younger man who worked at his Ogbor Hill church, basing their case entirely on what appears to be verbal reports of locals. The parents of the younger man, known only by his first name, Ndukwe, described in Nigeria's anti-gay media as a "victim," allegedly reported to the police the alleged incident after he complained of "health problems" that led him to confess "to his family about the secret love affairs between him and the gay prophet [Ndubuisi]." Ogbor Hill residents alleged that Ndubuisi engaged his victim as a worker in the church "as a ploy to always have him around to satisfy his sexual urge," reported the daily Vanguard. [...] Ndubuisi's case has been widely publicized in Nigeria in a highly homophobic manner, claim Nigerian LGBT advocates. Nigerian LGBT advocates criticized the case, pointing to the fact that it is based on rumors and may have involved beating Ndubuisi during his capture. [...]

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...]34. Joint Submission 3 (JS 3) [International Centre for Advocacy on Rights to Health, Abuja, Nigeria; Women's Health and Equal Rights, Abuja, Nigeria; Improved Youth Health Initiative, Edo States, Nigeria; and The Initiative for Equal Rights, Lagos, Nigeria (Joint submission 3)]; stated that Nigeria should amend all laws and policies, and stop practices that discriminated on the basis of sexual orientation and gender identity; and that Nigeria must undertake legislative and policy measures that promote acceptance to homosexual and diverse gender identity.

35. CHRI [Commonwealth Human Rights Initiative, New Delhi, India]stated that in November 2012, the House of Representatives unanimously passed a second reading of the Same-Sex Marriage (Prohibition) Bill. If this Bill is passed it would further entrench discrimination against persons based on sexual orientation.

36. JS 3 [International Centre for Advocacy on Rights to Health, Abuja, Nigeria; Women's Health and Equal Rights, Abuja, Nigeria; Improved Youth Health Initiative, Edo States, Nigeria; and The Initiative for Equal Rights, Lagos, Nigeria (Joint submission 3)]; stated that Nigeria must release all persons imprisoned or detained on the grounds of their sexual orientation or gender identity. Also, Nigeria must end impunity by prosecuting those who allegedly violate the rights of LGBTI persons. [...]

➤ [Working Group on the Universal Periodic Review, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\\*, 30 July 2013](#)

[...] Recommendation 12 (Legalization of same marriage)

48. Nigeria does not accept this recommendation because same-sex marriage is against its national values. Recent polling data suggests that 92% of Nigerians support the Anti Same-Sex Marriage Bill passed by the Senate.

49. The Marriage Act defines marriage as a relationship between a man and a woman. Christianity and Islam, which are the major religions in Nigeria, also recognize marriage as relationship between a man and woman. Same-sex marriage is not in the culture of Nigerians.

50. Sexual and gender minorities are not visible in Nigeria and there is no officially registered association of gays and lesbians. In writing this report, a consultation and validation process was held with various stakeholders where the issue of same-sex marriage was brought up, and the general view of the participants was that same-sex marriage was not a human rights issue in Nigeria. [...]

➤ [76 Crimes, Nigerian police extort money from LGBTs after anti-gay bill, 11 July 2013](#)

[...] Passage of the Same-Sex Marriage Prohibition Bill by Nigeria's federal legislature has led to increased harassment, blackmail and extortion of the LGBTI community, sometimes by police, even though the bill has not been signed into law.

For example, Mayowa K., a gay man, reported that he was stopped in the Ojudu-Berger area of Lagos, on June 24 on his way to work by police who at first thought he was a "yahoo-yahoo" (local slang for an Internet fraudster).

After he denied the accusation and showed his identification, the police insisted on confirming that he was not a fraudster by searching his phone and laptop, even though Nigerian law guarantees the right to privacy, including computers and phones.

On the computer, they found gay pornographic films. The police also extracted his parents' telephone numbers from his contact lists and threatened to call them and tell them he is gay unless he paid a bribe. He paid the police about 20,000 naira (about US\$124 or 96 euros) as a bribe to keep quiet and let him go.

In an incident in the Ajao estate area of Lagos state on June 29, plainclothes police accosted another gay man, handcuffed him, and took his phone. They checked his chat messages and initiated a chat with his partner, whom they tricked into going to a rendezvous. When the partner showed up and found out that he had been conned, police arrested him and threatened that he would be shot if he dared to make a move.

Both men were charged with violating the Same-Sex Marriage Prohibition Bill, even though it is not a law. They were detained for two days, then released after they paid about 50,000 naira (US\$309 or 40 euros).

A further consequence of passage of the bill is an increase in anti-gay slurs. For example, M. Davis of Port Harcourt in Rivers State, a lawyer who is willing to represent members of the LGBTI community, is now labeled a "homo lawyer." [...]

➤ [Amnesty International, Making love a crime: Criminalization of same-sex conduct in Sub-Saharan Africa, 26 June 2013](#)

[...]Criminal Code Act, Chapter 77

Section 214: "

Any person who –

(1) has carnal knowledge of any person against the order of nature; or

(2) has carnal knowledge of an animal; or

(3) permits a male person to have carnal knowledge of him or her against the order of nature; is guilty of a felony, and is liable to imprisonment for fourteen years." Section 217: "Any male person who, whether in public or in private, commits any act of gross indecency with another male person, or procures another male person to commit any act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a felony, and is liable to imprisonment for three years. The offender cannot be arrested without warrant." Note that a number of Northern Nigerian states have adopted Islamic Sharia laws which has resulted in the criminalization of sexual activities between persons of the same sex (both men and women). The maximum penalty for such acts between men is death penalty, while the maximum penalty for such acts between women is a whipping and/or imprisonment. The states which have adopted such laws are Bauchi (2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000). [...]

➤ [This Day, Nigeria: Kano Hisbah Arrests Nine Beggars for Sodomy, 19 June 2013](#)

[...] The Kano State Hisbah Command has arrested nine beggars for engaging in homosexuality.

The deputy commander in charge of Operations and Special Duties, Nabahani Usman, said the operation was conducted by the Tarauni Local Government command of the agency at Unguwa Uku Motor Park.

He said the operatives of the agency succeeded in the arrest of nine teenagers and three adults who engaged in homosexuality at the park. "This operation is part of our commitment to reform the act of street begging in the state based on several reports we received on social vices associated with the act of begging," he said. [...]

➤ [Amnesty International, Nigeria: President must veto discriminatory anti-LGBTI bill, 5 June 2013](#)

[...] President Goodluck Jonathan of Nigeria should not sign into law a draconian new bill that would formalize discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) people and have wide-ranging effects on civil liberties in the country, 10 Nigerian and international human rights groups said today.

On May 30, 2013, Nigeria's House of Representatives passed the Same Sex Marriage (Prohibition) Bill, which would impose a prison sentence of up to 14 years for anyone found guilty of engaging in same-sex relationships. The Senate had already passed a similar bill.

If signed into law, the bill would also criminalize freedom of speech, association, and assembly.

"The bill is a throwback to past decades under military rule when these civil rights were treated with contempt," said Lucy Freeman, deputy director of the Africa Programme at Amnesty International.

"It would provide for prison sentences for anyone who speaks out in support of, meets with, or forms a group advocating for the rights of LGBTI people. It criminalizes the lives of LGBTI people, but the damage it would cause extends to every single Nigerian.

"It undermines basic freedoms that Nigeria's civil society has long fought to defend. The civil rights of Nigerians cannot simply be legislated away."

"Same-sex marriages" or "civil unions" - which could lead to imprisonment of up to 14 years - are so broadly defined in the bill that they include virtually any form of same-sex cohabitation. In addition, the bill seeks to impose prison sentences on a range of people who associate with or assist LGBTI people.

Individuals or groups, including priests or other clerics, who "witness, abet and aid the solemnization of a same sex marriage or union" would face a 10-year prison sentence. So would those who "directly or

indirectly make public show of same sex amorous relationship," or anyone who "registers, operates or participates in gay clubs, societies and organizations."

In addition, anyone who "supports" LGBTI groups, "processions or meetings" could also face a decade behind bars. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity  
[...] On March 21, an upper area court in Mararba, Nasarawa State sentenced two men to two years in jail without bail and ordered each to pay a fine of 5,000 naira (\$32) for engaging in same-sex relations. The police arrested a 17-year old male and a 32-year-old male on March 12 for engaging in same-sex acts. The presiding judge expressed his hope the sentence would serve as a deterrent to others engaged in same-sex relations. [...]

➤ [Gay Star News, Man jailed for gay sex and scorned by Nigeria's media, 14 April 2013](#)

A 35-year-old man, named Hashiru Usman, has been sentenced to 9 months imprisonment by a court in Abuja, the capital of Nigeria.

Usman was sentenced midweek after he had pleaded guilty having gay sex with what the Nigerian media termed 'a boy', although activists have challenged the manner the use of the reports' wordings.

The prosecutor, Mukadas Maiyaki told the court that on April 4, Usman picked up the 'boy' at Zuma Rock and 'forcefully' had anal sex with him.

He told the court that Usman, after having sex with him, he dropped him off at pickup spot.

The prosecutor said that when Usman came back at later date to pick another 'boy' from the same place he was apprehended by the police, following the 'boy's complaint to security agents.

In his judgement, the presiding judge, Alhassan Kusherki, convicted him on the one-count charge of 'unnatural offence', without an option of fine.

The judge stated: 'I will not grant you an option of fine because you do not deserve it.

'You only carry the face of a human being but your behaviors are equivalent to those of animals because it is only animals that have sexual copulation through the anus.

'After you have ruin your own life by engaging in such disgusting act, you decided it was not enough for you.

'So you have to ruin the lives of innocent children by abusing and molesting them. It is my utmost hope that you will become a better person at the end of your jail term'.

Nigerian LGBT rights advocates have, however, slammed the country's media for creating a moral panic and deliberately conflating gay sex with pedophilia.

Commenting on the reports, Adebisi Alimi, told Gay Star News: 'In the past few days I have seen an increase in the number of reported cases of homosexuality in the Nigerian media, leading to police arrest and/or criminal charges.

'However something that is baffling is the use of the word "boy"; The media kept using the "noun" over and over again as the benchmark for the age of the victim and thereby creating an atmosphere of "pedophilic" epidemic through the act of homosexual sex.

'Yet in all cases the real age of the "boy" is not disclosed, so we do not know if the person is above the age of consent.

'The use of the word "boy" is designed to incite hatred, anger and resentment, a subtle anti-gay propaganda of the press to cause more harm to an already vulnerable population. [...]

➤ [This Day, Nigeria: Court Remands Three for Alleged Homosexual Practices, 3 April 2013](#)

[...] A Mararaba Upper Area Court in Nasarawa State Tuesday ordered three accused persons to be remanded in prison for the alleged unnatural offence of homosexuality.

The News Agency of Nigeria (NAN) reported that the accused were Armstrong Ihua, 40, of Ikorodu, Lagos State; Collins Ejike, 30, of Lugbe, Abuja, and Pius Bamayi, 25, of Masaka, Nasarawa State.

They, however, pleaded not guilty to the charge. [...]

➤ [Erasing 76 Crimes, With Uganda arrests, at least 13 in jail for being gay, 3 January 2013](#)

[...] Arrests of two gay-rights workers this week in Uganda bring to at least 13 the number of people worldwide who are currently imprisoned on charges of violating laws that punish those who are born gay, lesbian or bisexual. In addition, at least 14 other people are awaiting trial for homosexuality. [...]

At present, the lists are dominated by Cameroon (8 in prison and 12 free while awaiting trial), with Nigeria and Uganda a distant second (2 in prison in each country). Those countries have a similar combination of repressive laws and active news media. [...]

#### > NIGERIA

Nigerian law provides for sentences of up to 14 years for homosexual activity. In parts of northern Nigeria where sharia law applies, the death penalty can be applied for same-sex intercourse.

3 and 4. Ifeanyi Chukwu Agah and Rabiun Benedict Yusuf

Two years in prison. Sentenced March 21, 2012.

Ifeanyi Chukwu Agah and Rabiun Benedict Yusuf were convicted of same-sex intercourse after police said Rabiun refused to pay Ifeanyi for his services as a prostitute. Rabiun asked for mercy on the grounds that he was married with six children, but the court rejected his plea. [...]

*For further background information, the following are useful sources which pre-date 2013:*

- [Country of Origin Research and Information \(CORI\), CORI Thematic Report, Nigeria: Gender and Age, December 2012](#)
- [Immigration and Refugee Board of Canada, Nigeria: Treatment of sexual minorities, including legislation, state protection, and support services; the safety of sexual minorities living in Lagos and Abuja \(2010-January 2012\), 3 February 2012](#)
- [International Gay and Lesbian Human Rights Commission, Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa, February 2011](#)

### **Societal treatment of LGBTI community**

- [Gay Star News, Bishop tells Nigeria's president: Ban gay marriage before the world ends, 15 October 2013](#)

[...] An Anglican bishop in Nigeria has appealed to President Goodluck Jonathan to sign the 'Jail all the Gays Bill' before gay marriage makes the world end. [...] Now the Anglican Bishop of Asaba, Justus Mogeckwu, has urged him to assent to the bill, saying same-sex marriage was not a human right but a curse.

Nigerian newspaper Premium Times reports him as saying world powers are bringing the prophesy of the fall of Babylon from the Bible into being by backing lesbian and gay marriage equality. [...]

- [Pink News, Poll: 92% of Nigerians support proposed bill to criminalise same-sex marriage, 20 June 2013](#)

[...] A new poll has found that 92% of Nigerians are in support of a proposed bill to make same-sex marriages punishable with 14 year prison sentences.

Back in May, a bill to further criminalise same-sex marriages in Nigeria with prison terms of up to 14 years was passed by lawmakers in the country's Parliament. [...]

The poll was conducted by NOI Polls Limited, which works in partnership with the US-based Gallup Polling, and was conducted between 4 and 6 June.

The reason for the support was mainly moral and religious, the poll revealed.

The results of the poll revealed that most respondents were of the opinion that the proposed bill was not an infringement on the human rights of LGBT people, because "homosexuality is not in the Nigerian culture".

Rashidi Williams, the Director of Nigeria's Queer Alliance Rights Group told Vanguard: "The Bill takes away the fundamental rights accorded Nigerians under the constitution. This is really, not a pressing national issue."

The poll was tailored with multiple questions, in order to ascertain the level of awareness the respondents had of the legislation, before asking whether they think it is an infringement on the human rights of LGBT people.

It then asked to what extent the respondent supported or opposed the bill, and to what extent they agreed or disagreed with the claim that homosexuality is "not part of the culture of Nigerians".

69% of respondents were aware of the legislative vote to ban same-sex marriage, and 85% said they felt strongly that being gay was not part of the country's culture.

The poll was conducted in such a way, in order to feed into a more general debate around the acceptance of homosexuals in Nigeria. [...]

➤ [International Day Against Homophobia and Transphobia \(IDAHO\), Nigeria IDAHO Report 2013, 24 May 2013](#)

[...] From the Conference Hall of the ICARH in the Nigerian Capital, Abuja, on May 17, 2013 the following statement was made by Ifeanyi Orazulike, Executive director of the International Centre for Advocacy on Rights to Health and Co-Chair of the Sexual Minorities Against AIDS in Nigeria (SMAAN): "STOP HOMOPHOBIA: Ending Homophobic Violence and Inhuman Degrading Treatment on the Basis of Sexual Orientation and Gender Identity in Nigeria." [...]

Present Situation

From our evidence based programs over the past twelve years, we are able to identify homophobia as a major setback in the addressing the health challenges and human rights needs of LGBTI population in Nigeria despite the constitutional provisions of protection of all persons from discrimination as enshrined in Chapter 4, Section 42 of the Nigerian constitution. Many Nigerian and non-Nigerian citizens had suffered acute human rights violations on the ground of suspected or actual sexual orientation due to homophobia. Specifically, in the last one year, on the list of documented human rights violated targeted at LGBTI persons in Nigeria alone are arbitrary arrest, torture in custody, curative rape, illegal detention (private cells), forced dismissal from employment, forced disappearance, community violence, blackmail, extortion and murder of persons on the basis of their perceived or real sexual orientation.

Despite this dilemma, majority of LGBTI persons prefers not to report human rights violations they experience due to the policy environment. Due to the situations of extreme homophobia, LGBTI persons are driven underground, hence decreasing the number of sexual minority persons willing to come out and access human rights and healthcare services geared towards addressing their social developmental needs. A notable fact is the preliminary findings of the IBBSS that reflects an increase in the national HIV prevalence among MSM from 13.5% to 17.1% between 2007 and 2010 respectively, while the national HIV prevalence has dropped from about 5.8% to 4.4% in the same period. [...]

While many countries around the world progresses in terms of socio-cultural and economic advancement, Nigeria suffers from the aftermath of homophobia such as violence involving loss of lives and property. Although many transgender and intersex people are not homosexual, recently reports reflects a community lynching of an intersex person in Warri, Delta state, among other inhuman degrading treatment targeted at gay, lesbian, bisexual, transgender and intersex persons. [...]

➤ [Gay Star News, Nigeria: Man stabbed to death over allegedly gay sex, 4 May 2013](#)

[...] Nigeria's media has sensationally reported the murder of Adindu Ohamara, allegedly a gay banker, who was stabbed to death by a man he picked up in Akoka, Lagos State.

Ohamara returned home with a man he picked who allegedly stabbed him at midnight and left his flat.

The victim lived in a three-bedroom flat with his elder sister, Flora and a lodger.

According to daily Punch Metro, Ohamara was forced into marriage due to pressure from his family.

In their reports, Nigerian media stressed the victim was gay and according to local LGBT activists seem to have almost confused the crime with the banker's presumed sexuality.

The press reported that 'local resident' said: 'A few weeks ago, Ohamara did his wedding introduction and shortly after that, one man came to the compound to fight him.

'There was a lot of noise over the issue and even neighbors had to come to settle the matter.

'The unidentified man complained that he had been jilted and threatened to deal with Ohamara before he left in anger', reported to be gay, by the local press.

Police, however, arrested Ohamara's sister and lodger and allegedly demanded N350,000 from each of the detained persons before they could be released.

The flat's landlord protested to the local police and demanded that they would be freed immediately.

When Punch Metro contacted the spokesperson for the state police, he confirmed the murder case and the detention of the two but said he was unaware of a bail fee or if Ohamara was gay.

'Investigations are ongoing and we will get to the bottom of it', he said.

Adebisi Alimi, a Nigerian LGBT rights advocate told Gay Star News: 'My condolences to the family of this young man.

One would expect the Nigerian press to address the issue of the homicide instead of hyping the issue of the victim's presumed sexuality.

Anyone can commit a crime and one's sexuality does not make one more prone to killing someone.

'This sensationalism disrespects the grieving family and shows how low the Nigerian media has stooped in their desire to break news.

'I hope that media owners and editors will take time to train their reporters on diversity so they could report the news without confusing sexuality with a crime.'

In the last few months, Nigerian media has been running sensationalist anti-gay crime stories. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

[...] Because of widespread societal taboos against homosexuality, very few persons openly revealed a homosexual orientation. The NGOs Global Rights and The Independent Project provided lesbian, gay, bisexual, and transgender (LGBT) groups with legal advice and training in advocacy, media responsibility, and HIV/AIDS awareness. Organizations such as the Youths 2gether Network also worked under the Coalition for the Defense of Sexual Rights in Nigeria and provided access to information and services on sexual health and rights for LGBT persons, sponsored programs to help build skills useful in social outreach, and provided safe havens for LGBT individuals.

[...] In November 2011 the Senate passed the Same Sex Marriage (Prohibition) Bill, 2011, which would prohibit participating in or witnessing same-sex marriage ceremonies, criminalize public displays of affection between same-sex couples, and criminalize LGBT organizations. [...] LGBT activists claimed an increased level of hostility towards those accused of same-sex activities since the bill's introduction. [...]

There were also unverified reports of communities rounding up suspected homosexuals, stripping them naked, and parading them through villages. [...]

Other Societal Violence or Discrimination

There was widespread societal discrimination against persons with HIV/AIDS. The public considered the disease a result of immoral behavior and a punishment for homosexual activity. Persons with HIV/AIDS often lost their jobs or were denied health-care services. Authorities and NGOs sought to reduce the stigma and change perceptions through public education campaigns. [...]

➤ [Gay Star News, Homosexuality is 'demonic' says renowned Nigeria pastor, 13 March 2013](#)

[...] A famous Nigerian pastor has compared homosexuality to bestiality and incest saying it was 'demonic' and 'disfigures' God's glory.

The pastor, Wole Oladiyun, of Christ LivingSpring Apostolic Ministry (CLAM), also equated gay sex with prostitution, adultery and fornication and said oral sex dishonours people, 'unhygienic and dirty'. [...]

➤ [Mamba online, Men Beaten, Paraded Naked For Being Gay, 17 January 2013](#)

[...] Three men (some reports say four) suspected of being gay have reportedly been paraded naked in public and beaten by a mob in Nigeria.

A shocking picture (left) of the men's barbaric treatment has appeared on the internet, although the source is unclear.

According to Premium Times, the incident in the rural community of Ekwe, in the southern state of Imo, has been confirmed by the organisation Nigeria HIV Info.

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In a statement by the group's coordinator, Steve Aborisade, the men "were seriously beaten up, stripped naked and paraded around the community bounded together like animals on allegation that they were caught having sex together."

It appears that the men have not been released from where they were being held. Aborisade called on Governor Rochas Okorocha to intervene to save their lives. [...]

*For further background information, the following are useful sources which pre-date 2013:*

- [Country of Origin Research and Information \(CORI\), CORI Thematic Report, Nigeria: Gender and Age, December 2012](#)
- [Immigration and Refugee Board of Canada, Nigeria: Treatment of sexual minorities, including legislation, state protection, and support services; the safety of sexual minorities living in Lagos and Abuja \(2010-January 2012\), 3 February 2012](#)
- [International Gay and Lesbian Human Rights Commission, Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa, February 2011](#)

### **Effective protection for LGBTI persons**

- [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...]36. JS 3 [International Centre for Advocacy on Rights to Health, Abuja, Nigeria; Women's Health and Equal Rights, Abuja, Nigeria; Improved Youth Health Initiative, Edo States, Nigeria; and The Initiative for Equal Rights, Lagos, Nigeria (Joint submission 3)] stated that Nigeria must release all persons imprisoned or detained on the grounds of their sexual orientation or gender identity. Also, Nigeria must end impunity by prosecuting those who allegedly violate the rights of LGBTI persons. [...]

- [International Day Against Homophobia and Transphobia \(IDAHO\), Nigeria IDAHO Report 2013, 24 May 2013](#)

[...] From the Conference Hall of the ICARH in the Nigerian Capital, Abuja, on May 17, 2013 the following statement was made by Ifeanyi Orazulike, Executive director of the International Centre for Advocacy on Rights to Health and Co-Chair of the Sexual Minorities Against AIDS in Nigeria (SMAAN): "STOP HOMOPHOBIA: Ending Homophobic Violence and Inhuman Degrading Treatment on the Basis of Sexual Orientation and Gender Identity in Nigeria."

Background information

As we all know that homophobia is promoted in Nigeria by policy makers by the virtue of legislation to further criminalize the Nigerian citizens on the ground of their sexual orientation and gender identity, as well as organizations, religious extremists and individual through homophobic campaigns and hate speeches. Homophobia has been a justification for many human rights violations in Nigeria. Consequently, homophobic violence happens with impunity since perpetrators of homophobic violence are not brought to book.

Why is this happening?

The Nigerian government continues to propose for the criminalization of relationships involving persons of the same sex by allowing religious extremists to influence her policy making process with claims that same sex relationship or marriage is a "sin" in a secular state of over 100 million persons, acknowledging the fact that the constitution of the country was not drafted on such basis. Also the lack of political will of the Nigerian government to use its protective mandate in ensuring equal protection for all citizens regardless of their sexual orientation fuels homophobia in Nigeria. [...]

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- [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] Authorities took no action against persons who stoned and beat members of the House of Rainbow Metropolitan Community Church, an LGBT-friendly church in Lagos, in 2008. The attacks occurred after four newspapers published photographs, names, and addresses of church members. The Lagos church and partner groups cancelled conferences on sexual rights and health scheduled for Lagos and Abuja in December 2011 due to concerns about the safety of conference attendees after the proposed Same-Sex Marriage (Prohibition) bill refocused negative attention on the church. [...]

*For further background information, the following are useful sources which pre-date 2013:*

- [Country of Origin Research and Information \(CORI\), CORI Thematic Report, Nigeria: Gender and Age, December 2012](#)
- [Immigration and Refugee Board of Canada, Nigeria: Treatment of sexual minorities, including legislation, state protection, and support services; the safety of sexual minorities living in Lagos and Abuja \(2010-January 2012\), 3 February 2012](#)
- [International Gay and Lesbian Human Rights Commission, Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa, February 2011](#)

### 3.12 Prison conditions

The conclusion for this section states:

Excerpt from the January 2013 Nigeria OGN

3.12.15 Conclusion Prison conditions in Nigeria are harsh and life threatening and taking into account the levels of overcrowding and lack of basic facilities have the potential to reach the Article 3 threshold in individual cases. The individual factors of each case should be carefully considered to determine whether detention will cause a particular individual in his or her particular circumstances to suffer treatment contrary to Article 3, relevant factors being the reasons for detention, the likely length of detention, the likely type of detention facility, and the individual's gender, age and state of health. Where in an individual case treatment does reach the Article 3 threshold a grant of Humanitarian Protection will be appropriate.

The conclusion only specifically mentions overcrowding and a lack of basic facilities as among those issues besetting detention facilities in Nigeria. This is despite COI included in the OGN which details the prevalence of disease and inadequate medical treatment causing deaths from treatable illnesses (paragraph 3.12.5); insufficient food (paragraph 3.12.6) and the awarding of the death penalty following unfair trials (paragraph 3.12.14).

This section of the OGN heavily relies on the 2011 U.S. Department of State Human Rights report. However, whilst including most of the information contained in section 1c on 'Prison and Detention Center Conditions', the OGN fails to include any information from section 1c 'Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment' which, amongst other issues, documents that:

- [U.S. Department of State, Country Reports on Human Rights Practices for 2011, 24 May 2012](#)

[...] 1 c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] Although the constitution and law prohibit such practices and provide for punishment of such abuses, torture is not criminalized, and security service personnel, including police, military, and State Security Service (SSS) officers, regularly tortured, beat, and abused demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians to extort money. The law prohibits the introduction into trials of evidence and confessions obtained through torture; however, police often used torture to extract confessions. [...]

No other sources documenting the prevalence of torture in detention facilities in Nigeria are included, nor is the practice of torture mentioned in the conclusion. Illustrative sources documenting torture in detention facilities from 2013 have been presented below.

Furthermore, no information is included in this section of the OGN on the use of lengthy pre-trial detention, despite this also being addressed in the same 2012 U.S. Department of State report available at the time of publication of the OGN:

- [U.S. Department of State, Country Reports on Human Rights Practices for 2011, 24 May 2012](#)

[...] d. Arbitrary Arrest or Detention

[...] Pretrial Detention: Lengthy pretrial detention remained a serious problem, and human rights groups reported that detainees awaiting trial constituted 70 percent of the prison population, with some awaiting trial more than 10 years. At year's end 33,692 pretrial detainees resided in the country's prisons, in a total of 48,124 prisoners. Serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases

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resulted in serious delays. Many detainees lacked access to trials because police had insufficient vehicles to transport them to court on their trial dates. [...]

Illustrative sources from 2013 on this issue have also been presented below.

It is considered that given the prevalence of disease, inadequate medical treatment causing deaths from treatable illnesses, insufficient food, awarding of the death penalty following unfair trials as is documented in the OGN, together with the prevalence of torture, use of lengthy pre-trial detention, deaths in detention due to starvation, beatings and suffocation, resumption of executions and ongoing poor detention facilities as documented in the COI presented below, that detention conditions not only have the potential, but are likely to reach the Article 3 threshold in most cases.

COI which post-dates the January 2013 Nigeria OGN is presented on:

- [Torture in detention facilities](#)
- [Pre-trial detention](#)
- [Deaths in detention](#)
- [Executions](#)
- [Poor detention facilities](#)

### **Torture in detention facilities**

➤ [Human Rights Watch, Nigeria: UPR Submission March 2013, 17 October 2013](#)

[...] II. Human Rights Issues

[...] C. Security Force Abuses

During its 2009 UPR, Nigeria accepted to take “all practical measures” to end “extrajudicial executions” and “step up its measures to halt torture.” Since then, however, government security forces have been implicated in numerous extrajudicial killings, torture, and other serious human rights abuses. [...]

The Nigeria Police Force continues to be implicated in numerous human rights violations, including arbitrary arrests, torture, extrajudicial killings, and other extortion-related abuses. There are many documented cases where the police extort money from victims of crimes to investigate the matter and solicit bribes from suspects to drop investigations. Police funds have been embezzled or mismanaged by senior police officials, who also often demand monetary “returns” from their subordinates from money extorted from the public. Despite promising public statements by the inspector general of police, Mohammed Abubakar, corruption and abuse remain widespread in the police force, and those responsible are rarely brought to justice. [...]

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 3. NHRC[National Human Rights Commission of Nigeria] stated that the police experienced challenges in its work in terms of quality and respect for human rights which was evident from the allegations of torture, extrajudicial killings and shoddy investigations, coupled with obsolete laws and weak oversight.

[...]39. HRW [Human Rights Watch] stated that at the Review, Nigeria accepted to take all practical measures to end extrajudicial executions and to halt torture. Since then, however, government security forces have been implicated in numerous extrajudicial killings, torture and other serious human rights abuses. CHRI [Commonwealth Human Rights Initiative, New Delhi, India]stated that although Nigeria accepted recommendations on police accountability and reform, there were alleged cases of disappearances of persons from police custody, extrajudicial killings and torture. Joint Submission 14 (JS 14) [UPR Coalition Southeast Nigeria comprising of: Better Community Life Initiative, Owerri; National Human Rights Commission; Legal Redress and Justice Centre; Foundation for Environmental Rights and Development; Ikeoha Foundation; Int’l Federation of Women Lawyers, FIDA Anambra; Int’l Federation of Women Lawyers, FIDA Ebonyi; Human Rights and Conflict Resolution Centre, Abakaliki; and Civil Resource Development and Documentation Centre, Enugu (Joint Submission 14)] stated suspects were tortured to obtain confessions. [...]

41. JS 11 [Prisoners’ Rehabilitation and Welfare Action and Network on Police Reform in Nigeria (Joint Submission 11)] raised as issues of concern the systematic torture in police and other centres of detention; inadequate documentation and tracking of all tortured persons upon reception in prison; the lack of an institutionalised mechanism for compulsory autopsy of all deaths in custody; the lack of a comprehensive database of all places of detention, their locations, addresses and the total number of detainees; inadequate monitoring and oversight of all detention facilities; the torture and inhumane treatment of persons who were mentally disabled within the criminal justice delivery system; the lack of provision of adequate rehabilitation services torture victims; and the lack of reporting and documentation of all cases of torture and extrajudicial killings. [...]

➤ [Amnesty International, Amnesty International Annual Report 2013 - Nigeria, 23 May 2013](#)

[...] Torture and other cruel, inhuman and degrading treatment of criminal suspects and detainees, perpetrated by the security forces, remained widespread.

On 9 January, Alexander Nworgu was arrested in Owerri, Imo State, and taken to the police anti-kidnapping unit in Rivers State. He claims that, while in custody, he was regularly beaten with a machete and suspended from the ceiling by his feet every other day. After spending more than a month in police detention he was remanded in prison on 15 February before eventually being released on bail on 6 July. The charges against him were changed to theft while he was in police detention. [...]

*THIS DOCUMENT SHOULD BE USED AS A TOOL FOR IDENTIFYING RELEVANT COUNTRY OF ORIGIN INFORMATION. IT SHOULD NOT BE SUBMITTED AS EVIDENCE TO THE HOME OFFICE, THE TRIBUNAL OR OTHER DECISION MAKERS IN ASYLUM APPLICATIONS OR APPEALS © Still Human Still Here 2013*

➤ [Freedom House, Freedom in the World 2013 - Nigeria, 9 May 2013](#)

[...] In addition to extrajudicial killings of criminal suspects and prisoners, torture and general ill-treatment of detainees are widespread in Nigeria, and such abuses are reportedly used to force confessions and extort bribes. Corrupt officers are often supported by a chain of command that encourages and institutionalizes graft. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] a. Arbitrary or Unlawful Deprivation of Life

[...] During the year Joint Task Forces (JTFs), composed of elements of the military, police, and other security services, conducted raids on militant groups and criminal suspects in Adamawa, Bauchi, Borno, Gombe, Kano, Kaduna, Kogi, Niger, Plateau, Sokoto, and Yobe states, resulting in numerous deaths and injuries to alleged criminals, militants, and civilians. According to credible eyewitness accounts, JTF members committed illegal killings during attempts to apprehend members of the extremist group Boko Haram in several states, including Borno, Kano, Kaduna, and Yobe states and surrounding areas. Local nongovernmental organizations (NGOs), international human rights groups, and political and traditional leaders from the affected states accused the security services of indiscriminate and extrajudicial killings, illegal detention, inhumane treatment of detainees, and torture during the year. [...]

Reports also surfaced during the year that the JTF based in Maiduguri illegally detained and killed suspected members of Boko Haram in the Giwa barracks in Borno State. Former detainees accused security forces of torture and mistreatment, which in some cases led to the death of detainees. Authorities publicly denied the claims, describing them as inaccurate or unbalanced.

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the constitution and law prohibit such practices and provide for punishment of such abuses, torture is not criminalized, and security service personnel, including police, military, and State Security Service (SSS) officers, regularly tortured, beat, and abused demonstrators, criminal suspects, detainees, and convicted prisoners. Police mistreated civilians to extort money. The law prohibits the introduction into trials of evidence and confessions obtained through torture; however, police often used torture to extract confessions. [...]

According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity. In 2010 the Open Society Justice Initiative reported that rape was “a routine but unspoken aspect of policing” and was regarded by police as “one of the fringe benefits attached to night patrol.” This report on corruption within the police force highlighted the rape of arrested prostitutes by police. The report described police officers raping women who could not pay 1,000 naira (\$6.40) for their release. Police allegedly raped women who came to report crimes at police stations. The report also claimed officers, both male and female, sodomized women with bottles and metal pipes.

[...] Domestic and international human rights groups reported the existence of unofficial military prisons, including the Giwa military barracks in Maiduguri, Borno State. HRW and AI cataloged cases of illegal detention, inhumane and degrading treatment, beatings, torture, and extrajudicial killings in these prisons. [...]

### **Pre-trial detention**

➤ [Written statement\\* submitted by Amnesty International, a non- governmental organization in special consultative status to the UN Human Rights Council, 3 September 2013](#)

[...] Nigeria [...] Many of the over 1,000 people under sentence of death in Nigeria have been sentenced following blatantly unfair trials, some after spending more than a decade in prison awaiting trial, and for non-lethal crimes. [...]

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 5. NHRC [National Human Rights Commission of Nigeria] stated that administration of justice was challenged by the continued use of outdated legislation, allegations of corruption, poor access to justice and long delays in concluding existing litigations. In addition, the absence of sentencing guidelines resulted in wide disparity or variations in sentences, delays in trials lead to lengthy pre-trial detentions, and the use of outdated court procedures. [...]

61. JS 11 [Prisoners' Rehabilitation and Welfare Action and Network on Police Reform in Nigeria (Joint Submission 11)] stated that the arrest and detention practices of the police and the absence of institutional control over these practices were central to the pattern of abuse and impunity. One such practice is the "holding charge" which provides for persons to be remanded in custody without minimal judicial investigation into the charges and without any opportunity for challenging those charges. Since no court is seized of the matter, the police have the unfettered ability to detain such persons indefinitely.

62. STP [Society for Threatened People, Göttingen, Germany] stated that tens of thousands of arrested suspects were waiting for the completion of their trials for years, in congested prisons, under inhuman conditions, for their trials. [...]

➤ [Amnesty International, Amnesty International Annual Report 2013 - Nigeria, 23 May 2013](#)

[...] Justice system

Widespread corruption and disregard for due process and the rule of law continued to blight Nigeria's criminal justice system. Many people were arbitrarily arrested and detained for months without charge. Police continued to ask people to pay money for their release from detention. Many detainees were kept on remand in prison for lengthy periods and in harsh conditions. Court processes remained slow and largely distrusted. According to the Executive Secretary of the NHRC, over 70% of people in detention were awaiting either trial or sentencing. Court orders were often ignored by police and security forces.

On 30 April, Patrick Okoroafor was released from prison after 17 years. He had been unfairly sentenced to death for robbery, at the age of 14, after an unfair trial. [...]

➤ [Freedom House, Freedom in the World 2013 - Nigeria, 9 May 2013](#)

[...] Ordinary defendants frequently lack legal representation and are often ill-informed about court procedures and their rights.

[...] Pretrial detainees, many of whom are held for several years, account for about 70 percent of the country's inmates, and few have access to a lawyer. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] d. Arbitrary Arrest or Detention

[...] Pretrial Detention: Lengthy pretrial detention remained a serious problem, and human rights groups reported detainees awaiting trial constituted 72 percent of the prison population, with some awaiting trial more than 10 years. At year's end 36,934 pretrial detainees were held in the country's prisons, out of a total of 50,920 prisoners. The shortage of trial judges, serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees did not have trials because police had insufficient vehicles to transport them to court on their trial dates.

The NHRC [National Human Rights Commission of Nigeria] reported some detainees were held because authorities had lost their case files. Some state governments released inmates who were already detained for longer than the potential maximum sentences they would have received if found guilty. Although detainees had the right to submit complaints to the NHRC, the commission had yet to act on any complaint. Detainees could try to complain to the courts but often found this approach impossible. Even detainees with legal representation often waited years to gain access to the courts. [...]

➤ [Open Society Justice Initiative, Fact Sheet: Improving Pretrial Justice in Nigeria, February 2013](#)

- Over 70% of the prison population are detainees who are awaiting trial.
- Capital offenders often spend over 5 years in pretrial detention.
- Over 20% of the prison population has been awaiting trial for over a year.
- The current imprisonment rate is relatively low, but steadily increasing.

Detainees in Nigeria face an array of obstacles as they attempt to navigate their way through the criminal justice system. Many spend months or even years in detention before they appear in court, and many cases get lost in the system. A number of factors contribute to the serious state of pretrial justice:

- suspects are often arrested by the police before the start of an investigation and the police often have little or no information linking them to a specific crime;
- magistrates do not have the authority to hear capital cases such as armed robbery or murder, but can remand suspects in custody typically without a fixed court date;
- most suspects do not have access to legal representation. In 2005, 75 % of detainees in pretrial custody did not have access to a lawyer.

#### The Duty Solicitor Model

In 2005 the Police Duty Solicitor Scheme (PDSS) launched a project to provide basic legal assistance to suspects at police stations and in prisons. The project works with duty solicitors; recent law graduates who work under the supervision of a lawyer from the Legal Aid Council. The PDSS has been successful in 'fast tracking' cases towards bail hearings and reducing the time spent in police custody. In the six participating states suspects now spend an average of 24-36 hours in police custody – a significant reduction compared with figures of up to 6 months in previous years and in line with constitutional provisions and international standards. [...]

### **Deaths in detention**

- [Amnesty International, Nigeria: Authorities must investigate deaths of Boko Haram suspects in military custody, 16 October 2013](#)

[...] Hundreds of people may have died in detention facilities run by the Joint Task Force (JTF) in 2013. Amnesty International is calling on the Nigerian authorities to conduct a thorough, impartial and transparent investigation into the deaths, as a matter of urgency. Amnesty International received credible information from a senior officer in the Nigerian Army that over 950 people died in detention facilities run by the Joint Task Force in the first six months of 2013 alone. A large proportion of these people are believed to have died in Giwa military barracks in Maiduguri, Borno state and Sector Alpha, commonly referred to as 'Guantanamo' and Presidential Lodge (known as 'Guardroom') in Damaturu, Yobe state - facilities used by the JTF to detain people suspected of being members of or associated with Boko Haram.

According to former detainees interviewed by Amnesty International, people died on an almost daily basis in Giwa barracks as well as Sector Alpha detention centres, from suffocation or other injuries due to overcrowding and starvation. Some suffered serious injuries due to severe beating and eventually died in detention due to lack of medical attention and treatment.

Others were reportedly shot in the leg during interrogation, provided no medical care and left to bleed to death. 18 former detainees of Giwa barracks and Sector Alpha interviewed by Amnesty International also said they had witnessed soldiers taking detainees from their cells and heard them threatening to shoot the detainees. The detainees were never returned to their cells. In some cases, they may have been extrajudicially executed. [...]

- [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 63. JS 9 [The Niger Delta UPR Coalition comprised of: Kebekache Women Development and Resource Centre, Reforms Support Group, Save Earth Nigeria (SEN), Living Earth Nigeria Foundation (LENF), Centre for the Protection of Ogbogolo People (CENPOP), Stakeholder Democracy Network (SDN), NIDREF, Community Environment and Development Network (CEDEN), Lokiaka Community Development Centre (LCDC), Host Communities Network (HOCON), Centre for Environment, Human Rights and Development (CEHRD), Peoples' Right to Life Foundation (PERLDEF), Media for Good Governance and Accountability, Greenleaf Foundation, The Movement for the Survival of the Ogoni People (MOSOP), Council for the Liberation of Ikwerre People (COLIP) and Gender and Development Action (GADA) (Joint Submission 9);]

stated that Nigeria has not taken any steps to bring the alleged perpetrators of extrajudicial killings to justice, pursuant to recommendations in paragraphs 103.14, 103.22 and 103.23 of the Report.

64. AI stated that killings by police and deaths in police custody were rarely adequately investigated and there was often no action to hold police officers to account. [...]

### **Executions**

➤ [Amnesty International, Nigeria: Authorities in Nigeria must not carry out any further executions of death row prisoners, 28 August 2013](#)

[...] Amnesty International and nine Nigerian civil society organisations call on authorities in Nigeria to immediately halt all plans to execute further death row inmates in the country, and to return to a moratorium on executions, with a view of abolishing the death penalty. The organisations are deeply concerned that Thankgod Ebhos, who was nearly executed on 24 June 2013 when four other men were hanged at Benin City Prison in Edo state, is still at risk after unconfirmed reports that the authorities in Edo state are planning to request a court to change the method of his execution from firing squad to hanging. The Edo state government gave a directive to Benin prison to transfer him to Kaduna state, where he was originally sentenced to death. The organisations condemn the execution of Chima Ejiofor, Daniel Nsofor, Osarenmwinda Aiguokhan and Richard Igagu on 24 June 2013 without regard for due process and without giving prior notice to their families or lawyers. In addition, and also contrary to international standards on the use of the death penalty, the bodies of the four inmates executed have not been returned to the families for burial, or the location of their graves made known.

According to information received by the organisations, prison officers fired tear gas into the cells of the death row inmates on 24 June because those to be executed were allegedly refusing to leave their cells. The small cells for death row inmates contained approximately six people. Deploying tear gas in enclosed areas can constitute a human rights violation. High levels of exposure to chemical irritants in buildings can be lethal or cause serious injuries. It is especially dangerous for those who have pre-existing or compromised health conditions. There were also reports that the inmates executed were beaten by the prison officers before they were executed, and that no medical care was given. The prison authorities in Benin City have neither confirmed nor denied these allegations. [...]

### **Poor detention facilities**

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 4. National Human Rights Commission of Nigeria (NHRC) stated that there was overcrowding in city-based prisons, coupled with poor nutrition, inadequate clothing for inmates, poor sanitation, poor record keeping and derelict physical structures. [...]

56. CHRI [Commonwealth Human Rights Initiative, New Delhi, India] stated that there were overcrowding, poor sanitation, lack of food and essential medical supplies in prisons. [...]

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 5. NHRC [National Human Rights Commission of Nigeria] stated that administration of justice was challenged by the continued use of outdated legislation, allegations of corruption, poor access to justice and long delays in concluding existing litigations. In addition, the absence of sentencing guidelines resulted in wide disparity or variations in sentences, delays in trials lead to lengthy pre-trial detentions, and the use of outdated court procedures. [...]

➤ [Freedom House, Freedom in the World 2013 - Nigeria, 9 May 2013](#)

[...] Children and the mentally disabled are often held with the general prison population. Prison facilities are rife with disease, as they commonly lack water, adequate sewage facilities, and medical services. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] 1c [...] Prison and Detention Center Conditions

Prison and detention center conditions remained harsh and life threatening. Prisoners, a majority of whom had not been tried, were subject to gross overcrowding, food shortages, inadequate medical treatment, and infrastructure deficiencies that led to wholly inadequate sanitary conditions. Reports indicated guards and prison officials threatened inmates with extortion or levied fees on them to pay for the maintenance of the prison and subjected them to physical abuse; in some cases female inmates faced the threat of rape. Female prisoners pregnant at the time of incarceration gave birth to and raised their babies in prison.

Domestic and international human rights groups reported the existence of unofficial military prisons, including the Giwa military barracks in Maiduguri, Borno State. HRW and AI cataloged cases of illegal detention, inhumane and degrading treatment, beatings, torture, and extrajudicial killings in these prisons. AI estimated 200 to 500 people were detained at the Giwa barracks. Those interviewed for the reports claimed families and lawyers did not have access to suspects detained in these facilities, and authorities moved detainees frequently and without notice, making it difficult for families or lawyers to locate a detainee. The government claimed Giwa barracks was only used as a military barracks, and did not serve as a detention center. Boko Haram suspects were reportedly held in inhuman conditions at the Special-Anti-Robbery Squad (SARS) detention center, also known as the “abattoir,” in Abuja. On November 26, suspected Boko Haram militants attacked the SARS detention center, freeing an estimated 30 detainees, possibly including Boko Haram members.

Physical Conditions: The prison system included 12 maximum-security prisons, 83 satellite prisons, 10 farm centers, two women’s prisons, eight zonal offices, and six directorates, all of which held prisoners and detainees. The Nigerian Prison Service released statistics at the end of March indicating the prisons held 50,920 inmates. Of that inmate population, slightly less than 2 percent were females and 1 percent juveniles.

Overcrowding was a problem. Although national capacity stood at 47,284, an imbalance in the use of prisons resulted in underutilization at some facilities--some newer prisons had no inmates--while others were at 600 percent of their designed capacity. The Owerri Federal Prison had a capacity of 548 prisoners but held more than 1,784. Ogwuashi-Uku prison in Delta State, with a capacity of 64 prisoners, housed 541, while Port Harcourt prison, with a capacity of 804 prisoners, held 2,955. Ijebi-Ode prison in Lagos, with a capacity of 49 prisoners, held 309.

Most of the country’s 234 prisons, built 70 to 80 years earlier, lacked basic facilities. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in dangerous and unsanitary conditions. Disease remained pervasive in cramped, poorly ventilated prison facilities, which had chronic shortages of medical supplies. Inadequate medical treatment caused many prisoners to die from treatable illnesses. Prison illnesses included HIV/AIDS, malaria, and tuberculosis. Inmates with these illnesses lived with the general prison population. Although authorities attempted to isolate persons with communicable diseases, facilities often lacked the space to do so. Prison authorities claimed the death rate in prisons was 89 out of 1,500 prisoners per year; no reliable independent statistics existed on the number of prison deaths.

During a June 22 visit to prisons in Enugu State and Owerri, Imo State, an observer noted cells designed for 20 inmates held 80, authorities conducted no routine screening for tuberculosis, other infectious diseases, or pregnancy, and they had not established isolation wards, adequately equipped clinic facilities, or proper sewage disposal systems.

Only those prisoners with money, or whose relatives brought food regularly, had sufficient food; prison officials routinely stole money provided for food for prisoners. Poor inmates often relied on handouts from others to survive. Prison officials, police, and other security force personnel often denied inmates food and medical treatment as punishment or to extort money.

Prisoners with mental disabilities remained incarcerated with the general prison population. Individual prisons made efforts to provide mental health facilities, but most prisons did not provide mental health care.

The federal government operated all the prisons but maintained few pretrial jail facilities. Of the total prison population, 72 percent were pretrial detainees.

Authorities sometimes held female and male prisoners together, especially in rural areas, and prisons had no facilities to care for pregnant women or nursing mothers. Infants born to inmate mothers usually remained with the mother until weaned. Juvenile suspects were often held together with adult prisoners.

Although the law precludes the imprisonment of children, minors, many of whom were born there, lived in the prisons. A report by the African Union on the rights and welfare of the Nigerian child found an estimated 6,000 children lived in prisons and detention centers. Despite a government order to identify and release such children and their mothers, authorities had not done so by year's end.

Authorities held political prisoners with the general prison population.

Administration: Prison authorities allowed visitors within a scheduled timeframe. However, few visitors came due to lack of family resources and travel distance. Prisoners could attend religious observances, although prisons often did not have equal facilities for Muslim and Christian worship. In some prisons outside clergy constructed chapels or mosques.

The country does not have an ombudsman to serve on behalf of convicted prisoners and detainees in considering such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; the status and circumstances of confinement of juvenile offenders; or improving pretrial detention, bail, or recordkeeping procedures to ensure prisoners do not serve beyond the maximum sentence for the charged offense.

Prisoner complaints centered on lack of access to court proceedings, as in many cases inmates lacked transportation to attend a court hearing. All prisons suffered from poor facilities and lack of resources.

Monitoring: The National Human Rights Commission (NHRC) monitored prisons throughout the year. The commission compiles an annual prison audit but the report for 2012 was not available by year's end. The Federal Ministry of Justice was also known to monitor prisons under the Federal Government Prison Decongestion Program. However, there were no regular outside monitors of the prisons, and no statistics on the mistreatment of prisoners or availability of food or medical care.

The government provided access to prisons for monitoring conditions, although few outside visits occurred. The local Red Cross made attempts to visit prisons but could not maintain a regular visit schedule. Authorities inconsistently maintained records for individual prisoners in paper form but without making them widely accessible.

Improvements: The government did not make widespread improvements to prisons during the year, but individual prison administrations attempted to collect donations from religious organizations, NGOs, and the National Youth Service Corps to benefit inmates. For example, on April 27, Junior Chamber International Nigeria renovated and donated a five-room housing unit to the Akwa Ibom prison. On May 13, the youth service corps donated a psychology clinic for the rehabilitation and counseling of inmates at the Onitsha prison. [...]

## 2.3 Actors of protection

No conclusion is presented for this section of the OGN. The OGN identifies a number of issues which compromise the ability of the authorities to provide effective protection: corruption, including bribes to initial cases and to drop cases (paragraph 2.3.4); security forces committing human rights abuses (paragraph 2.3.5); impunity for violations and corruption (2.3.9, 2.3.10); a corrupt and an overburdened judiciary (2.3.10-2.3.13); and a lack of investigative resources (2.3.13).

Non-exhaustive, illustrative COI which post-dates the publication of the January 2013 OGN continues to document these issues:

- [Bribery and corruption \(especially to initiate proceedings and to drop cases\)](#)
- [Human rights abuses](#)
- [Impunity](#)
- [Corrupt and overburdened judiciary](#)
- [Lack of investigative resources](#)

Note that for information on torture, deaths in custody and the use of pre-trial detention see [3.12 Prison conditions](#).

### **Bribery and corruption (especially to initiate proceedings and to drop cases)**

- [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)  
[...] 60. AI stated that widespread corruption and disregard for due process and the rule of law continue to blight the criminal justice system. The police demanded money for release from detention. [...]
- [Freedom House, Freedom in the World 2013 - Nigeria, 9 May 2013](#)  
[...] Corruption remains pervasive, and government efforts to improve transparency and reduce graft have been inadequate. A 2011 report by Human Rights Watch found that the Economic and Financial Crimes Commission, Nigeria's main anticorruption agency, arraigned 30 prominent politicians on corruption charges since it began work in 2002. However, it won only four convictions, resulting in little or no jail time. The body is hampered by political interference, an inefficient judiciary, and its own institutional weaknesses, and is subject to accusations that it targets those who have lost favor with the government. In a sign of ongoing, large-scale graft, an internal Petroleum Resources Ministry report leaked in October 2012 found that \$29 billion in public revenue was lost over the past decade to a natural gas price-fixing scheme. Nigeria was ranked 139 out of 176 countries surveyed in Transparency International's 2012 Corruption Perceptions Index.  
[...] Security forces commit abuses with near impunity, and corruption pervades their ranks. [...] In addition to extrajudicial killings of criminal suspects and prisoners, torture and general ill-treatment of detainees are widespread in Nigeria, and such abuses are reportedly used to force confessions and extort bribes. Corrupt officers are often supported by a chain of command that encourages and institutionalizes graft. [...]
- [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)  
[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:  
a. Arbitrary or Unlawful Deprivation of Life

[...] In July the CLEEN Foundation released the results of a national crime and safety survey revealing 31 percent of people claimed to have fallen victim to a crime over the past year. Only 21 percent of these self-reported victims reported those crimes to the police, possibly because 76 percent of respondents believed they would have to pay a bribe to receive services. The report noted that, over the past two years, incidents of robbery had increased 6 percent, while reports of domestic violence had increased 14 percent – possibly due to increased awareness of the crime. Of those who reported crimes, only 48 percent of respondents reported satisfaction with police handling of their case. The survey also suggested corruption, particularly among police, continued to affect the lives of many persons, and respondents pointed to government insincerity as the most significant obstacle facing the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices and Other Related Offenses Commission (ICPC), the federal government's two main anticorruption agencies. Respondents listed crime control as the top priority over all others deserving government attention. [...]

[...] Arrest Procedures and Treatment While in Detention

[...] Arbitrary Arrest: Police routinely detained suspects without informing them of the charges or allowing access to counsel and family members. Provision of bail often remained arbitrary or subject to extrajudicial influence. Judges often set conditions of bail too stringent to be met. In many areas with no functioning bail system, suspects remained incarcerated indefinitely in investigative detention within the prison system. Authorities kept detainees incommunicado for long periods. Numerous detainees alleged police demanded bribes to take them to court to have their cases heard. If family members wanted to attend a trial, police often demanded additional payment.[...]

Section 4. Corruption and Lack of Transparency in Government

[...] Police corruption remained rampant. Reports of checkpoint bribery and shooting incidents decreased in February after newly appointed Inspector General of Police Mohammed Abubakar announced the closure of all police checkpoints across the country; however, illegal checkpoints remained common in some regions. Police routinely stopped drivers who did not commit traffic infractions, refusing to allow them to continue until they paid bribes. The Office of the Inspector General of Police attempted to strengthen the Police Monitoring Unit, which was charged with visiting police stations to search officers for signs of accepting bribes; however, the unit remained ineffective and made no arrests by year's end. Citizens could report incidents of police corruption to the NHRC; however, the NHRC did not act on such complaints during the year, and no other mechanism existed to investigate security force abuse.

➤ [Human Rights Watch, World Report 2013: Nigeria, 31 January 2013](#)

[...] Conduct of Security Forces

Despite promising public statements by the new inspector general of police, corruption in the police force remains a serious problem. The police routinely solicit bribes from victims to investigate crimes and from suspects to drop investigations. Senior police officials embezzle or mismanage police funds, often demanding monetary "returns" from money that their subordinates extort from the public. [...]

### **Human rights abuses**

➤ [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 40. STP [Society for Threatened People, Göttingen, Germany] stated that the security forces lacked credibility with residents in northern Nigeria, who feared the deliberate use of violence by the security forces. Four students from Nasarawa University were allegedly killed by soldiers deployed on 25 February 2013, to quell the protest over lack of water on campus. [...]

➤ [Amnesty International, Amnesty International Annual Report 2013 - Nigeria, 23 May 2013](#)

[...] Boko Haram

[...] Responses by the police and security forces

[...] Nigeria's security forces perpetrated serious human rights violations in their response to Boko Haram – including enforced disappearance, extrajudicial executions, house burning and unlawful detention.

Scores of people were unlawfully killed by the Joint Task Force (JTF) – army, police and other security forces – set up to deal with the violence, or police; others were subjected to enforced disappearance from police or JTF custody.

People in at least five communities in Maiduguri had their houses burned down by the JTF, often following raids and arrests in the areas and in some cases seemingly as a punitive measure. [...]

Unlawful killings

Unlawful killings were carried out by the police across Nigeria. In March 2012, the Chairman of the National Human Rights Commission (NHRC) Governing Council said an estimated 2,500 detainees were summarily killed by the police every year. [...]

➤ [Freedom House, Freedom in the World 2013 - Nigeria, 9 May 2013](#)

[...] The escalation of Boko Haram activity was matched by a harsh and somewhat indiscriminate response from the military and police, reportedly including extrajudicial killings and arbitrary arrests. [...]

[...] In addition to extrajudicial killings of criminal suspects and prisoners, torture and general ill-treatment of detainees are widespread in Nigeria, and such abuses are reportedly used to force confessions and extort bribes. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents committed numerous arbitrary or unlawful killings.

During the year Joint Task Forces (JTFs), composed of elements of the military, police, and other security services, conducted raids on militant groups and criminal suspects in Adamawa, Bauchi, Borno, Gombe, Kano, Kaduna, Kogi, Niger, Plateau, Sokoto, and Yobe states, resulting in numerous deaths and injuries to alleged criminals, militants, and civilians. According to credible eyewitness accounts, JTF members committed illegal killings during attempts to apprehend members of the extremist group Boko Haram in several states, including Borno, Kano, Kaduna, and Yobe states and surrounding areas. Local nongovernmental organizations (NGOs), international human rights groups, and political and traditional leaders from the affected states accused the security services of indiscriminate and extrajudicial killings, illegal detention, inhumane treatment of detainees, and torture during the year. [...]

Credible reports also indicated other uniformed military personnel and paramilitary mobile police carried out summary executions, assaults, torture, and other abuses throughout Bauchi, Borno, Kano, Kaduna, Plateau, and Yobe states (see section 1.g.). The national police, army, and other security forces committed extrajudicial killings and used lethal and excessive force to apprehend criminals and suspects, as well as to disperse protesters. [...]

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] JTF use of excessive force during raids on militant groups and criminal suspects in the Niger Delta and many states in the North resulted in deaths, injuries, mass rape, displacement of civilians, and other abuses. [...]

According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity. [...]

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention; however, police and security forces continued to employ these practices. The JTF arbitrarily arrested hundreds of persons during sweeps for militants, and security force personnel made arbitrary arrests during the national elections. [...]

g. Use of Excessive Force and Other Abuses in Internal Conflicts

The JTF committed numerous killings during the year. The government claimed these JTF members faced disciplinary charges, but there were no reported cases in which a JTF member faced a discharge or criminal charges. The JTF allegedly committed numerous killings in Bauchi, Borno, Kano, and Yobe states after attacks by Boko Haram.

Security forces used excessive force in the pursuit of Boko Haram suspects, often resulting in arbitrary arrest, detention, torture, or extrajudicial killing of civilians. [...]

➤ [Human Rights Watch, World Report 2013: Nigeria, 31 January 2013](#)

[...] Conduct of Security Forces

Government security forces have been implicated in serious human rights violations in response to the Boko Haram violence. During raids in communities where attacks have occurred in 2012, soldiers have allegedly burned homes and executed Boko Haram suspects or residents with no apparent links to the group. Nigerian authorities have rarely brought anyone to justice for these crimes.

Nigeria's police force continues to be implicated in frequent human rights violations, including extrajudicial killings, torture, arbitrary arrests, and extortion-related abuses. [...]

### **Impunity**

- [Amnesty International, Amnesty International Annual Report 2013 - Nigeria, 23 May 2013](#)

[...] Independent and impartial investigations were rarely carried out into allegations of human rights violations by the security forces and, when they were, the findings were not made public. [...]

- [Freedom House, Freedom in the World 2013 - Nigeria, 9 May 2013](#)

[...] Security forces commit abuses with near impunity, and corruption pervades their ranks. [...]

- [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

Executive Summary

[...] Impunity remained widespread at all levels of government. The government brought few persons to justice for abuses and corruption. Police and security forces generally operated with impunity. Authorities did not investigate the majority of cases of police abuse or punish perpetrators. Authorities generally did not hold police accountable for the use of excessive or deadly force or for the deaths of persons in custody. [...]

[...] Role of the Police and Security Apparatus

[...] The NPF remained susceptible to corruption, committed human rights abuses, and generally operated with impunity in the apprehension, illegal detention, and sometimes execution of criminal suspects. The SSS also committed human rights abuses, particularly in restricting freedom of speech and press. In some cases private citizens or the government brought charges against perpetrators of human rights abuses in these units. However, most cases lingered in court or went unresolved after an initial investigation. [...]

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. Massive, widespread, and pervasive corruption affected all levels of government and the security forces. The constitution provides immunity from civil and criminal prosecution for the president, vice president, governors, and deputy governors while in office. [...]

- [Human Rights Watch, World Report 2013: Nigeria, 31 January 2013](#)

[...] The failure of Nigeria's government to address the widespread poverty, corruption, police abuse, and longstanding impunity for a range of crimes has created a fertile ground for violent militancy.

[...] Conduct of Security Forces

[...] Meanwhile, the authorities have still not prosecuted members of the police and military for the unlawful killing of more than 130 people during the 2008 sectarian violence in Jos, Plateau state, the soldiers who massacred more than 200 people in Benue State in 2001, or soldiers involved in the complete destruction of the town of Odi, Bayelsa State, in 1999. [...]

### **Corrupt and overburdened judiciary**

- [Working Group on the Universal Periodic Review, Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 \(b\) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Human Rights Council resolution 16/21, 31 July 2013](#)

[...] 60. AI stated that widespread corruption and disregard for due process and the rule of law continue to blight the criminal justice system. [...] Court processes were slow and largely distrusted, and court orders were often ignored by police and security forces. [...]

➤ [Amnesty International, Amnesty International Annual Report 2013 - Nigeria, 23 May 2013](#)

[...] Justice system

Widespread corruption and disregard for due process and the rule of law continued to blight Nigeria's criminal justice system. Many people were arbitrarily arrested and detained for months without charge. Police continued to ask people to pay money for their release from detention. Many detainees were kept on remand in prison for lengthy periods and in harsh conditions. Court processes remained slow and largely distrusted. [...]

Death penalty

In September, the High Court of Lagos State declared the mandatory imposition of the death penalty to be unconstitutional, in a case brought in 2008 by the Legal Resources Consortium (LRC), assisted by Nigerian NGO LEDAP (The Legal Defence and Assistance Project).

But the death penalty remained mandatory in Nigeria's penal laws for a wide range of crimes. There were approximately 1,002 inmates on death row by the end of 2012 including people who were juveniles at the time of the crime. Many were sentenced after blatantly unfair trials or after spending more than a decade in prison.

➤ [Freedom House, Freedom in the World 2013 - Nigeria, 9 May 2013](#)

[...] The higher courts are relatively competent and independent, but they remain subject to political influence, corruption, and lack of funding, equipment, and training. Certain departments, particularly the Court of Appeals, have often overturned decisions on election challenges or allegations of corruption against powerful elites, raising doubts about their independence. Ordinary defendants frequently lack legal representation and are often ill-informed about court procedures and their rights. [...]

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] Arrest Procedures and Treatment While in Detention

[...] The shortage of trial judges, serious trial backlogs, endemic corruption, and undue political influence continued to hamper the judicial system. Multiple adjournments in some cases resulted in serious delays. Many detainees did not have trials because police had insufficient vehicles to transport them to court on their trial dates. [...]

e. Denial of Fair Public Trial

Although the constitution and law provide for an independent judiciary, the judicial branch remained susceptible to pressure from the executive and legislative branches and the business sector. Political leaders influenced the judiciary, particularly at the state and local levels. Understaffing, underfunding, inefficiency, and corruption continued to prevent the judiciary from functioning adequately. Judges frequently failed to appear for trials, often because they were pursuing other sources of income and sometimes because of threats against them. In addition court officials often lacked the proper equipment, training, and motivation to perform their duties, with the lack of motivation primarily due to inadequate compensation. During the year Supreme Court judges called for a more independent judiciary. [...]

Section 4. Corruption and Lack of Transparency in Government

[...] There was a widespread perception judges were easily bribed and litigants could not rely on the courts to render impartial judgments. Citizens encountered long delays and alleged requests from judicial officials for bribes to expedite cases or obtain favorable rulings. [...]

**Lack of investigative resources**

➤ [United States Commission on International Religious Freedom, USCIRF Annual Report 2013 - Countries of Particular Concern: Nigeria, 30 April 2013](#)

Background

[...] The constitution's provisions on federalism create jurisdictional conflicts between federal and state entities, which have negatively impacted religious freedom by creating a confused rule of law system. The system impedes successful prosecutions as federal and state attorneys often fight over jurisdictional questions regarding the prosecution of cases. The frequent result is no prosecutions. Additionally, to prevent and address Nigeria's history of coups by security forces, the police force is a federal entity. Officers are routinely rotated to new locations (and never in their home areas). This hinders the ability of police to gain the trust of local populations, which is needed for successful investigations. The process also leads to slow police responses to outbreaks of sectarian violence, as federal approval is necessary for a full deployment of troops to conflict areas.

➤ [U.S. Department of State, Country Reports on Human Rights Practices 2012: Nigeria, 19 April 2013](#)

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] In September the Network on Police Reform in Nigeria (NOPRIN) released the findings of a civil society panel convened in February to explore police reform. The report highlighted an inadequate and outdated NPF mission statement ill-suited for a liberal democratic society; a legal framework that has led to politicization and lack of professionalism in the force; overcentralization of power in the hands of the IGP; a lack of functional specialization among NPF officers; a duplication of policing functions in outside agencies; weak oversight agencies, especially the Police Service Commission; and an ineffectual performance appraisal system. The panel also discovered continued corruption and lack of public confidence in the force; ineffective training and a deficient training infrastructure; insensitivity to crimes against women; and funding problems including low budgetary allocation, incomplete release of budgeted funds, and late release of funds, all of which feed corruption. [...]

Role of the Police and Security Apparatus

[...] According to AI's 2009 report, only a fraction of the NPF annual budget reached state and local police stations, and the lack of funding contributed to many police failures. In May and July the new inspector general of police, Mohammed Abubakar, publicly attributed poor performance and corruption among police to a lack of government support for the personnel, inadequate funding, poor work environment, lack of incentives, and low morale. [...]

## 2.4 Internal relocation

The OGN states in relation to internal relocation that:

Excerpt from January 2013 Nigeria OGN

2.4 Internal relocation.

2.4.1 Case owners must refer to the Asylum Instruction on Internal Relocation and in the case of a female applicant, the AI on Gender Issues in the Asylum Claim, for guidance on the circumstances in which internal relocation would be a 'reasonable' option, so as to apply the test set out in paragraph 3390 of the Immigration Rules. It is important to note that internal relocation can be relevant in both cases of state and non-state agents of persecution, but in the main it is likely to be most relevant in the context of acts of persecution by localised non-state agents. If there is a part of the country of return where the person would not have a well founded fear of being persecuted and the person can reasonably be expected to stay there, then they will not be eligible for a grant of asylum. Similarly, if there is a part of the country of return where the person would not face a real risk of suffering serious harm and they can reasonably be expected to stay there, then they will not be eligible for humanitarian protection. Both the general circumstances prevailing in that part of the country and the personal circumstances of the person concerned including any gender issues should be taken into account. Case owners must refer to the Gender Issues in the asylum claim where this is applicable. The fact that there may be technical obstacles to return, such as re-documentation problems, does not prevent internal relocation from being applied.

2.4.2 Very careful consideration must be given to whether internal relocation would be an effective way to avoid a real risk of ill-treatment/persecution at the hands of, tolerated by, or with the connivance of, state agents. If an applicant who faces a real risk of ill-treatment/persecution in their home area would be able to relocate to a part of the country where they would not be at real risk, whether from state or non-state actors, and it would not be unreasonable to expect them to do so, then asylum or humanitarian protection should be refused.

2.4.3 The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation; however, security officials restricted freedom of movement at times by enforcing curfews in areas experiencing ethno-religious violence. They also routinely set up roadblocks and checkpoints, sometimes every few miles, to extort money from travellers. Security officials continued to use excessive force at checkpoints and roadblocks.

2.4.4 During 2011 state officials imposed dusk-to-dawn curfews in response to sectarian conflicts. For example, authorities imposed curfews in August and September in areas of Kaduna State and Plateau State, following ethno-religious violence. In some cases state and local governments, such as Yobe State and Maidugiri, Borno State, imposed curfews or otherwise restricted movement in the aftermath of Boko Haram attacks.

The OGN highlights the importance of conducting an IFA assessment that includes the reasonableness and relevance analyses that must be undertaken in order to assess whether relocation is possible. However, extremely limited COI is included in this section; paragraphs 2.4.3 and 2.4.4 only inform about the restrictions on freedom of movement imposed through curfews, thereby covering one aspect of the assessment required under the 'relevance analysis'. As set out below, the OGN fails to mention other relevance factors such as the security situation and the potential reach of non-state actors, such as Boko Haram and Ansaru or the risk of new harm in the proposed site of relocation. This section of the OGN further fails to provide any COI on the reasonableness of internal relocation, for example, on the situation of single lone women, which would be of particular use for the analysis of 'undue hardship'.

The UNHCR Guidelines on 'Internal Flight or Relocation Alternative' set out the two main analyses that must be undertaken in order to assess whether there is a relocation possibility, which it is useful to base issues for COI research on:

[UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23/07/2003](#)

I. The Relevance Analysis

- a) Is the area of relocation practically, safely, and legally accessible to the individual? If any of these conditions is not met, consideration of an alternative location within the country would not be relevant.
- b) Is the agent of persecution the State? National authorities are presumed to act throughout the country. If they are the feared persecutors, there is a presumption in principle that an internal flight or relocation alternative is not available.
- c) Is the agent of persecution a non-State agent? Where there is a risk that the non-State actor will persecute the claimant in the proposed area, then the area will not be an internal flight or relocation alternative. This finding will depend on a determination of whether the persecutor is likely to pursue the claimant to the area and whether State protection from the harm feared is available there
- d) Would the claimant be exposed to a risk of being persecuted or other serious harm upon relocation? This would include the original or any new form of persecution or other serious harm in the area of relocation

II. The Reasonableness Analysis

- a) Can the claimant, in the context of the country concerned, lead a relatively normal life without facing undue hardship? If not, it would not be reasonable to expect the person to move there.

Whilst individualised research specific to a claimant's profile and to the proposed place of internal relocation is required, the following provides an indication of the relevant issues that need to be addressed in order to follow UNHCR's approach in assessing the possibility of internal relocation within Nigeria, together with some recommended sources.

**I. The Relevance Analysis**

**a) Is the area of relocation practically, safely, and legally accessible to the individual? If any of these conditions is not met, consideration of an alternative location within the country would not be relevant**

Following on from the above, COI research is required on:

- Restrictions on entering the proposed site of internal relocation: e.g. the existence of checkpoints and curfews
- Security situation in the proposed site of internal relocation e.g. attacks by Boko Haram, Ansaru
- Security situation on route to the proposed site of internal relocation

For suggested sources to consult when researching the security situation in a particular area of relocation see the [sources database](#) in the Appendix.

**I. The Relevance Analysis**

**b) Is the agent of persecution a non-State agent? Where there is a risk that the non-State actor will persecute the claimant in the proposed area, then the area will not be an internal flight or relocation alternative. This finding will depend on a determination of whether the persecutor is likely to pursue the claimant to the area and whether State protection from the harm feared is available there.**

THIS DOCUMENT SHOULD BE USED AS A TOOL FOR IDENTIFYING RELEVANT COUNTRY OF ORIGIN INFORMATION. IT SHOULD NOT BE SUBMITTED AS EVIDENCE TO THE HOME OFFICE, THE TRIBUNAL OR OTHER DECISION MAKERS IN ASYLUM APPLICATIONS OR APPEALS © Still Human Still Here 2013

In order to assess whether internal relocation is a possibility to escape the risk of persecution from a particular (and known) armed group, such as Boko Haram or Ansaru, information is required on the following issues:

- Origins and ideology
- Affiliates
- Strength and regions of operation
- Recent activities and targets of attacks

Sources recommended to consult on these issues include:

#### **Databases [search by keyword]**

[European Country of Origin Information Network \(ECOI\)](#)

[UNHCR Refworld](#)

#### **General Sources [search by publication date and keyword]**

[African Arguments](#), Nigeria country page

[Amnesty International](#)

[Human Rights Watch](#), Nigeria country page

[International Crisis Group](#), Nigeria country page

[International Institute for Strategic Studies \(IISS\)](#)

[Long War Journal](#)

[START- National Consortium for the Study of Terrorism and Responses to Terrorism](#)

[Terrorism Research & Analysis Consortium](#)

#### **Specific reports**

- [Austrian Centre for Country of Origin and Asylum Research and Documentation: ecoi.net featured topic on Nigeria: Boko Haram, 27 September 2013](#)
- [U.S. Department of State, Country Report on Terrorism 2012, May 2013](#)
- [BBC News, Boko Haram timeline: From preachers to slave raiders, 15 May 2013](#)
- [United States Institute of Peace, Special Report: What is Boko Haram?, June 2012](#)

Also see the COI presented above in section 3.8 Religious Persecution on:

- [Targets and reach of Boko Haram and Ansaru](#)
- [State protection against Boko Haram and Ansaru \(particularly in north Nigeria\)](#)

### **I. The Relevance Analysis**

**d) Would the claimant be exposed to a risk of being persecuted or other serious harm upon relocation? This would include the original or any new form of persecution or other serious harm in the area of relocation.**

In addition to researching the risk of harm arising from a claimant's particular profile, it will be necessary to research any new human rights abuses that might affect the claimant in the proposed new area of relocation based on their personal circumstances, for example arising from their gender, ethnicity, religion, political opinion etc .

For the situation of lone women see the COI presented further below on the:

- [Economic situation for women](#)
- [Discriminatory practices against women](#)
- [Risk of violence against women](#)
- [Lack of effective protection by the Nigerian police force](#)
- [Lack of services available to single lone women](#)
- [Restrictions on women's freedom of movement](#)

For the treatment of religious minorities see the COI presented above in section 3.8 Religious Persecution on:

- [State abuses of religious freedom](#)  
[State treatment of Muslims \(particularly in south Nigeria\)](#)  
[State treatment of Christians and non-Muslims \(particularly in north Nigeria\)](#)
- [Societal violence and discrimination \(not including attacks by Boko Haram\)](#)  
[Societal violence and discrimination against Muslims \(particularly in south Nigeria\)](#)  
[Societal violence and discrimination against Christians and non-Muslims \(particularly in north Nigeria\)](#)
- [Inter-communal and religious violence in the central states](#)
- [Effective state protection available for persons fearing religious and communal violence](#)

## **II. The Reasonableness Analysis**

**a) Can the claimant, in the context of the country concerned, lead a relatively normal life without facing undue hardship? If not, it would not be reasonable to expect the person to move there.**

According to the UNHCR Guidelines on Internal Relocation, on this point it is necessary to assess (emphasis added):

[UNHCR, Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23/07/2003](#)

- **The applicant's personal circumstances** (Of relevance in making this assessment are factors such as age, sex, health, disability, family situation and relationships, social or other vulnerabilities, ethnic, cultural or religious considerations, political and social links and compatibility, language abilities, educational, professional and work background and opportunities, and any past persecution and its psychological effects. In particular, lack of ethnic or other cultural ties may result in isolation of the individual and even discrimination in communities where close ties of this kind are a dominant feature of daily life. Factors which may not on their own preclude relocation may do so when their cumulative effect is taken into account. Depending on individual circumstances, those factors capable of ensuring the material and psychological well-being of the

person, such as the presence of family members or other close social links in the proposed area, may be more important than others)

- **The existence of past persecution** (Psychological trauma arising out of past persecution may be relevant in determining whether it is reasonable to expect the claimant to relocate in the proposed area. The provision of psychological assessments attesting to the likelihood of further psychological trauma upon return would militate against finding that relocation to the area is a reasonable alternative)
- **Safety and security, respect for human rights**
- **Possibility for economic survival** (If the situation is such that the claimant will be unable to earn a living or to access accommodation, or where medical care cannot be provided or is clearly inadequate, the area may not be a reasonable alternative. It would be unreasonable, including from a human rights perspective, to expect a person to relocate to face economic destitution or existence below at least an adequate level of subsistence)

For suggested sources to consult when researching the humanitarian situation in a particular area of relocation see the [sources database](#) in the Appendix.

With specific regards to the possibility of relocation for a single woman, the following non-exhaustive, illustrative sources exemplify the economic difficulties, discriminatory practices, risk of violence and lack of effective protection by the Nigerian police force, lack of services available to single women and restrictions on freedom of movement that are prevalent throughout Nigeria that might impact on a woman's ability to internally relocate option:

- [Economic situation for women](#)
- [Discriminatory practices against women](#)
- [Risk of violence against women](#)
- [Lack of effective protection by the Nigerian police force](#)
- [Lack of services available to single lone women](#)
- [Restrictions on women's freedom of movement](#)

### **Economic situation for women**

#### ➤ [International Organization for Migration, Country Fact Sheet: Nigeria, August 2013](#)

[...] V. HOUSING

##### 1. General Description of the Housing Situation

[...] Accommodation for returnees without family in home countries:

They can rent a home in any part of Nigeria they wish to settle in for a fee. There is no special accommodation for returnees. They should however be aware that rents are high and difficult to come by in major cities.

[...] VI. EMPLOYMENT

##### 1. Labour Market Situation

Various surveys carried out by National Bureau of Statistics (NBS), Central Bank of Nigeria (CBN), National Directorate for Employment (NDE), National Manpower Board and Centre for Investment, Sustainable Development, Management and Environment, have revealed that over 80% of Nigeria's labour force are unemployed [...]

#### ➤ [Immigration and Refugee Board of Canada: Nigeria: Whether women who head their own households, without male or family support, can obtain housing and employment in large northern cities, such as Kano, Maiduguri, and Kaduna, and southern cities, such as Lagos, Ibadan, Port Harcourt; government support services available to female-headed households \[NGA103907.E\], 19 November 2012](#)

[...] 2. Socio-economic Status

Daily Trust, an Abuja-based newspaper, reports that, according to the Minister of Women Affairs and Social Development, speaking about "gender inequality" in the country after the release of the Gender in Nigeria Report 2012, there are very large geographical disparities in Nigeria (8 June 2012). She reportedly said that "human development outcomes" for girls and women are worse in the north, and that sometimes poverty levels in the north are double those in the south (Daily Trust 8 June 2012). The University of Kansas assistant professor stated that, in northern Nigeria, "women without male or family support face an array of social and economic challenges" (18 Oct. 2012).

According to the British Council in Nigeria, women "rely on a male breadwinner for survival" (UK 2012, 17). A project coordinator at Women's Rights Watch Nigeria, a Nigerian women's rights advocacy organization (Global Fund for Women n.d.), in correspondence with the Research Directorate, indicated that the survival of a family headed by a woman relies on a woman's socio-economic status (Women's Rights Watch Nigeria 18 Oct. 2012). Okeke stated that women living without male or family support face a "major challenge" in the "cost of running a home" (26 Oct. 2012). According to Country Reports 2011, women face "considerable economic discrimination," and women who head their own households face challenges in accessing commercial credit, tax deductions and rebates (US 24 May 2012, 42).

According to the University of Nigeria professor, it is easier for a woman to live alone without male support if she is educated and has a high social status because she can use "family connections," and is more likely to gain employment through connections to powerful individuals and politicians than through education (5 Jan. 2012). The Women's Rights Watch Nigeria project coordinator stated that if women are educated, it is "easier to cope" with running a household without male or family support (18 Oct. 2012). However, sources indicate that there is a very high rate of unemployment in Nigeria (Professor 5 Jan. 2012; Women's Rights Watch Nigeria 18 Oct. 2012), including for graduates (Professor 5 Jan. 2012).

According to the Women's Rights Watch Nigeria project coordinator, in the "majority of cases [of women heading households] there is a high level of poverty, especially among widows" (18 Oct. 2012). Leadership, an Abuja-based newspaper, reports that many widows are uneducated or lack the skills necessary to be self-reliant (24 June 2012).

About divorced women, in correspondence with the Research Directorate, Ayesha Imam, an independent consultant on women's rights, NGO development and sustainable development, and the former head of the Department of Culture, Gender and Human Rights at the UN Population Fund, said that women are "usually economically worse off after marriages are dissolved" (20 Oct. 2012). Sources indicate that, after divorce, men do not pay alimony to their ex-wives (Women's Rights Watch Nigeria 18 Oct. 2012; VOA 22 Mar. 2012). Imam indicated that, in Muslim law and customary law, divorced women "are not entitled to maintenance (except during iddah-the waiting period)" (20 Oct. 2012). She added that, in Christian marriages and secular marriages, although "maintenance orders" can be made, they are rarely enforced (Imam 20 Oct. 2012). Imam also stated that, since state "social provisions" and pensions do not exist, divorced women who do not have custody of their children face the challenge of not having their children's assistance in old age and not being able to benefit from their children's labour (ibid.). Voice of America (VOA) reports that the Executive Director of Voice of Widows, Divorcees and Orphans Association of Nigeria (VOWAN), an organization that it describes as providing skills training and setting up marriages for women in Kano state, indicated that, since no alimony is paid, divorced women heading their own households "barely make ends meet" (VOA 22 Mar. 2012). The Executive Director of VOWAN reportedly also stated that these divorced women may turn to prostitution or other criminality to survive (ibid.).

Okeke indicated that there is a Nigerian societal belief that single women need men to survive (26 Oct. 2012). According to Imam, the societal belief that all women should be married can lead to problems for single, divorced, or widowed women, including sexual harassment and discrimination in employment (20 Oct. 2012). Imam goes on to say that, in southern Nigeria, especially in the southeast, which is largely Christian, "there is social stigma against divorced women," while in northern Nigeria, which is largely Muslim, "women may divorce and re-marry several times without stigma" (20 Oct. 2012). However, Imam qualified this latter assessment by saying that a woman who divorces more than three or four times will be viewed as a "difficult" woman (20 Oct. 2012).

### 3. Employment

Sources indicate that obtaining employment in Nigeria is very difficult (Professor 5 Jan. 2012; Women's Rights Watch Nigeria 18 Oct. 2012). According to Pambazuka News, a web forum for social justice in Africa (n.d.), in Nigeria, women have higher rates of unemployment than men (24 Nov. 2010). The Nigeria NGO CEDAW Coalition, a national network of Nigerian women's rights NGOs (18 July 2008, ix), states that there is a high unemployment rate among educated women in urban areas (18 July 2008, 25). The US Country

Reports 2011 reports that women face discrimination in accessing formal employment (US 24 May 2012, 42). The British Council in Nigeria says similarly that women in Nigeria struggle for an equal opportunity to earn a living (UK 2012, 17). According to Country Reports 2011, some traditional and religious practices, rather than laws, prohibit women from work (US 24 May 2012, 42). Country Reports 2011 also states that women face discrimination in obtaining promotions and salary equity, as well as keeping jobs while pregnant, due to a policy of many businesses to fire women upon becoming pregnant (ibid.). According to the Nigeria NGO CEDAW Coalition, educated women face discrimination in almost all private industries (18 July 2008, xii). Although women are underrepresented in the formal economy (UK 2012, 17), they are present in the informal economy (Nigeria NGO CEDAW Coalition 18 July 2008, xii; Daily Trust 8 June 2012; Pambazuka News 24 Nov. 2010). Pambazuka News states that, when women can find jobs, it is most often in the informal sector in areas such as agriculture and "petty trading" (ibid.).

### 3.1 Employment in the South

The University of Nigeria professor indicated that a woman living without male support "can only get a reasonable job" in Lagos, Ibadan or Port Harcourt with the help of someone "in authority or very rich" (5 Jan. 2012). He said that, when a woman can find a job, it is usually a "low paying and high demanding" job in the informal sector, which is "equally difficult to come by" due to the "almost stagnant" economy, poor infrastructure, and underdeveloped industrial sector (Professor 5 Jan. 2012). The Women's Rights Watch Nigeria project coordinator stated that, although times are changing because more women are going to school, it is "generally easier" for women in the south to obtain work than women in the north, although they often end up working in "difficult" jobs, such as "petty trading" and subsistence agriculture (18 Oct. 2012). Okeke indicated that educated women in the south can obtain employment, but "many of them face sexual harassment" (26 Oct. 2012).

### 3.2 Employment in the North

According to the Women's Rights Watch Nigeria project coordinator, women in the north are "usually secluded" while men "do everything" (18 Oct. 2012). The Executive Director of VOWAN reportedly stated that "women have been relegated to the background in northern Nigeria" (VOA 22 Mar. 2012). According to the University of Nigeria professor, a woman who is not Muslim but lives in the north "may be less bound by the religious values of the North to look for employment" than Muslim women (5 Jan. 2012). Voice of America reports that, according to the Executive Director of VOWAN, divorced women in the north do not have the skills required to earn a living (VOA 22 Mar. 2012). Action Health Incorporated, a non-governmental organization striving to improve the health of adolescents in Nigeria (n.d.), indicates that, according to statistics, women in the north have less education than women in the south, and that 68 percent of women in the northeast and 74 percent of women in the northwest do not have any formal education (2011). According to the University of Kansas assistant professor, many women in large cities in the north work in the informal sector but "these activities rarely are able to support an entire household" (18 Oct. 2012).

## 4. Housing

The Women's Rights Watch Nigeria project coordinator indicated that it is "very difficult" for women who run their own households without male support to obtain housing (18 Oct. 2012). She added that there is no government-funded housing (Women's Rights Watch Nigeria 18 Oct. 2012). According to Okeke, landlords often refuse women as tenants if they are unmarried or not living with their husbands (10 Apr. 2010). Okeke also indicated that, if a landlord rents to a single woman, male "sureties" are required (26 Oct. 2012). Okeke added that "women who travel and wish to reside in areas different from where they are known are assumed to be prostitutes" (10 Apr. 2010). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 4.1 Housing in the South

According to the University of Nigeria professor, a woman heading her own household can obtain housing if she can afford the "steep rents" in places like Lagos, Ibadan and Port Harcourt (5 Jan. 2012). He stated that, in urban areas, people usually have to pay two to three years of rent in advance of obtaining a home, plus paying commission to the rental agents (Professor 5 Jan. 2012). Digital Journal, a global media network based in Canada (n.d.), similarly indicates that, in Lagos, landlords charge two to three years of rent in advance, and reports that sometimes fees paid for the rental agreement and for the agent exceed the amount of the rent (22 Mar. 2012). According to Digital Journal, some agents in Lagos are fraudulent and take money without providing a home, and some take advantage of "the seeming desperation" of the person searching for a home (22 Mar. 2012).

Okeke indicated that it is difficult for uneducated women in the south, particularly in the cities, to obtain housing, although women in southern villages may be able to obtain housing through their extended family (26 Oct. 2012)

#### 4.2 Housing in the North

The University of Kansas assistant professor stated that, from her experience residing in urban areas, "it is extremely uncommon for single women of marriageable age to live alone" (18 Oct. 2012). According to the University of Nigeria professor, other than a "few exceptional cases," "most house owners" would not rent their houses to single women due to Islamic and traditional values (5 Jan. 2012). He added that these women would be considered by society to be "wayward and unlady like" (Professor 5 Jan. 2012). The University of Kansas assistant professor stated that housing requires "substantial savings," and tenants must pay one to two years of rent in advance of obtaining a home (18 Oct. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Okeke indicated that in the north, in some cases, a woman's family will "take care of housing" (26 Oct. 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### ➤ [British Council/DFID, Gender in Nigeria Report 2012: Improving the lives of girls and women in Nigeria – Issues, Policies, Action, 14 August 2012](#)

[...] Executive Summary

[...] Key Findings

##### 1. Gender Inequality of Opportunity

The challenge: Nigeria's 80.2 million women and girls have significantly worse life chances than men and also their sisters in comparable societies. Violence compounds and reinforces this disadvantage and exclusion.

[...] 3. Jobless Growth, Inequality and Poverty

54% of Nigerians still live in poverty and the proportion has doubled since 1980 (when about 28% were classified as poor). Nigeria's human development indicators are also worse than those of comparable lower middle-income countries. 42% of Nigerian children are malnourished. The averages hide a context that is worse for women and girls. Nearly six million young women and men enter the labour market each year but only 10% are able to secure a job in the formal sector, and just one third of these are women.

##### 4. Rising Income Inequality Hits Women Hardest

Nigeria is among the thirty most unequal countries in the world with respect to income distribution. The poorest half of the population holds only 10% of national income. Significant rural-urban differences in income distribution impact particularly on women, because 54 million of Nigeria's 80.2 million women live and work in rural areas, where they provide 60-79% of the rural labour force. Inequality harms social cohesion and may exacerbate conflict, especially when some social groups are perceived to be excluded from opportunities. Conflict adversely impacts on women and girls, reducing their mobility and inhibiting participation in social, economic and political life.

##### 5. Pronounced Regional Gender Disparities

Nigeria is marked by huge geographical disparities. Human development outcomes for girls and women are worse in the North, where poverty levels are sometimes twice as high as parts of the South (72% in the NorthEast compared with 26% in the South-East and a national average of 54%).

[...] The impact of inequality on the lives of girls and women is reflected starkly in health and education outcomes, nationally and between North and South. Levels of gender violence are also high, notably in the South where inequality is greatest.

##### 6. Livelihoods and Productive Enterprise: Obstacles for Women

Economic independence is an essential dimension of women's empowerment. Improving their access to and control over resources increases investment in human capital which in turn improves children's health, nutrition, education and future growth. Business has overtaken subsistence farming and formal employment as the main source of income. Women compose the majority of informal sector workers. Though many women are involved in subsistence agriculture and off farm activities, men are five times more likely than women to own land. Women own 4% of land in the North-East, and just over 10% in the South-East and South-South.

[...] Women with dependants pay more tax than men, who are automatically defined as bread winners.

[...] Women in formal employment are paid less than men. Income inequality in the formal sector has also grown since 1999. Only one in every three employees in the privileged non-agricultural formal sector is a woman. Regardless of their educational qualifications, women earn consistently less than their male counterparts. In some cases they earn less than men with lower qualifications. Women occupy fewer than 30% of all posts in the public sector and only 17% of senior positions [...]

➤ [United Kingdom: Home Office, Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria \(9-27 September 2007 and 5-12 January 2008\), 29 October 2008](#)

[...] 1. Internal relocation for women

[...] Possibilities to escape domestic violence, FGM and forced marriage

[...] 1.18 UNIFEM added that attractive young, single women, in particular, are very vulnerable to abuse, harassment and trafficking when relocating to another area without economic means or family networks. Regarding internal relocation, UNIFEM explained that the vast majority of women seeking protection against domestic violence, forced marriage or FGM, including women who wish to protect their daughters against FGM, have the tendency to first relocate to a safe place not far from their home area. They may even relocate several times within their familiar locality if necessary.

1.19 BAOBAB stated that from a legal point of view, internal relocation is an option for any woman in Nigeria because there is full freedom of movement in the country. However, this first step - even to take a bus - can be difficult as women are dependent on their relatives, family or husbands, and may not have the money to allow them to relocate. As a consequence of this, a woman will need relatives in her new location who are ready to accommodate her. It was emphasized that it is technically possible for victims of domestic violence, FGM or forced marriage to relocate in Nigeria, but economically it is not easy. Even language might pose a problem for women who relocate to areas where members of their own ethnic group do not live.

1.20 It was emphasized by BAOBAB that a woman can obtain physical protection by relocating to another area in Nigeria. Women who are economically independent, in particular, would stand a much better chance of sustaining themselves than women who are not. BAOBAB added that it is difficult to separate the question of physical protection from the social, cultural and/or humanitarian constraints involved in relocating. However, even women who have access to economic means could face difficulties in finding accommodation or a job as they are often stigmatised. BAOBAB further added that young women and/or single women, in particular, who have relocated within Nigeria, are vulnerable to unscrupulous men that may target these women. Some of them might even end up as commercial sex workers.

[...] Social and humanitarian constraints

1.79 Representatives of a UN organisation explained that there are a number of social and humanitarian constraints on women who consider relocating in Nigeria. These constraints include:

- Lack of information on the part of the women themselves.
- Level of empowerment.
- Fear of leaving their own environment and to be seen as defiant of their own cultural norms and practices.
- Lack of accommodation and job opportunities. Fear of losing their own social network.
- Poverty.

1.80 WACOL believed that, in general, it would be difficult for a girl or a woman to relocate in Nigeria without relations who can assist her. WACOL considered that if an underage girl does not want to enter into a marriage, and she is ready to relocate elsewhere in Nigeria in order to escape the marriage, it is a precondition that she has a family member or relative in the new location that is ready to support her. Furthermore, regarding forced marriage it was emphasized that internal relocation might be much more difficult for a daughter/woman of an influential family than for a daughter/woman of an ordinary family. A daughter/woman from an influential family might find it more difficult to find a location in the country where she would not be recognised and maybe returned to her family or husband.

[...] 1.83 UNIFEM considered that, in practical terms, if a woman chooses to relocate she could face a number of economic and social constraints depending on her situation. The woman would be in a more favourable situation if she has an economic foundation of her own in the form of savings, which can sustain her until she can get a job. There is no social security system in Nigeria that can support a woman without any means of existence.

1.84 It would also be easier for a woman to relocate if she has a relative or a friend in the new location who would be willing to support her in the initial phase. Married women may have two families to choose from when it comes to whom they turn to for protection and safety. If the woman has no one to receive or accommodate her she might end up living in the street. According to Sections 405-409 of the Penal Code (Northern States) Federal Provisions Act 1960, she might then even be arrested in the northern part of the country as a 'vagabond'. The question of the economic and social constraints facing a woman who has decided to relocate very much depends on the specific situation of the woman.

[...] 1.88 BAOBAB explained that social welfare structures in Nigeria are not well equipped to perform their statutory and social functions. Accordingly women who have relocated will find that there are no shelters to protect them, no jobs, no access to justice, and they may find it difficult to be accommodated. In addition, gender stereotyping labels single women as "unattached" and they easily become vulnerable. Finally, laws are very often not implemented or enforced. [...]

➤ [OECD's Social Institutions & Gender Index, Nigeria, Undated \[Last accessed: 5 November 2013\]](#)

Nigeria is ranked 79 out of 86 in the 2012 Social Institutions and Gender Index. The country was ranked 86 out of 102 in the 2009 Social Institutions and Gender Index. Nigeria's Human Development Index score for 2011 is 0.459, placing it in 156<sup>th</sup> place (out of a total of 187 countries). The country is not ranked in the most recent Gender Inequality Index (for 2011). Nigeria is ranked 120<sup>th</sup> in the 2011 Global Gender Gap Index (out of 135 countries), with a score of 0.6011.

[...] Restricted Resources and Entitlements

Nigerian women have very limited ownership rights. Civil law entitles women to have access to land, and a few states have enshrined equal inheritance rights into law, but certain customary laws stipulate that only men have the right to own land. For women without the means to purchase land on their own, in practice, their ability to obtain land flows solely through marriage or family. Data from the government indicates a significant gender gap in land ownership. For free use, women make up only 24% of land owners and for distributed land, women make up only 26% of owners.

Under civil and Islamic law, married women have the right to have access to property other than land. However, JICA reports that for livestock, expensive cows or draught animals are more likely to belong to males rather than females.

In daily life in Nigeria, men generally make decisions regarding property. According to the 2008 DHS, nearly 62 percent of women reported that men make most or all of the decisions about major household purchases; 83.5 percent of men reported control over these decisions.

Women's access to bank loans is restricted by their limited financial resources and the difficulties they have obtaining the necessary guarantees. In certain cases, financial institutions demand prior consent of the woman's husband before granting a loan. The National Poverty Eradication Programme and other micro-credit schemes offer low-interest, business-oriented loans and other micro-credit and vocational training programs for women, but access is still low; statistics show that less than one-third of loans in Nigeria are awarded to women. Occasionally, women receiving loans have to turn control of the resources over to their husbands, which dilutes their effectiveness [...]

### **Discriminatory practices against women**

➤ [US Department of State, 2012 International Religious Freedom Report - Nigeria, 20 May 2013](#)

[...] Section III. Status of Societal Respect for Religious Freedom

[...] While the law prohibits religious discrimination in employment and other activities, some businesses continued to discriminate based on religion or ethnicity in hiring. Muslim women in the south reportedly continued to face job discrimination in the private sector, especially when applying for jobs requiring interactions with customers. [...]

➤ [US Department of State: Country Report on Human Rights Practices 2012 - Nigeria, 19 April 2013](#)

[...]Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

[...]Discrimination: The constitution provides for equality and freedom from discrimination; however, women experienced considerable economic discrimination. No laws bar women from particular fields of employment, but women often experienced discrimination under traditional and religious practices. The country's NGO coalition 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 operated with a “get pregnant, get fired” policy. Women remained underrepresented in the formal sector but played active and vital roles in the informal economy, particularly in agriculture, processing of foodstuffs, and selling of goods at markets. The number of women employed in the business sector increased every year, but women did not receive equal pay for equal work and often encountered difficulty in acquiring commercial credit or obtaining tax deductions or rebates as heads of households. Unmarried women in particular endured many forms of discrimination. Some women made considerable progress in both the academic and business worlds, but women overall remained marginalized. No laws bar women from owning land, but some customary land tenure systems allowed only men to own land, and women could gain access to land only through 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. Women in the 12 northern states were affected to varying degrees by Sharia. In Zamfara State local governments enforced laws requiring the separation of Muslim men and women in transportation and health care. The Kano State prohibition on commercial motorcycle taxis taking women as passengers remained in place; however, authorities did not strictly enforce the prohibition [...]

- [Immigration and Refugee Board of Canada: Nigeria: Whether women who head their own households, without male or family support, can obtain housing and employment in large northern cities, such as Kano, Maiduguri, and Kaduna, and southern cities, such as Lagos, Ibadan, Port Harcourt; government support services available to female-headed households \[NGA103907.E\], 19 November 2012](#)

#### 1. Overview

In correspondence with the Research Directorate, the Director of Widows for Peace through Development (WPD), a UK-based advocacy organization for widows in developing countries (12 Oct. 2012), indicated that “it is very difficult to generalize” about the situation of women who head their own households, and pointed out that many factors must be considered, including a woman’s tribe, sub-clan, geographical location, level of education, and socio-economic status (WPD 15 Oct. 2012). According to the United States (US) Department of State’s Country Reports on Human Rights Practices for 2011, however, in Nigeria, “unmarried women in particular endured many forms of discrimination” in 2011 (US 24 May 2012, 42). In correspondence with the Research Directorate, a professor of Sociology and African Development at the University of Nigeria, Nsukka, said that women who live without male support are worse off living in large northern cities than in the south (Professor 5 Jan. 2012). In correspondence with the Research Directorate, Uju Peace Okeke, a lawyer and sexual-and-reproductive-rights activist in Nigeria, indicated that there are more female-headed households in large southern cities than in large northern cities (26 Oct. 2012). In correspondence with the Research Directorate, an assistant professor of Anthropology at the University of Kansas stated that,

[i]n northern contexts, there are firm expectations in Islam about the support husbands and fathers must provide for their wives and children. While there exist Shari’a courts to settle disputes when these expectations are not met (whether women are divorced or widowed, for example), few women avail themselves of them, particularly if they lack male advocates, economic resources, or extensive education. (18 Oct. 2012)

The Assistant Professor indicated that, although she does not have experience in southern Nigeria, she believes that this applies to all Muslim women in the country (18 Oct. 2012). When asked about the ability of women to live without male support in multi-ethnic cities such as Lagos, Ibadan, Port Harcourt, Kano, Maiduguri and Kaduna, the University of Nigeria professor said that Christians living in the north may be at risk due to “recurrent religious conflicts” (5 Jan. 2012). He also said that ethnicity plays a large role in obtaining employment in the public sector or in the government in the north, adding that a southerner who is not Hausa or Fulani will usually face difficulties in obtaining employment (Professor 5 Jan. 2012). He indicated that ethnicity is also a factor in obtaining employment in the south, although “to a lesser degree” (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

[...] When asked whether there were laws protecting women who head their own households, the University of Nigeria professor indicated that no laws “specifically protect women as a sub-group of the population” in Nigeria (5 Jan. 2012)

#### 2. Socio-economic Status

Daily Trust, an Abuja-based newspaper, reports that, according to the Minister of Women Affairs and Social Development, speaking about "gender inequality" in the country after the release of the Gender in Nigeria Report 2012, there are very large geographical disparities in Nigeria (8 June 2012). She reportedly said that "human development outcomes" for girls and women are worse in the north, and that sometimes poverty levels in the north are double those in the south (Daily Trust 8 June 2012). The University of Kansas assistant professor stated that, in northern Nigeria, "women without male or family support face an array of social and economic challenges" (18 Oct. 2012).

According to the British Council in Nigeria, women "rely on a male breadwinner for survival" (UK 2012, 17). A project coordinator at Women's Rights Watch Nigeria, a Nigerian women's rights advocacy organization (Global Fund for Women n.d.), in correspondence with the Research Directorate, indicated that the survival of a family headed by a woman relies on a woman's socio-economic status (Women's Rights Watch Nigeria 18 Oct. 2012). Okeke stated that women living without male or family support face a "major challenge" in the "cost of running a home" (26 Oct. 2012). According to Country Reports 2011, women face "considerable economic discrimination," and women who head their own households face challenges in accessing commercial credit, tax deductions and rebates (US 24 May 2012, 42).

According to the University of Nigeria professor, it is easier for a woman to live alone without male support if she is educated and has a high social status because she can use "family connections," and is more likely to gain employment through connections to powerful individuals and politicians than through education (5 Jan. 2012). The Women's Rights Watch Nigeria project coordinator stated that if women are educated, it is "easier to cope" with running a household without male or family support (18 Oct. 2012). However, sources indicate that there is a very high rate of unemployment in Nigeria (Professor 5 Jan. 2012; Women's Rights Watch Nigeria 18 Oct. 2012), including for graduates (Professor 5 Jan. 2012).

According to the Women's Rights Watch Nigeria project coordinator, in the "majority of cases [of women heading households] there is a high level of poverty, especially among widows" (18 Oct. 2012). Leadership, an Abuja-based newspaper, reports that many widows are uneducated or lack the skills necessary to be self-reliant (24 June 2012).

About divorced women, in correspondence with the Research Directorate, Ayesha Imam, an independent consultant on women's rights, NGO development and sustainable development, and the former head of the Department of Culture, Gender and Human Rights at the UN Population Fund, said that women are "usually economically worse off after marriages are dissolved" (20 Oct. 2012). Sources indicate that, after divorce, men do not pay alimony to their ex-wives (Women's Rights Watch Nigeria 18 Oct. 2012; VOA 22 Mar. 2012). Imam indicated that, in Muslim law and customary law, divorced women "are not entitled to maintenance (except during iddah-the waiting period)" (20 Oct. 2012). She added that, in Christian marriages and secular marriages, although "maintenance orders" can be made, they are rarely enforced (Imam 20 Oct. 2012). Imam also stated that, since state "social provisions" and pensions do not exist, divorced women who do not have custody of their children face the challenge of not having their children's assistance in old age and not being able to benefit from their children's labour (ibid.). Voice of America (VOA) reports that the Executive Director of Voice of Widows, Divorcees and Orphans Association of Nigeria (VOWAN), an organization that it describes as providing skills training and setting up marriages for women in Kano state, indicated that, since no alimony is paid, divorced women heading their own households "barely make ends meet" (VOA 22 Mar. 2012). The Executive Director of VOWAN reportedly also stated that these divorced women may turn to prostitution or other criminality to survive (ibid.).

Okeke indicated that there is a Nigerian societal belief that single women need men to survive (26 Oct. 2012). According to Imam, the societal belief that all women should be married can lead to problems for single, divorced, or widowed women, including sexual harassment and discrimination in employment (20 Oct. 2012). Imam goes on to say that, in southern Nigeria, especially in the southeast, which is largely Christian, "there is social stigma against divorced women," while in northern Nigeria, which is largely Muslim, "women may divorce and re-marry several times without stigma" (20 Oct. 2012). However, Imam qualified this latter assessment by saying that a woman who divorces more than three or four times will be viewed as a "difficult" woman (20 Oct. 2012).

#### [...] 5. Land Ownership

This Day, a Lagos-based newspaper, reports that, according to the Director General and CEO of the National Centre for Women Development, statistics show that "house ownership by the women folk in Nigeria is less than 5 percent" (1 Apr. 2010). According to Daily Trust, the Minister of Women Affairs and Social Development said that women own 4 percent of the land in the northeast and just over 10 percent in the southeast and the "[s]outh-[s]outh" (Daily Trust 8 June 2012).

Country Reports 2011 states that there is no statutory law against women owning land (US 24 May 2012, 42). Okeke notes that the rights of married women to acquire property have been upheld in some courts (10 Apr. 2010), and that the states of Oyo, Kaduna, Sokoto and Zamfara have enacted married women property laws (10 Apr. 2010, note 67). However, she states that "[t]hese married-women-empowering laws discriminate against unmarried women as only married women have the right to acquire, hold, dispose of any property and have personal liability in contractual matters" (Okeke 10 Apr. 2010). Okeke also states that women face obstacles in obtaining loans required to own property (ibid.). For example, lending institutions usually give loans to men, and if they agree to give a woman a loan, a male guarantor is still required (ibid.).

Country Reports 2011 states that "some customary land tenure systems allowed only men to own land, and women could gain access to land only through marriage or family" (US 24 May 2012, 42). However, sources state that many customary laws prohibit women from inheriting property (ibid.; Women's Rights Watch Nigeria 18 Oct. 2012; Nigeria NGO CEDAW Coalition 18 July 2008, 61). The Nigeria NGO CEDAW Coalition states that these prohibitions exist in most parts of Nigeria (ibid.). Okeke states that women are allowed to inherit property from family "only on rare occasions" (10 Apr. 2010).

In the case of divorced women, the Nigeria NGO CEDAW Coalition states that all of the property acquired during the marriage belongs to the husband (18 July 2008, 61). Sources indicate that after a divorce, women are often evicted (VOWAN n.d.; Women's Rights Watch Nigeria 18 Oct. 2012).

Sources state that many widows become "destitute" after the family of their late husbands take their late husbands' property (US 24 May 2012, 42; Women's Rights Watch Nigeria 18 Oct. 2012). Sources note that some widows are evicted after their husbands' death (ibid.; Leadership 4 Jan. 2012). According to the Women's Rights Watch Nigeria project coordinator, her organization has received "many cases of forcible ejection of widows from their homes by their husband's families" (18 Oct. 2012). Sources add that widows themselves often become the property of their late husband's family (Leadership 4 Jan. 2012; Okeke 10 Apr. 2010). Leadership reports that widows may be forced to marry a specified male relative of their late husband (4 Jan. 2012), and Okeke indicates that decisions that the widow makes must be approved by her late husband's family (10 Apr. 2010) [...]

### **Risk of violence against women**

- [Immigration and Refugee Board of Canada: Nigeria: Whether women who head their own households, without male or family support, can obtain housing and employment in large northern cities, such as Kano, Maiduguri, and Kaduna, and southern cities, such as Lagos, Ibadan, Port Harcourt; government support services available to female-headed households \[NGA103907.E\], 19 November 2012](#)

[...] 6. Violence

The University of Kansas assistant professor indicated that violent crimes are "highly prevalent" across Nigeria, and that "women who lack the economic resources to access safe housing are disproportionately exposed to this risk" (18 Oct. 2012). When asked if women who head their own households without male or family support are exposed to a risk of violence, the Women's Rights Watch Nigeria project coordinator said that "[w]omen in both [the] north and south risk armed robbery attacks and there are increasing incidents of rape" (18 Oct. 2012). Further, according to the British Council in Nigeria's Gender in Nigeria Report 2012, "women who have never been married are more likely to have been attacked than married women" (UK 2012, vii).

Okeke indicated that, mainly in the south, women are more likely to be abused when they are no longer with a male partner (26 Oct. 2012). Okeke added that women who head their own households in the south are "stigmatized" and exposed to "psychological violence" (26 Oct. 2012). The British Council in Nigeria report says that almost "half of unmarried women in parts of southern Nigeria have experienced physical violence" (UK 2012, 2) [...]

- [British Council/DFID, Gender in Nigeria Report 2012: Improving the lives of girls and women in Nigeria – Issues, Policies, Action, 14 August 2012](#)

[...] Executive Summary

[...] Key Findings

[...] 10. Violence Against Women and Girls

Violence against women and girls cannot be ignored. One in three of all women and girls aged 15-24 has been a victim of violence. Women who have never married are more likely to have been attacked than married women.

[...] Institutionalised violence. Research has suggested, disturbingly, that violence is endemic in some public institutions, including the police and certain educational bodies, where an “entrenched culture of impunity” protects perpetrators of rape and other violence. These crimes are under-reported and very few cases are brought to court. Fear of violence hinders Nigeria’s development. It not only deters girls from going to school but impacts on almost every aspect of women’s lives as productive and active citizens.

[...] 7. Gender violence in Nigeria

The violence or threat of violence that women and girls face is a consistent thread running through this review: domestic violence, traditional harmful practices, fear of standing for elected office, sexual harassment of young women training to be teachers, bullying of girls who challenge boys’ “no go” areas in schools, or fear of corporal punishment when parents cannot pay school levies. Violence takes many forms, and has consequences that constrain women’s autonomy and life chances.

[...] 7.1 Structural violence

Much structurally induced gender violence against women stems from social norms which define what constitutes abuse of women in both domestic and public contexts. The literature suggests an acceptance of cultural practices that condone and even encourage certain forms of violence.

[...] One in five women has experienced some form of physical violence. Women in the ‘never married group’ are more likely to have suffered physical violence than women who have been married. Women in urban areas are also more likely to have experienced violence than those in rural areas. The highest proportion of women who experience physical violence is found in the South-West and South-South. The North-East and North-West report relatively fewer cases of domestic violence, although this could be an indication that violence in households is under-reported. Much but not all of the physical, sexual and psychological violence experienced by women in Nigeria is reported to be at the hands of family members, especially husbands, partners and fathers. For this reason it is puzzling and surprising that the data show that unmarried women are more likely to have experienced violence than their married counterparts. None of the research on Nigeria that we reviewed explains this puzzle.

[...] 7.2 Institutions and Gender Violence in Nigeria

Certain forms of violence are institutionalised. Much of the blame is placed on plural legal systems. The law as currently constituted does not offer women and girls adequate protection from violence (Mahdi, 2011; Nigeria CEDAW NGO Coalition, 2008). Although progress has been made (for example, the Violence against Women Prevention, Protection and Prohibition Act 2002), only four Nigerian states (Ebonyi, Jigawa, Cross Rivers and Lagos) have enacted domestic violence laws, while just six (Enugu, Edo, Bayelsa, Delta, Cross Rivers and Ogun) have passed laws against female genital mutilation (FGM). The literature identifies statutory, religious and customary laws in Nigeria that permit violence against women. The Nigeria CEDAW NGO Coalition report (2008), for example, identifies the penal code (section 55(4)), applicable in the Northern regions, that legalises ‘corrective’ beating of a child, pupil, servant or wife, as long as this does not cause grievous hurt. For some, this is the root cause of violence against women. Similarly, marital rape is excluded from the definition of rape in penal legislation in the North and under the criminal code in the South.<sup>34</sup> An Amnesty report, “Rape: The Silent Weapon”, makes the point that differences in the definition of rape in federal, State, Sharia and customary legal systems create a plural justice system that potentially will undermine women’s rights to seek legal redress in such cases. Indeed, current legislation may penalize the victim rather than the perpetrator. Muslim women can face particular problems when they seek justice and redress for rape under Sharia law, because the need for a witness makes successful prosecution more difficult (Nigeria CEDAW NGO Coalition, 2008).

[...] 7.5 Gender Violence: Emerging Issues

One in three Nigerian women and girls aged 15-24 have been the victims of violence (DHS 2008). Violence against women and girls cannot be ignored. Women who have never married are more likely to have been attacked than their married counterparts. [...]

➤ [OECD’s Social Institutions & Gender Index, Nigeria, Undated \[Last accessed: 5 November 2013\]](#)

[...] Restricted Physical Integrity

[...] Although accurate figures as to prevalence are unavailable, rape and sexual violence is recognised as a widespread, serious problem in Nigeria.

[...] Sexual harassment is considered to be widespread, and includes the practice of demanding sexual favours in return for employment or grades in university. Sexual violence has also emerged as a significant feature of the ongoing conflict in the Niger Delta, with reports of state security forces using rape as a tool to intimidate the local population and as a way of ‘revenging’ attacks by militants on oil installations. [...]

➤ [Global Rights, State of Human Rights in Northern Nigeria, July 2011](#)

[...] Chapter Three: Women’s Rights

[...] 3.3. Gender based violence

[...] In Northern Nigeria, the most common forms of gender based violence include intimate partner violence, sexual violence, verbal abuse, and financial deprivation, food deprivation, child/forced marriage, torture and stigmatization on alleged involvement in witchcraft. The application of Shar’ia laws may also amount to gender based violence, where for example it mandates widows to fulfill a compulsory mourning period of four months and 10 days before the expiration of which they not permitted to marry. The stated justification for the law is to prevent women pregnant by their late husband from getting married to other men. Muslim women who disobey this law can thus be accused of adultery and punished accordingly [...]

**Lack of effective protection by the Nigerian police force**

➤ [US Department of State: Country Report on Human Rights Practices 2012 - Nigeria, 19 April 2013](#)

[...] Section 1. Respect for the Integrity of the Person, Including Freedom from

[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

[...] According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity. In 2010 the Open Society Justice Initiative reported that rape was “a routine but unspoken aspect of policing” and was regarded by police as “one of the fringe benefits attached to night patrol.” This report on corruption within the police force highlighted the rape of arrested prostitutes by police. The report described police officers raping women who could not pay 1,000 naira (\$6.40) for their release. Police allegedly raped women who came to report crimes at police stations. The report also claimed officers, both male and female, sodomized women with bottles and metal pipes. Also in 2010 HRW released a report detailing widespread police abuse of power, including acts, or threats, of rape or sexual assault, to extort bribes from female detainees or women traveling between road checkpoints. In May the minister of the interior denied allegations some female inmates were impregnated while serving time in prison. AI reported in 2009 police frequently raped women in detention but victims did not report the abuse because of the social stigma attached to rape and the fact that police officers had committed these crimes.

➤ [British Council/DFID, Gender in Nigeria Report 2012: Improving the lives of girls and women in Nigeria – Issues, Policies, Action, 14 August 2012](#)

[...] Executive Summary

[...] Key Findings

[...] 7. Gender violence in Nigeria

[...] 7.5 Gender Violence: Emerging Issues

[...] More disturbing are suggestions that violence is “endemic” in some public institutions such as the police and certain educational institutions, where an “entrenched culture of impunity” for the perpetrators of rape and other violence is reported to exist (Amnesty International, 2006). One recent survey in Northern Nigeria found that the Nigerian Police Force was the least trusted state institution (Ladbury, 2011). Crimes such as rape are under reported and very few cases are brought to court. The fear of violence hinders development progress in Nigeria. It not only deters girls from going to school, but impacts potentially on every aspect of women’s lives as productive and active citizens. [...]

➤ [Global Rights, State of Human Rights in Northern Nigeria, July 2011](#)

[...] Chapter Three: Women’s Rights

[...] 3.3. Gender based violence

[...] 3.3.2 Sexual violence

Sexual violence was of major interest in this project given its prevalence and lack of responsiveness from the state in prosecuting offenders or creating a secure environment for women and children. Although the law recognizes and criminalizes these offences by providing penalties for those convicted of the offence, however societal pressure and the stigma associated with sexual violations ultimately affects the number of reported cases

[...] The laws of Nigeria and particularly those applicable in the north are also a barrier to prosecutions of rape or sexual assault. The definition of rape in the Penal Code applicable to northern Nigeria is not as strong as the provision under the Criminal Code applicable in southern Nigeria states, because it only includes the penetration of the vagina with a penis<sup>32</sup> and thus precludes penetration with other objects, sodomy, fellatio or other invasive acts that ought to fit within the definition of rape

[...] 3.6 Enforcement of Shar'ia Law Against Women

The Hisbah groups are Islamic vigilante groups commissioned by the government in some Shar'ia practicing states to enforce adherence to the Shar'ia penal and moral codes. The Arabic term 'Hisbah', means "an act which is performed for the common good or with the intention of seeking a reward from God". In some cases, these groups have the power to arrest but are required by law to hand over suspects to the police. In practice, however, they are often the 'police, the jury and the judge'. The Task Force on Shar'ia Implementation in Bauchi State considers the Hisbah organization to be the backbone of the Shar'ia judicial system. The Hisbah groups active in Kaduna, Kano, Katsina, Bauchi and Zamfara states often violate the rights of poor and vulnerable groups, especially women, in these states. There have also been several reports of vicious attacks on women who are considered 'inappropriately dressed' by the Hisbah group. Northern Nigeria is predominantly Muslim but has a sizeable population of Christian and other non-Muslim settlers. Most Hisbah victims are Christians, southerners and western dressed northerners. Thus, most non-Muslim women have also been forced to adopt the Islamic dress culture to avoid harassment and physical assault from the Hisbah groups. [...]

### **Lack of services available to single lone women**

➤ [International Organization for Migration, Country Fact Sheet: Nigeria, August 2013](#)

[...] IX. VULNERABLE PERSONS

1. Assistance to Women and Mothers returning alone (Gender Projects)

There is no specific program for assisting the above mentioned group. There are various organizations (international, national, NGOs) in Nigeria working on gender issues but their projects mostly focus on awareness raising, advocacy, research and for those who have undertake assistance programs for women returnees their focus has been on trafficked persons subject to availability of funding. [...]

➤ [Institute for Public Policy Research, Homecoming: Return and Reintegration of Irregular Migrants from Nigeria, April 2013](#)

[...] 2.4.3 Social stability and networks

[...] Migrants also made clear the importance of social support when they discussed the barriers to their reintegration. For some, the stigma they faced upon returning or being deported presented major social hurdles – particularly for those who had been victims of trafficking. [...]

➤ [Immigration and Refugee Board of Canada: Nigeria: Whether women who head their own households, without male or family support, can obtain housing and employment in large northern cities, such as Kano, Maiduguri, and Kaduna, and southern cities, such as Lagos, Ibadan, Port Harcourt; government support services available to female-headed households \[NGA103907.E\], 19 November 2012](#)

[...] 7. Support Services

According to the University of Kansas assistant professor, "few widows or divorcees" she knows access social or economic support from the government, adding that there are "effective" HIV services, which "rarely include other forms of economic support" (18 Oct. 2012). However, other sources indicate that there are no government support services for women who head their own households (Women's Rights Watch Nigeria 18 Oct. 2012; Professor 5 Jan. 2012). Those same sources also point out that there are, in

general, no government social services (ibid.; Women's Rights Watch Nigeria 18 Oct. 2012), such as welfare or social security (ibid.). According to the University of Nigeria professor, the Ministry of Women's Affairs provides very little in the way of services (5 Jan. 2012).

The University of Nigeria professor stated that some NGOs exist; however, they are driven by the "lure" of available funding, "hardly effective," and, when services are provided, the follow-ups are "poor" and they do not do much to "deepen the capacity of the beneficiaries" (5 Jan. 2012). The University of Kansas assistant professor indicated that in the north "there are few state or religious-based organizations to provide women a 'safety net' in providing for their children, generating income, or repaying debt" (18 Oct. 2012). Further information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 7.1 Women Housing Plan Initiative

Sources reported in 2010 on the launch in Abuja of a program called the "Women Housing Plan Initiative," which aimed to "assist and empower" single, widowed, and married women to own homes "in support of their immediate families" (This Day 1 Apr. 2010; Vanguard 7 Mar. 2010). These sources added that the federal government supported the initiative (ibid.; This Day 1 Apr. 2010). Further information about the Women Housing Plan Initiative and the government support for this program could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

#### 7.2 Marriage Programs

Sources report on marriage programs that have been created to wed unattached women to men in Kano (VOA 22 Mar. 2012; AFP 3 May 2012; Leadership 19 Mar. 2012) and Zamfara (Vanguard 6 Oct. 2012). In Kano, VOWAN and the Hisbah board, also known as the "Islamic police," have been matching men with widows and divorcees (AFP 3 May 2012; VOA 22 Mar. 2012), sometimes in a "mass wedding" (Euronews 19 May 2012; Christian Science Monitor 18 May 2012). According to Agence France-Presse (AFP), the Hisbah board pays the necessary dowries and provides small grants to the couples getting married (3 May 2012). Media sources list a variety of reasons why this program was created, which include:

Women need husbands for "social security" (Leadership 19 Mar. 2012).

Divorce rates are increasing (VOA 22 Mar. 2012).

Dowries are expensive for men (AFP 3 May 2012). Imam also makes reference to the inability of poor men to afford the costs associated with marriage (20 Oct. 2012).

To fight the stigma of divorce for the divorcee (Christian Science Monitor 18 May 2012).

Women need financial support after divorce (VOA 22 Mar. 2012). Similarly, Imam states that the program was created due to the economic difficulties of widows (20 Oct. 2012).

The VOWAN website states that there has been great interest in this program, which led the Kwankwaso [Kano State governor (Kano State n.d.)] administration to increase the number of marriages performed in the initial stage of this program from 100 to 200 (VOWAN n.d.). Although local officials reportedly say that women participate voluntarily (AFP 3 May 2012), activists reportedly have expressed concerns that women, some of whom are victims of domestic violence from their first marriage, are being pressured into "potentially dangerous new relationships" (Euronews 19 May 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

[...] Shelter facilities

1.23 According to representatives of a UN organisation, many women relocate to escape domestic violence, forced marriage or FGM, even within their local or state area. However, women prefer to go to friends or relatives, rather than to a shelter. The general perception amongst Nigerians is that shelters hide battered women and women with many problems who have no relatives to turn to. Many women, even victims of violence themselves, do not want to be associated with such women. Moreover, women relocating from their homes are seen as violators of their own culture and may feel ashamed as a result. However, when there are no other alternatives women will seek protection in a shelter.

1.24 Project Alert confirms that the shelter option is often sought as a last resort when all other options such as the religious angle, the family, friends, and relatives have failed. One result of Project Alert's evaluation of its shelter (named Sophia's Place and located in Lagos) was that a majority of the respondents "articulated the need to publicize the shelter and its services more to the general public as many victims out there still don't know where to go for help". [18a] (Annex D)

[...] Support provided by churches and mosques

[...] 1.76 Most women have strong confidence in their religious leaders, who have an enormous influence in local communities, but in Nigeria, as in most parts of Africa, religious beliefs run deep and the fear of

the supernatural is absolute. As a result, religious leaders wield absolute power and command unquestioning devotion from their adherents. There are reported examples of such leaders having abused women who sought refuge in their care. [20] (Annex D)

Risk of being tracked down and found by relatives

1.77[...] UNIFEM believed that, should a husband know where his wife has fled to, there is a high risk that he would try to contact her or force her to return home.

[...] 1.88 BAOBAB explained that social welfare structures in Nigeria are not well equipped to perform their statutory and social functions. Accordingly women who have relocated will find that there are no shelters to protect them, no jobs, no access to justice, and they may find it difficult to be accommodated. In addition, gender stereotyping labels single women as “unattached” and they easily become vulnerable. Finally, laws are very often not implemented or enforced. [...]

### **Restrictions on women’s freedom of movement**

➤ [OECD’s Social Institutions & Gender Index, Nigeria, Undated \[Last accessed: 5 November 2013\]](#)

[...] Restricted civil liberties

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. [...]

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### Useful sources to consult on the security and humanitarian situation in Nigeria

Source	Type of source (information taken directly from website)	Website's search function
<a href="#">All Africa Nigeria country page</a>	Repository of news articles organised by country and by theme. Country pages include sections on: <ul style="list-style-type: none"> <li>○ Headlines</li> </ul>	<ul style="list-style-type: none"> <li>• Country page does not have a search function</li> <li>• All Africa has a simple search function which allows for Keyword searches only, but does order search results in date order (recent first)</li> </ul>
<a href="#">The Fund for Peace (FFP): Unlock Nigeria</a>	The UNLock Nigeria Program is a participatory early warning system conducted in partnership with local stakeholders to improve conflict assessment and prevention. The UNLock Nigeria program is conducted in partnership between The Fund for Peace and Institute for Human Rights and Humanitarian Law. Useful UNLock publications include: <ul style="list-style-type: none"> <li>○ Monthly <a href="#">Conflict Bulletins</a> by state</li> </ul>	N.A.
<a href="#">Internal Displacement Monitoring Centre (IDMC) Nigeria country page</a>	The IDMC is an international body which monitors conflict-induced internal displacement worldwide. Its country pages include: <ul style="list-style-type: none"> <li>○ Statistics</li> <li>○ Maps</li> <li>○ Internal Displacement Profile</li> <li>○ IDP News alert</li> </ul> Key documents; news and reports from other organisations on the situation and treatment of IDPs and returnees.	<ul style="list-style-type: none"> <li>• Country and thematic pages</li> <li>• Advanced search function which allows for: <ul style="list-style-type: none"> <li>○ BOOLEAN searches (AND, OR, NOT)</li> <li>○ Searches for phrases (“...”)</li> </ul> </li> <li>• It is not possible to search within particular time frames</li> </ul>
<a href="#">International Committee of the Red Cross (ICRC) Nigeria news</a>	The ICRC focus in Nigeria is to protect and assist people affected by violence, particularly in the Niger Delta and certain states in the north that are prone to inter-communal and political violence. It promotes international humanitarian law and other rules that protect people in situations of violence. Finally, the ICRC supports the emergency-response work of the Nigerian Red Cross. The Nigeria country page contains: <ul style="list-style-type: none"> <li>○ Reference Documents</li> <li>○ Latest News</li> <li>○ Annual report</li> <li>○ Highlights</li> </ul>	<ul style="list-style-type: none"> <li>• Country pages</li> <li>• Simple search function which allows for: <ul style="list-style-type: none"> <li>○ keyword searches</li> </ul> </li> <li>• organises search results by relevance and date</li> </ul>
<a href="#">International Crisis Group, Nigeria page</a>	The ICG is a leading independent NGO recognised as a source of analysis and advice to governments and intergovernmental bodies such as the UN on the prevention and resolution of deadly conflict. It publishes: <ul style="list-style-type: none"> <li>○ Thematic reports</li> <li>○ Crisis watch (a monthly bulletin which briefly summarises developments in situations of current or potential conflict, including on Somalia)</li> </ul>	<ul style="list-style-type: none"> <li>• Simple search function which allows for keyword and BOOLEAN searches (AND, OR, NOT) and searches for phrases (“...”) only (cannot order search results by date)</li> <li>•</li> </ul>
<a href="#">IRIN News Nigeria country page</a>	IRIN is a service of the UN Office for the Coordination of Humanitarian Affairs. It provides:	<ul style="list-style-type: none"> <li>• Country and thematic pages</li> <li>• Advanced search function</li> </ul>

	Humanitarian news and analysis by country and theme.	<ul style="list-style-type: none"> <li>○ which allows for</li> <li>○ Keyword searches (Exact Wording; All the Words; Any Words)</li> <li>○ Limits searches by Services; Country; Theme; Report Type</li> <li>○ Searches within time frames (From: To)</li> </ul>
<a href="#">OHCHR Nigeria country page</a>	<p>Key documents Include:</p> <ul style="list-style-type: none"> <li>○ Security Council Resolutions</li> <li>○ Reports of the Secretary-General to the Security Council</li> <li>○ Country visits by Special Procedures</li> </ul> <p>News archives</p>	<ul style="list-style-type: none"> <li>● Advanced search function which allows for searches by: <ul style="list-style-type: none"> <li>○ Phrase; ALL words; ANY words</li> <li>○ Limits search by categories and date range</li> </ul> </li> </ul>
<a href="#">Relief Web Nigeria country page</a>	<p>Relief Web is a specialised service of UNOCHA (see below) which provides reliable disaster and crisis updates and analysis to humanitarians. It provides:</p> <ul style="list-style-type: none"> <li>○ In-depth country profiles</li> <li>○ Updates and analysis from more than 4,000 global information sources</li> <li>○ Maps and info-graphics on crises and natural disasters</li> </ul>	<ul style="list-style-type: none"> <li>● Country and thematic pages</li> <li>● Advanced search function which allows for BOOLEAN searches (AND, OR, NOT) and searches for phrases (“....”)</li> <li>● Limits searches by: Country; organisation; theme; content format; feature; disaster type; vulnerable groups; publication date (by month); language</li> </ul>
<a href="#">Thomson Reuters Foundation</a>	<p>AlertNet: AlertNet provides information on the most pressing humanitarian issues of our time, including natural disasters, conflicts, refugees, hunger, diseases and climate change.</p>	<ul style="list-style-type: none"> <li>● General search page that allows to limit searches by: Keyword; date; content format; theme; author; source, region; country; and topic</li> </ul>
<a href="#">UNHCR, Nigeria country page</a>	<p>UNHCR is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. UNHCR country pages provide:</p> <ul style="list-style-type: none"> <li>○ Statistical snapshot</li> <li>○ Latest news</li> <li>○ UNHCR fundraising reports</li> <li>○ Background, analysis and policy</li> <li>○ Statistics</li> <li>○ Maps</li> <li>○ UNHCR research and evaluation papers on Afghanistan</li> <li>○ Operational updates</li> <li>○ Afghanistanpolicy papers (including Eligibility Guidelines)</li> </ul>	<ul style="list-style-type: none"> <li>○ Country page does not have a search function</li> <li>○ UNHCR home page has an advanced search function which allows for BOOLEAN searches (AND, OR, NOT, ALL) and keyword by title</li> <li>○ Limits searches by category, country of origin, country of asylum</li> <li>○ Searches within time frames</li> </ul>
<a href="#">UN News Centre ‘Advanced Search’</a>	<p>Provides news and key UN resources:</p> <ul style="list-style-type: none"> <li>○ Latest developments</li> <li>○ Maps of the region</li> <li>○ Statement from the UN Secretary General; Security Council; General Assembly</li> <li>○ Aid/development: UN Agencies &amp; Programmes</li> </ul>	<ul style="list-style-type: none"> <li>● The advanced search function allows for: <ul style="list-style-type: none"> <li>○ 3 distinct key word/set phrases</li> <li>○ Searches within time frames</li> <li>○ Searches limited by subject</li> </ul> </li> </ul>