



# KNOWLEDGE-BASED HARMONISATION OF EUROPEAN ASYLUM PRACTICES

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## Case Summary Template

Country of Decision/Jurisdiction	France
Case Name/Title	Mlle N.
Court Name ( <i>Both in English and in the original language</i> )	National Court of Asylum Law previously called the Refugee Appeal Board (Cour nationale du droit d'asile anciennement appelée Commission des recours des réfugiés)
Neutral Citation Number	CNDA, 2 avril 2008, 574495, Mlle N.
Other Citation Number	
Date Decision Delivered	02/04/2008
Country of Applicant/Claimant	Nigeria
Keywords	Persecution, membership of a particular social group, internal protection
Head Note (Summary of Summary)	Appeal against an OFPRA decision rejecting the application of a Nigerian woman that feared genital mutilation and forced marriage in Nigeria.
Case Summary (150-500)	The applicant, a Nigerian national, feared genital mutilation and forced marriage in her home village. The Court considered that she feared persecution on the ground of membership to a particular social group because of the practices still enforced in the Rivers State. Moreover, she could not find any alternative protection in another part of Nigeria because of the lack of possibility to have a normal life without the consent of her parents to marry someone.
<i>Facts</i>	<p>The applicant, a Nigerian national, had a university degree. In January 2000, when she finished her studies, elders of the village told her father that she had to undergo genital mutilation. In June 2000, she left for military service. In 2003, as she did not want to return to her village because of the threat of mutilation, she found a well-paid job on Bonny Island. Her father was excluded from the social life of the village because he refused to mutilate her. In March 2004, the head of the community said he wanted to marry her in accordance to what had been decided by her father before her birth. In July 2005, acquaintances told her that the dates of the genital mutilation and the wedding were set. She also learned that her brother had disappeared after an argument concerning her refusal to marry the head of the village. She then left Nigeria.</p> <p>Her application was rejected by the French Office for Protection of Refugees and Stateless Persons (OFPRA). She appealed before the National Court of Asylum Law (CNDA).</p>
	The Court considered that, with regards to the norms and the customary laws regarding female genital mutilation and forced marriage applied in the



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<i>Decision &amp; Reasoning</i>	<p>Rivers State in Nigeria, and notwithstanding the legal ban in the federal State and in the Rivers State since 2001, women living in rural areas could not avail themselves of the protection of the authorities. Moreover, their behaviour is perceived as a breach of social norms by members of the community. Therefore, the applicant feared persecution on the ground of membership of a particular social group.</p> <p>The Court then wondered whether the applicant had an internal relocation opportunity. Indeed, the Court underlined that thanks to her social rank, her education level and her links in several large cities of Nigeria, the applicant had the financial means to resettle in another part of the federation. However, the Court stated that all over the country, parents' consent is of high importance when it comes to marriage. Therefore, it would have been extremely difficult for the applicant to find someone to marry without consent from her family. Thus, she could not have lived a normal life in another part of the country.</p>
<i>Outcome</i>	<p>The CNDA overturned the OFPRA decision and granted refugee status to the applicant.</p>