



## **Nigeria - Researched and compiled by the Refugee Documentation Centre of Ireland on 25 March 2011**

### **Information on the risks young women/girls face of being placed in forced marriages or relationships.**

A report by the *United States Department of State* under the heading 'Children' states:

"Child abuse was common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to stop traditional practices harmful to children, such as sales of young girls into marriage. According to credible reports, poor families sold their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent "indecency" associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north." (United States Department of State (11 March 2010) *2009 Human Rights Report: Nigeria*)

A *United Kingdom Home Office* report under the heading 'The practice of forced marriage' notes:

"In some parts of Nigeria, young women are forced into marriages with older men, as noted in the British-Danish 2005 Fact-Finding Mission Report on human rights issues in Nigeria:

"According to BAOBAB [Nigerian NGO] forced marriages are especially common in northern Nigeria and is mostly a concern for young women who are being forced to marry an older man. BAOBAB was aware of many young women from the north escaping forced marriages but the organisation also receives reports on this from the southern part of the country. Women from the north who find themselves under pressure to marry against their own wish may take up residence in another state in the northern part of Nigeria or in the south, especially in Lagos. Those women can seek legal assistance from a number of NGOs and some do so." (United Kingdom Home Office (29 October 2008) *Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria (9-27 September 2007 and 5-12 January 2008 – pg. 7)*)

This report also states:

"Women who are trying to escape forced marriage may be assisted by WACOL [Nigerian NGO], but WACOL emphasized that the vast majority of such disputes have been solved and the parties reconciled by the assistance of WACOL. In some cases women are underage when they are forced to marry. Finally, WACOL regretted that the organisation is only able to provide assistance to victims arriving at its office in Abuja." (ibid)

An October 2010 report from *BBC News* notes:

“A Nigerian high court has dismissed a case brought by a 26-year-old woman who says her father forced her to marry a senator.

The judge said her human rights had not been violated and it was a matrimonial matter for an Islamic court.

Zainab Isa Mayana was married to the senator of Zamfara State, Sahabi Ya'u, 54, in July at a ceremony where she was represented by her father.

She says she has never met him and her father knew she was already engaged.

Sokoto, where the trial took place, was one of several northern states to re-introduce Sharia law after the return to democracy in 1999.” (BBC News (22 October 2010) *Nigeria court rejects 'forced marriage' case*)

In a section titled 'Courageous' this same report adds:

“The BBC's Haruna Shehu Tangaza in Sokoto says that these days forced marriages are frowned on in the predominately Muslim north of Nigeria.

People have generally supported Ms Mayana and she has been seen as courageous in bringing the case against her father and Senator Ya'u, he says.

Judge Isiyaku Mohammed said under the constitution, the federal court could not intervene in the affairs of an Islamic court.

Ms Mayana was not in court for the ruling, but her lawyers told the BBC they would not relent in their efforts to dissolve the marriage as she was not married to a man of her choice.” (ibid)

A report by *Africa News* under the heading 'Nigeria; Forced Marriage - Bride's Uncle Arrested, Arraigned in Court' notes:

“The Divisional Police Officer in Tafawa Balewa Local Government Area of Bauchi State has arrested and arraigned Babaji Abubakar Dull in court for allegedly marrying-off his niece, Ummul Khayr Sa'idu without her consent.

Two human rights groups, Community Rescue Initiative and the Network of the Bar Bench and Police on Reproductive Health in collaboration with the guardian of the bride, Babangida Sa'idu Jibrin, had earlier filed a motion exparte before the Chief Magistrate's Court 8 in Bauchi, seeking the arrest of Dull and Saidu Haruna, Ummul's husband.

During the hearing, counsel to the plaintiffs, Barrister Idris Jibo and Halima Mohammed told the court that Ummul khayr was abducted by her uncle from her guardian's house and was married off to Saidu Haruna despite the fact that she had already been given out in marriage to someone else.” (Africa News (9 February 2011) *Nigeria; Forced Marriage - Bride's Uncle Arrested, Arraigned in Court*)

This report continues stating:

"They alleged that she was abducted few days before she was taken to Haruna's house and that her uncle contracted marriage upon marriage, an act contrary to the Islamic law. "Since then, she has not eaten, if the court does not intervene, she will starve to death," the counsel said.

They then asked the court to keep the girl under the custody of the police, pending the determination of the suit. Magistrate Isa Mohammed ordered the Divisional Police Officer Tafawa Balewa to arrest the uncle and the said husband and bring them before the court." (ibid)

A March 2006 response from the *Immigration and Refugee Board of Canada* states:

"Under Shari'a law, a woman cannot be given away in marriage without her consent, except in the case of a minor (WACOL 2003, 251). However, under the Maliki school of law, which is practiced by Muslims in Nigeria (Denmark Jan. 2005, 68), the choice of husband by a Muslim woman is subject to the ijbar, or over-ruling power, of her father or guardian (Doi n.d.). Ijbar allows the father or guardian to select a husband for his daughter based on her "wider interests" (ibid.). According to a report by Theresa Akumadu, cited in a 2003 Center for Reproductive Rights report, a father's ijbar allows him to "arrange the marriage of his virgin daughter, regardless of her age and without her consent" (Akumadu in Center for Reproductive Rights 2003, 83).

A prevalent marriage practice in northern Nigeria is that of *daurin aure*, where a girl continues to go to school until she completes her education before the marriage is consummated (WARDC and WACOL 2003, 69). However, forced marriage is generally limited to girls who have not been to school or who have not yet reached puberty (ibid., 70)." (Immigration and Refugee Board of Canada (17 March 2006) *NGA100418.E Nigeria: Forced marriage under Islamic law; whether an Islamic marriage requires the final "Fatiha" ceremony be completed for the marriage to be consummated and for it to be recognized by Islamic authorities; consequences for a woman who refuses to participate in the wedding; likelihood of a university-educated woman in her twenties from Etsako, Edo state being forced into marriage.*)

In a section titled 'The Fatiha Ceremony' the same report it adds:

"Most victims of forced marriages are victims of custom and not Islamic Law and the judges tend to protect women who seek legal redress..." (ibid)

Another *Immigration and Refugee Board of Canada* response from February 2006, under the heading 'Background' notes:

"Child, or forced marriage, still occurs in rural communities of Nigeria, especially in the country's northern states (Bamgbose July 2002, 4). According to The State of the World's Children 2006, a United Nations Children's Fund (UNICEF) publication, nearly twice as many women living in rural areas were married before the age of 18, compared with those living in urban areas (UN 2006, 130). In the northwest and northeast of the country, on average, women are married by the age of 15 (Nigeria Apr. 2004, 87)." (Immigration and Refugee Board of Canada (3 March 2006) *NGA101044.E*

*Nigeria: Forced marriage among the Yoruba, Igbo, and Hausa-Fulani; prevalence, consequences for a woman or minor who refuses to participate in the marriage; availability of state protection (February 2006)*

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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