

CORI

country of origin research and information

CORI Thematic Report Nigeria: Gender and Age December 2012

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Any views expressed in this paper are those of the author and are not necessarily those of UNHCR.



Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

CORI Country Reports are designed to aid decision making within RSD. They are not intended to be general reports on human rights conditions. They serve a specific purpose, collating legally relevant information on conditions in countries of origin, pertinent to the assessment of claims for asylum. Categories of COI included within this report are based on the most common issues arising from asylum applications made on the basis of gender and age by Nigerian nationals. This report covers events up to 10 December 2012.

COI is a specific discipline distinct from academic, journalistic or policy writing, with its own conventions and protocols of professional standards as outlined in international guidance such as The Common EU Guidelines on Processing Country of Origin Information, 2008 and UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, 2004.

CORI provides information impartially and objectively, the inclusion of source material in this report does not equate to CORI agreeing with its content or reflect CORI's position on conditions in a country. It is acknowledged that all sources have a bias, it is for decision makers to place a weight on sources, assessing relevance to each individual application.

CORI Country Reports are prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issues, however as COI is reliant on publicly available documentation there may be instances where the required information is not available. Any translations made are unofficial translations made by CORI, as with all sources referenced, please see the full text of the original article. The reports are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

CORI is an independent centre providing specialist research resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, legal representatives and NGOs, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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A. Women

1. *Position of women according to the law*

Nigeria ratified the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1985¹ and ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women in 2004,² both without reservations. In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that Nigeria has domesticated the African Charter on Human and Peoples' Rights.³

The 2008 *Nigeria Demographic and Health Survey* reported that CEDAW had not been adopted into domestic legislation,

"Despite ongoing efforts to protect women and vulnerable populations against violence, there is still much to be done to protect victims and to further inform and educate the population about the problem. Nigeria is a signatory to the United Nation's Convention on the Elimination of all Forms of Discrimination against Women (CEDAW). However, CEDAW has not yet been adopted into Nigeria's legal code. In order for this to happen, the National Assembly and State Houses of Assembly are required to pass legislation and put the convention into effect within the national laws. After the law is passed at the federal level, for it to become a nationally binding legislation across the country, it must be passed by at least two-thirds of the 36 State Houses of Assembly.

Gender activists, civil society organisations, and women-focused NGOs have formed a coalition known as the National Coalition on Affirmative Action (NCAA) with representation from all over the country. The NCAA has begun active lobbying and sensitisation of legislators in the National and State Assemblies across the nation in preparation for the consideration of the bill. This initiative aims to expedite the passage of the CEDAW Bill at the state level and secure the requisite assent by a two-thirds majority of the State Houses of Assembly."⁴

In 2010 *Freedom House* reported that Nigerian women face societal, legal and economic discrimination and gender based violence,

"Nigerian women face societal discrimination, although their educational opportunities have improved and women hold several key governmental positions. Women throughout the country experience discrimination in employment and are often relegated to inferior positions. In the northern states governed under Sharia statutes, women's rights have suffered particularly serious setbacks. Women in some ethnic groups are denied equal rights to inherit property, and various forms of gender-based violence, including spousal rape, are not considered crimes. Although the federal government publicly opposes female genital mutilation, it has taken no action to ban the practice. While illegal, human trafficking to, from, and within the country for the purposes of labor and prostitution is reported to be on the rise. According to UNICEF, there are 15 million child laborers in Nigeria, 40 percent of whom are at risk of being trafficked. Forced labor is widespread, and the government makes no effort to combat it. Several organizations have reported on an illegal trade in

¹ UN Treaty database, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en, accessed 15 November 2012

² UN Treaty Database, http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-8&chapter=4&lang=en, accessed 15 November 2012

³The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁴ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

which pregnant teenagers are promised abortions, only to be held until their babies are delivered and sold."⁵

1.1 Legal systems

Article 6 of the *Constitution of the Federal Republic of Nigeria* on the judicial powers of the Federation lists the Supreme Court of Nigeria; the Court of Appeal; the Federal High Court; the High Court of the Federal Capital Territory, Abuja; a High Court of a State; the Sharia Court of Appeal of the Federal Capital Territory, Abuja; a Sharia Court of Appeal of a State; the Customary Court of Appeal of the Federal Capital Territory, Abuja; a Customary Court of Appeal of a State as the superior courts of record in Nigeria,

"6. (1) The judicial powers of the Federation shall be vested in the courts to which this section relates, being courts established for the Federation.

(2) The judicial powers of a State shall be vested in the courts to which this section relates, being courts established, subject as provided by this Constitution, for a State.

(3) The courts to which this section relates, established by this Constitution for the Federation and for the States, specified in subsection (5) (a) to (1) of this section, shall be the only superior courts of record in Nigeria; and save as otherwise prescribed by the National Assembly or by the House of Assembly of a State, each court shall have all the powers of a superior court of record.

(4) Nothing in the foregoing provisions of this section shall be construed as precluding:-

(a) the National Assembly or any House of Assembly from establishing courts, other than those to which this section relates, with subordinate jurisdiction to that of a High Court;
(b) the National Assembly or any House of Assembly, which does not require it, from abolishing any court which it has power to establish or which it has brought into being.

(5) This section relates to:-

(a) the Supreme Court of Nigeria;
(b) the Court of Appeal;
(c) the Federal High Court;
(d) the High Court of the Federal Capital Territory, Abuja;
(e) a High Court of a State
(f) the Sharia Court of Appeal of the Federal Capital Territory, Abuja;
(g) a Sharia Court of Appeal of a State;
(h) the Customary Court of Appeal of the Federal Capital Territory, Abuja;
(i) a Customary Court of Appeal of a State;
(j) such other courts as may be authorised by law to exercise jurisdiction on matters with respect to which the National Assembly may make laws; and
(k) such other court as may be authorised by law to exercise jurisdiction at first instance or on appeal on matters with respect to which a House of Assembly may make laws.

(6) The judicial powers vested in accordance with the foregoing provisions of this section -

(a) shall extend, notwithstanding anything to the contrary in this constitution, to all inherent powers and sanctions of a court of law
(b) shall extend, to all matters between persons, or between government or authority and to any persons in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person;

⁵ Freedom House, *Freedom in the World*, 2011, <http://www.freedomhouse.org/report/freedom-world/2011/nigeria>, accessed 12 December 2012

(c) shall not except as otherwise provided by this Constitution, extend to any issue or question as to whether any act of omission by any authority or person or as to whether any law or any judicial decision is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution;

(d) shall not, as from the date when this section comes into force, extend to any action or proceedings relating to any existing law made on or after 15th January, 1966 for determining any issue or question as to the competence of any authority or person to make any such law."⁶

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that Nigeria has a tripartite legal system including statutory, religious and customary laws. The *Nigerian NGO CEDAW Coalition* shadow report stated that Sharia law and its interpretation discriminates against women,

"Women are far from equal with men under the Nigerian laws. The tripartite legal system in Nigeria, that is, the statutory, religious and customary laws, in some ways discriminate against women in their provisions. The Sharia law especially discriminates against women as, in the interpretation of its provisions; women are easily established as culprits in cases of adultery while the males who commit adultery with women can hardly be established as guilty."⁷

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that the application of the tripartite legal systems are often discriminatory,

"[] there exist laws in our statute books whose provisions are inherently discriminatory against women while the application of others negates the spirit and principles of equality before the law. A gender audit of Nigeria's local laws and policies reveals that many legal instruments are discriminatory and/or gender insensitive.

The unequal treatment of women under the law is mainly facilitated by the parallel practice of the tripartite system of laws via statutory, customary and Islamic. These laws often have conflicting principles, definition, procedures and are often discriminatory in their application. This has continued to widen the inequality gap in the law against women. The patriarchal structure of our society has also continued to discourage the introduction and enforcement of laws and policies promoting equality before the law."⁸

In 2006 *Amnesty International* reported that different legal systems apply in different regions,

"Different legal systems coexist in Nigeria: the Penal Code (Northern States) Federal Provisions Act of 1959 ('the Penal Code') and the accompanying Criminal Procedure Code Cap 81 Laws of the Federation 1990 (CPC) apply to all states under its jurisdiction in northern Nigeria; the Criminal Code Act of 1961 ('the Criminal Code') and the accompanying Criminal Procedure Act Cap 80 Laws of the Federation 1990 (CPA) apply to southern Nigeria; and *Shariapenal* legislation applies to 12 northern states, and the accompanying criminal procedure codes apply to those states that have adopted them."⁹

1.1.2. Sharia law

⁶ Constitution of the Federal Republic of Nigeria, 1999, available at: <http://www.unhcr.org/refworld/docid/44e344fa4.html>, accessed 29 November 2012

⁷ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁸ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁹ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that Sharia law has been extended to cover criminal cases in Northern Nigeria,

“The expansion of Sharia law by some states in the Northern part of Nigeria to cover criminal cases is another contributory factor to inequality before the law against women. While it is true that the contents of Sharia law appears to protect the rights of women, some procedural laws of Sharia are inherently discriminatory against women; for instance, the Sharia law provides that a man who is alleged to have committed adultery can only be punished upon the evidence of four witnesses. The practical application of this law will work injustice against women because it will be very difficult for four people to witness the commission of the offence. The inability to satisfy this requirement especially in cases where the woman is pregnant by the act of zina, in most cases will make most male culprits escape judgment. The cases of *Bariya Magazu, Commissioner of Police v. Amina Lawal* and another and *Commissioner of Police v. Safiya Husainni* are very instructive In the two later cases. The judgment of death by stoning for zina (adultery) were passed on the two women involved while the men with whom they committed the alleged offence were allowed to go free. The decisions in these two cases clearly violate the fundamental rights of these two women to equality before the Law. The Ulama who apply Sharia laws are usually of different schools of thought, and end up giving conflicting interpretations, which ultimately subsume the fundamental rights of women in favour of men.”¹⁰

In its 2012 World Report, covering the events of 2011, *Human Rights Watch* stated that Sharia law was applied as part of the criminal justice system in 12 northern states. *Human Rights Watch* stated that evidentiary standards in Sharia codes discriminated against women,

“State governments in 12 northern states apply Sharia law as part of their criminal justice systems, which include sentences—such as the death penalty, amputations, and floggings—that amount to cruel, inhuman, and degrading punishment. In September a court in Zamfara State sentenced two men to amputation of their right hands. At this writing the case was under appeal. Serious due process concerns also exist in these proceedings, and evidentiary standards in the Sharia codes applied in these states discriminate against women, particularly in adultery cases.”¹¹

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that 12 northern states applied Sharia law. According to *USDOS*, in Zamfara State men and women are required to be separated in accessing transportation and healthcare and in Kano State it is prohibited for commercial motorcycle taxis to take women as passengers but that this was not strictly enforced,

“Women in the 12 northern states were affected to varying degrees by sharia law. 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.”¹²

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that due to the length of appeals many authorities did not carry out sentences under Sharia,

“Varying sharia penal codes existed in 12 northern states, and sharia courts delivered “hadd” sentences. For example, such sentences included caning for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the

¹⁰ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

¹¹ Human Rights Watch, World Report 2012, <http://www.hrw.org/world-report-2012/world-report-2012-nigeria>, accessed 30 November 2012

¹² United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

sentences were carried out during the year. Numerous sharia cases from previous years awaited appeal or implementation of sentence, including pending amputation sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. To date the only amputation sentence carried out involved a victim who refused to appeal his 1999 conviction.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Authorities often did not carry out sentences under sharia due to the lengthy process for appeals. Because no relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violated the constitution. Courts consistently overturned stoning and amputation sentences on procedural or evidentiary grounds, but the sentences had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region penal code and was not challenged in the courts as a violation of statutory law. In some cases convicted persons paid fines or went to jail instead of being caned. Sharia courts usually carried out caning immediately, while the sharia criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death. For example, on September 8, an Islamic court in Zamfara ordered the amputation of the right hands of two suspects found guilty of stealing a bull worth 130,000 naira (\$800). The suspects appealed the case. Appeals often took months or years to decide.”¹³

1.2. Equality before the law,

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated discrimination against women is not well defined within Nigerian law,

“The level of discrimination against women in Nigeria is still very high. The 1999 Constitution of the Federal Republic of Nigeria does not give a comprehensive definition of the concept of discrimination against women, as it only gives a general note against all forms of discrimination including discrimination on the basis of sex. Other laws that are specifically made on discrimination against women exist only in five states and are rarely enforced. Some provisions of the Constitution outrightly discriminate against women. For instance, the Constitution provides that Women who marry non-Nigerians cannot confer Nigerian citizenship on their husbands by virtue of the marital union, while Nigerian men who marry non-Nigerians automatically have Nigerian citizenship conferred on their wife on the basis of marriage.”¹⁴

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that assaults against women are considered a lesser offence than assaults against men,

“Although some states have enacted laws on domestic violence, the increase in the incidence of domestic violence and the inadequacy of the existing laws have continued to make women vulnerable to unequal treatment before the law.

The provisions of S. 353 of the Criminal Code which makes it a felony when the victims of indecent assault is a man and makes it a misdemeanor or a lesser offence where the victim is a woman is a classical example of inequality before the law against Nigerian women.”¹⁵

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that in many criminal courts the testimony of women did not receive the same weight as that of

¹³ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹⁴ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

¹⁵ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

men, further in practice women could not provide surety bonds for the bail of persons detained by police,

“The testimony of women received less weight than that of men in many criminal courts. No law barred women from arranging surety bonds for bail for persons detained by the police, but in practice women could not provide such bail arrangements at most police detention facilities across the country.”¹⁶

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that there are no laws criminalizing gender based violence, further some laws condone such violence,

“No laws criminalize gender-based violence, and some federal laws allow such violence. For example, the penal code permits husbands to use physical means to chastise their wives as long as it does not result in “grievous harm,” which is defined as loss of sight, hearing, speech, facial disfigurement, or life-threatening injuries. Penalties for the sexual assault of a man exceed the penalties for the same offense against a woman.”¹⁷

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that despite constitutional provisions for equality, women experienced economic and religious discrimination,

“The constitution provides for equality and freedom from discrimination; however, women experienced considerable economic discrimination. No laws barred 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 equality. 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 country’s informal economy. 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.”¹⁸

1.3. Criminalization of rape/sexual violence

In 2006 *Amnesty International* reported that the Constitution does not specifically criminalize rape, but does prohibit torture, inhuman and degrading treatment,

“Although the Constitution of the Federal Republic of Nigeria, 1999, does not specifically prohibit rape, it clearly prohibits torture and other inhuman or degrading treatment. Section 34(1) states that: “*Every individual is entitled to respect for the dignity of his person, and accordingly, (a) no person shall be subjected to torture, or to inhuman or degrading treatment*”. Article 17(2)(b) adds that “[...] *human dignity shall be maintained and enhanced*”.”¹⁹

¹⁶ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹⁷ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹⁸ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹⁹ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/af440202006en.html>, accessed 12 December 2012

Chapter 30 of the Nigerian Criminal Code provides protections against assaults on females,

- “357. Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.
358. Any person who commits the offence of rape is liable to imprisonment for life, with or without caning.
359. Any person who attempts to commit the offence of rape is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning.
360. Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour, and is liable to imprisonment for two years.
361. Any person who, with intent to marry or carnally know a female of any age, or to cause her to be married, or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.
362. Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour, and is liable to imprisonment for two years.
363. In the case of proceedings in respect of an offence under the preceding section-
- (a) it is immaterial that the offender believed the girl to be of or above the age of sixteen years;
- (b) it is immaterial that the girl was taken with her own consent or at her own suggestion.”²⁰

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that the law provides penalties of 10 years to life imprisonment for rape, but that social stigma affected reporting and conviction rates,

“The law criminalizes rape and provides penalties of 10 years’ to life imprisonment, as well as fines of 200,000 naira (\$1,233) for those convicted of rape, but societal pressure and the stigma associated with rape reduced both the percentage of rapes reported and the penalties imposed for conviction. In 2006 AI issued a report criticizing the judicial system for a conviction rate of only 10 percent of the total number of rape prosecutions.”²¹

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that there is no specific legislation against sexual harassment, but that violent forms may be prosecuted under assault statutes,

“No statutes prohibit sexual harassment, but authorities may prosecute violent forms of it under assault statutes.”²²

²⁰ Federal Government of the Republic of Nigeria, Criminal Code Act, as listed on the International Centre for Nigerian Law, Chapter 77, Laws of the Federation of Nigeria 1990, <http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>, accessed 8 December 2012

²¹ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

²² United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

In 2006 *Amnesty International* reported that the Penal Code applicable in the north of Nigeria criminalises rape but defines rape as penetration by a penis only,

"The Penal Code (Nigerian Laws Cap 89), applicable in the north of Nigeria, criminalizes both rape and "defilement" (rape of a girl under the age of 13 years). Section 282(1) of the Penal Code defines rape as:

"A man is said to commit rape who, save in the case referred to in subsection (2), has sexual intercourse with a woman in any of the following circumstances – (a) against her will; (b) without her consent; (c) with her consent, when her consent has been obtained by putting her in fear of death or hurt; (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married; (e) with or without her consent, when she is under fourteen years of age or of unsound mind."

The note of explanation to Section 282(1) states that "*mere penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape*".

A definition which presumes only penetration of a vagina by a penis discriminates against women and girls who may have been raped by use of a foreign object or who have been penetrated orally or anally by the penis. (In addition, the definition in Section 282 is not gender-neutral and is based on the concept that only a woman can be raped.)

The criminal offence of rape is punishable by imprisonment of up to 14 years, which can be combined with a fine.[]

The Penal Code also makes specific provision in relation to children under the age of 16 years who are sexually assaulted by those in positions of authority. Section 285 on acts of gross indecency provides a punishment of imprisonment for up to seven years and a fine: "*Provided that a consent given by a person below the age of sixteen years to such an act when done by his teacher, guardian or any person entrusted with his care or education shall not be deemed to be a consent within the meaning of this section.*"²³

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that in some rape cases the prosecution is required to establish corroboration implicating the accused, further character evidence regarding the victim is admissible and the victim is required to prove her innocence and non complicity in the commission of the crime,

"The requirement of corroboration in establishing the case of rape is another legal and judicial backing for inequality before the law. In the case of *State v. Akingbade* where, according to the court, the accused committed the rape and that the "act does not call for corroboration" the court was still unable to convict the accused. In the case of *Uphar v. State* (2003) 6 NWLR Pt 816, 230, the court of appeal not only insisted on corroboration but also widened the quality and scope of corroboration, which the prosecution is to establish before an accused can be convicted for rape. The Court of appeal stated that the nature and content of the corroborative evidence must not only support the claim of the prosecutrix that the accused raped her by penetrating into her vagina; it must also unequivocally implicate the accused. The traditional presumption of innocence until guilt is proven does not extend to the rape survivor by the combined operation of S.210 of the Evidence Act, which makes character evidence of the survivor of rape admissible in evidence and the

²³ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

requirement of proving the innocence and non complicity of the victim in the commission of the crime."²⁴

In 2006 *Amnesty International* reported that rape is criminalised within Sharia penal laws, but do not provide effective protection or redress for victims and marital rape is not recognised,

"Rape is criminalized in the *Sharia* penal laws which were introduced from 1999 and are now in force in 12 states in the north. The definitions of rape, however, do not conform to the principles underlying the Rome Statute definition, do not provide sufficient protection or redress for women and girls who have been raped, and also discriminate against married women and girls.

For example, the Kano State *Sharia* Penal Code Law 2000 provides in Section 126 that:

"(1) A man is said to commit rape if [he] has sexual intercourse with a woman in any of the following circumstances:

- a. against her will; or*
- b. without her consent;*
- c. with her consent, when her consent has been obtained by putting her in fear of death or of hurt;*
- d. with her consent, when the man knows that he is not her husband and that her consent is given because she is or believes to herself to be lawfully married; or*
- e. with or without her consent, when she is under fifteen years of age or of unsound mind.*

(2) Sexual intercourse by a man with his own wife is not rape."

As found in the penal code, an explanation to Section 126 specifies that: "*Mere penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape*".²⁵

In 2006 *Amnesty International* reported that under the *Sharia* Penal Code sentencing differs depending on the marital status of the perpetrator,

"Under the Kano *Sharia* Penal Code Law the criminal offence of rape carries different penalties according to the marital status of the perpetrator. Rape is punishable by death by stoning if the perpetrator is married, and caning (100 lashes) and up to life imprisonment if the perpetrator is unmarried. Lawyers representing cases before *Sharia* courts explained to Amnesty International that the provision of the death penalty reflects recognition that rape is an extremely serious criminal offence.

A discrepancy in sentencing is therefore introduced: if a Muslim married man in one of the 12 northern states where *Sharia* law applies is convicted of rape of someone other than his wife, he faces a sentence of death by stoning – a particularly cruel, inhuman and degrading punishment – whereas a man, whether married or not, who is convicted of rape under the Penal Code or the Criminal Code may be sentenced to up to 14 years or life imprisonment.

Amnesty International opposes sentencing that discriminates on the basis of a person's religion or marital status and opposes all sentences that constitute cruel, inhuman or degrading punishment. It opposes the death penalty in all circumstances as it is a violation

²⁴ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

²⁵ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

of the right to life and is the ultimate cruel, degrading and inhuman punishment. The death penalty has never been shown to deter crime more effectively than other punishments."²⁶

In September 2012 Nigerian newspaper, *Punch*, reported that the Federal Government has presented a new bill to the National Assembly aimed at punishing attacks by military forces against civilians during military operations. The bill entitled 'A Bill for an Act to provide for the Enforcement and Punishment of Crimes Against Humanity, War Crimes, Genocide and Related Offences, and to Give Effect to Certain Provisions of the Rome Statute of the International Criminal Court in Nigeria, 2012' will provide punishment for rape, torture, enslavement, sexual slavery, forced prostitution, forced pregnancy and enforced sterilisation,

"Worried by violations of the rules of engagement by security operatives in dealing with civilian population during disturbances, the Federal Government has sent a bill to the National Assembly for a law that will punish offenders in concert with international law.

The bill forbids unjustifiable attacks against civilian population.

Offences punishable include rape, torture, murder, extermination, deportation or forcible transfer of populations, enslavement, imprisonment, sexual slavery, enforced prostitution, forced pregnancy or enforced sterilisation or any form of sexual violence of comparable gravity.

Besides soldiers that may directly be involved in such abuses, military commanders will also be liable for war crimes committed by the troops, such as "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."

Consequently, culprits will be tried by the International Criminal Court.

The proposed law is known as 'A Bill for an Act to provide for the Enforcement and Punishment of Crimes Against Humanity, War Crimes, Genocide and Related Offences, and to Give Effect to Certain Provisions of the Rome Statute of the International Criminal Court in Nigeria, 2012,' a copy of which was exclusively obtained by SUNDAY PUNCH.

The Bill was gazetted on July 17, 2012.

[]

The bill seeks to provide measures under Nigerian law for the punishment violators of international law and to consummate Nigeria's cooperation with the ICC in the performance of its functions."²⁷

1.4. Domestic abuse/marital rape

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated some laws support violence against women,

"The statutory, religious and customary laws in Nigeria allows for violence against women as they give some provisions in support of such. The penal code {section 55(4)}, which is applicable in the Northern part of the country, allows the correction of child, pupil, servant or wife by beating in as much as the beating does not amount to grievous hurt. This encourages wife battering, and diverse forms of violence against women."²⁸

²⁶ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

^{27/27} *Punch*, JTF soldiers to face trial for rape, murder, torture, 2 September 2012, <http://www.punchng.com/news/jtf-soldiers-to-face-trial-for-rape-murder-torture/>, accessed 8 December 2012

²⁸ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated only four of the 36 States, Ebonyi, Jigawa, Cross River and Lagos, have enacted Domestic Violence law,

“Domestic violence is part of the systematic violation of the dignity and rights of women in Nigeria. Since the last report, not much more is known about the real extent of domestic violence in the country. The government is very slow in putting measures in place to combat domestic violence against women and children. Despite the existence of Ministries of Women Affairs at federal and state levels, not so much is being done in ensuring the protection of women and children from domestic violence. Apart from the Bill on CEDAW, several other Bills introduced into the National Assembly regarding the protection of the rights of women, have not succeeded in being passed into law indicating a total lack of commitment to outlawing violence against women. By the end of the 2007 legislative, The Violence Against Women (Prohibition) Bill 2003 has not been formerly raised on the floor of the House; Domestic Violence Protection Bill 2005 has passed first and second readings in the House but it is still at committee level; Draft Bill on Elimination of Violence 2006 has only passed first reading at the National Assembly; The bill on the Protocol to the African Charter on Human and People’s Rights on the Rights of Women has also not been passed into law.

Out of the 36 states in Nigeria, only four states have enacted Domestic Violence Law. These states are Ebonyi, Jigawa, Cross River and Lagos state. Coalitions on the Domestic Violence Bill in each of these states worked together with the state legislators and Ministry of Women Affairs in ensuring the promulgation of the bill into law in these states.”²⁹

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that there is no legislation specifically defining marital rape and therefore it does not constitute a crime, further widows are considered the property of her husband’s household, to be inherited by her brother in law,

“There is also the omission of marital rape from the definition of rape under the penal legislation applicable in the North as well as under the criminal code applicable in the southern part of the country. Hence, in every part of the country, marital rape is not recognised by legislation and is, therefore, not a crime. The customary laws are not progressive: as most customs (uncodified) do not recognise marital rape as a form of rape and some customary laws promote obnoxious widow rites (including the inheritance of a widow by her brother-in-law on the basis that she is a property of her husband’s household) and wife battering.”³⁰

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that there are no legal provisions against marital rape and domestic violence is classified under common assault,

“In Nigeria there is no law on marital rape and domestic violence is currently classified under common assault, which downplays the seriousness of the offence and reduces it to a mere misdemeanor. However, under S.16(1)(e)(11) of the Matrimonial Causes Act, violence is one of the grounds for divorce. However, according to the cases of *Otti v. Otti* and *Akinbuwa v. Akinbuwa*, the violent spouse should first be convicted of the offence occasioned by the violence before the court can consider it extreme violence capable of grounding a divorce. Similar to this is the provision of Section 55 of the Penal Code, which is applicable to states in the North. This section permits a husband to beat his wife as long as it does not amount to grievous hurt. “Grievous hurt” according to S.241 of the Penal Code include emasculation, permanent loss of sight, inability to hear or speak, facial disfigurement, deprivation of any member or joint, bone fracture or tooth dislocation. Many

²⁹ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

³⁰ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

women continue to experience violence in marriage on account of these laws which progressively reduce their self esteem and reinforce their subjugation in Marriage.”³¹

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that spousal rape was recognised as a separate offence but that there were no prosecutions in 2011,

“The law recognizes spousal rape as a separate offense; however, spousal rape was difficult to prove in court, and no such prosecutions were reported during the year. According to the 2008 Nigeria Demographic and Health Survey (NDHS), 3 percent of married women between the ages of 15 and 49 experienced spousal rape.”³²

1.5 FGM

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that it is illegal to remove any part of a females sexual organ, except for medical reasons,

“The law criminalizes the removal of any part of a sexual organ from a woman or girl, except for medical reasons approved by a doctor. According to the provisions of the law, an offender is any woman who offers herself for FGM; any person who coerces, entices, or induces any woman to undergo FGM; or any person who, for other than for medical reasons, performs an operation removing part of a woman’s or a girl’s sexual organs. The law provides for a fine of 50,000 naira (\$308), one year’s imprisonment, or both, for a first offense and doubled penalties for a second conviction.”³³

In a July 2011 interview with CORI, the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health* reported that nine states had banned FGM,

“laws banning FGM have been adopted at the state level in 9 states, namely Ondo, Osun, Edo, Ogun, Bayelsa, Delta, Rivers, Ekiti, Ebonyi and Cross River States.”³⁴

In February 2012 Nigerian newspaper *The Daily Trust* reported that although some states have legislation banning FGM, penalties are weak,

"In Nigeria, Igbuzor [Ejiro Otiye Igbuzor, the former executive director of Women Empowerment and Reproductive Health Centre] noted that legislation and enforcement laws are vital though such laws exist in states including Abia, Bayelsa, Cross River, Delta, Edo, Ogun, Osun and Rivers but that the penalties are mild which, according to him, has not hastened the abolishment of the act. He added that in Delta the law stipulates a three months' imprisonment and a fine while in Edo it is six months' imprisonment and a fine of N1000.

For these harmful acts against humanity to be brought to book the Child Act must be fully implemented across all states and also stiffer penalties must be put in place to check FGM.”³⁵

³¹ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

³² United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³³ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁴ CORI interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

³⁵ The Daily Trust, Women with painful lives - female genital mutilation: the silent killer, 14 February 2012, available from <http://allafrica.com/stories/201202140971.html?viewall=1>, accessed 12 December 2012

1.6 Marriage and Citizenship

Under the 1914 Marriage Act of the Federal Republic of Nigeria only monogamous marriages are permitted,

"10. Upon receipt of such notice the registrar shall cause the same to be entered in a book to be called the Marriage Notice Book, which may be inspected during office hours without fee. He shall also publish such notice by causing a copy of the same to be affixed on the outer door of his office, and to be kept exposed there until he grants his certificate as hereinafter mentioned, or until three months shall have elapsed.

11. (1) The registrar, at any time after the expiration of twenty-one days and before the expiration of three months from the date of the notice, upon payment of the prescribed fee, shall thereupon issue his certificate as in Form C in the First Schedule:

Provided always that he shall not issue such certificate until he has been satisfied by affidavit-

- (a) that one of the parties has been resident within the district in which the marriage is intended to be celebrated at least fifteen days preceding the granting of the certificate;
 - (b) that each of the parties to the intended marriage (not being a widower or widow) is twenty-one years old, or that if he or she is under that age, the consent hereinafter made requisite has been obtained in writing and is annexed to such affidavit;
 - (c) that there is not any impediment of kindred or affinity, or any other lawful hindrance to the marriage;
 - (d) that neither of the parties to the intended marriage is married by customary law to any person other than the person with whom such marriage is proposed to be contracted.
- (2) Such affidavit may be sworn before a registrar, or before an administrative officer or before a recognised minister of religion.
- (3) The person taking such affidavit shall explain to the person making the same what are the prohibited degrees of kindred and affinity, and the penalties which may be incurred under sections 42 and 43 of this Act, and if he wilfully fails to make such explanation, he shall be liable to imprisonment for two years.
- (4) The person taking such affidavit shall sign a declaration written thereon, that he has given the explanation required by this section to the person making such affidavit and that such person has appeared fully to understand the same."³⁶

The 1970 Matrimonial Causes Act of the Federal Republic of Nigeria makes provisions regarding jurisdiction, matrimonial relief, maintenance, custody and settlement.³⁷

In 2010 S.M. Olokooba writing in the *Nigerian Current Law Review 2007 - 2010* stated that customary law permits polygamous marriage,

"In Nigeria, we have both monogamous and polygamous types of marriage. In the monogamous marriage:

³⁶ Federal Republic of Nigeria, Marriage Act, 31 December 1914, as listed on the International Centre for Nigerian Law, Chapter 218, Laws of the Federation of Nigeria 1990, , <http://www.nigeria-law.org/Marriage%20Act.htm>, accessed 12 December 2012

³⁷ Federal Republic of Nigeria, Matrimonial Causes Act, 17 March 1970, as listed on International Centre for Nigerian Law, Chapter 22, Laws of the Federation of Nigeria 1990, <http://www.nigeria-law.org/Matrimonial%20Causes%20Act.htm>, accessed 12 December 2012

...The law requires that a party to a contract of marriage must possess the single status that is, not being at the time of promise of marriage, married to a third party....

This was echoed by the Court of Appeal in *Wilson v. Carnley* where it was held that any contract of marriage between an already married person to a third party is against public policy and morals and is therefore void". Thus, a monogamous marriage is

...a marriage which is recognized by the law of the place where it is contracted as voluntary union of one man and one woman to the exclusion of all others during the continuance of the marriage....it is...the legal Union of man and woman as husband and wife...

Not only that, a monogamous marriage in *Hyde v. Hyde* was said to be "the voluntary union for life of one man and one woman to the exclusion of all others". It is "...the legal status, condition or relation of one man and one woman united in law for life or until divorced...." Any other marriage which allows one to have more than one wife is a polygamous marriage. Thus, a polygamous marriage on the other hand is "...a voluntary union for life of one man with one or several wives...."

It is also pertinent to note that polygamy in Nigeria is a customary law institution. Therefore, Polygamous system of marriage is strictly governed by customary law. A "customary law marriage allows the husband to validly marry other wives under it".³⁸

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that the tripartite system of laws have conflicting provisions which reinforce male supremacy, particularly with regards to marriage and family law,

"The complexities engendered by the operation of the tripartite systems of Laws in Nigeria are most evident in the marriage and family law. The three systems of laws via statutory, Customary and Religious Laws apply on equal force depending on the marriage contracted. These three systems of laws often have conflicting and discriminatory provisions that reinforce male supremacy and perpetuate patriarchy in the context of marriage. It is expedient that the government expunges the contradictory provisions of these laws, and ensures that all laws protect women's human rights in marriage and family matters."³⁹

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that women are discriminated against in accessing some areas of employment, depending on their marital status,

"For instance, recruitment into the Nigeria Police Force leans in favour of men. Whilst there is no requirement for men to be either married or unmarried before they can be recruited into the Police Force, the law specifically requires that women are to be unmarried at the time of enlistment in the Police. Furthermore, after being enlisted, "A woman police officer who is desirous of marrying must first apply in writing to the commissioner of police for the state Police command in which she is serving, requesting for permission to marry and giving name, address, and occupation of the person she intends to marry." There is a further requirement that "permission will [only] be granted for the marriage if the intended husband is of good character and the woman police officer has served in the Force for a period of not less than three years." There is no such requirement for a male police. Worst

³⁸ S.M. Olokooba, Analysis of legal issues involved in the termination of "Double-Decker" marriage under Nigerian law, 2010, Nigerian Current Law Review 2007-2010, <http://nials-nigeria.org/pub/NCLR7.pdf>, see <http://nials-nigeria.org/pub/NCLRPreliminaryPages.pdf> for full referencing, accessed 12 December 2012

³⁹ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

still, an unmarried woman police officer who becomes pregnant shall be discharged from the Force, and shall not be re-enlisted except with the approval of the Inspector- General."⁴⁰

1.6.1 *Citizenship*

Article 26 of the *Constitution of the Federal Republic of Nigeria* states that the foreign wife of a Nigerian man may take on Nigerian citizenship as a result of their marriage whereas the foreign husband of a Nigerian woman cannot,

"26. (1) Subject to the provisions of section 28 of this Constitution, a person to whom the provisions of this section apply may be registered as a citizen of Nigeria, if the President is satisfied that -

(a) he is a person of good character;
(b) he has shown a clear intention of his desire to be domiciled in Nigeria; and
(c) he has taken the Oath of Allegiance prescribed in the Seventh Schedule to this Constitution.

(2) the provisions of this section shall apply to-

(a) any woman who is or has been married to a citizen of Nigeria; or
(b) every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria."⁴¹

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that a Nigerian woman cannot transfer her citizenship to a foreign husband, whereas a Nigerian man who marries a foreign woman can,

"The Nigerian Constitution in Section 26 allows a foreign woman who is married to a Nigerian man to automatically become a Nigerian whereas; this automatic citizenship does not apply in the case of a Nigerian woman married to a non-Nigerian man. This is a serious denial of the rights of Nigerian women who marry foreigners to have their spouses become Nigerian by the virtue of marriage: A right which every Nigerian man enjoys. It is really disheartening that the Constitution of Nigeria harbours and promotes discrimination against women in nationality issues."⁴²

1.6.2 *Divorce and child custody*

Article 262 of the *Constitution of the Federal Republic of Nigeria* states that the Sharia Court of Appeal has jurisdiction in civil proceedings on questions of Islamic personal law involving issues such as marriage, its validity and dissolution,

"262. (1) The Sharia Court of Appeal shall, in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, exercise such appellate and supervisory jurisdiction in civil proceedings involving questions of Islamic personal law.

(2) For the purpose of subsection (1) of this section, the Sharia Court of Appeal shall be competent to decide -

⁴⁰ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁴¹ Constitution of the Federal Republic of Nigeria, 1999, available at: <http://www.unhcr.org/refworld/docid/44e344fa4.html>, accessed 29 November 2012

⁴² The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

- (a) any question of Islamic personal law regarding a marriage concluded in accordance with that law, including a question relating to the validity or dissolution of such a marriage or a question that depends on such a marriage and relating to family relationship or the guardianship of an infant;
- (b) where all the parties to the proceeding are Muslims, any question of Islamic personal law regarding a marriage, including the validity or dissolution of that marriage, or regarding family relationship, a foundling or the guardianship of an infant;
- (c) any question of Islamic personal law regarding a wakf, gift, will or succession where the endower, donor, testator or deceased person is a Muslim;
- (d) any question of Islamic personal law regarding an infant, prodigal or person of unsound mind who is a Muslim or the maintenance or the guardianship of a Muslim who is physically or mentally infirm; or
- (e) where all the parties to the proceedings, being Muslims, have requested the court that hears the case in the first instance to determine that case in accordance with Islamic personal law, any other question."⁴³

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that under customary law women are not generally entitled to custody of children, who are considered to belong to their father,

“With respect to custody of children at divorce, the wife (in a marriage contracted under customary laws) generally is not entitled to custody of children of the marriage because of the customary law belief that children belong to the father. Although, this customary belief has been outlawed by the provisions of the customary laws of the various states in the western part of Nigeria, the current provision states that in any matter relating to the guardianship and custody of children the interest and welfare of the child shall be the first and paramount consideration.”⁴⁴

1.7 Property, land and inheritance rights

[\[See also Section A. Women, 2.3. Widowhood practices, 2.3.3.3 Inheritance of husband's property\]](#)

1.7.1 Property Rights

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that in some states single or unmarried women are not permitted to hold or dispose of property, further some customary laws deny married women the right to inherit property,

“S.43 of the Constitution guarantees the right of every Nigerian to own movable and immovable property anywhere in Nigeria, subject to compulsory acquisition in accordance with the law. The Married Women’s Property Law of 1994, applicable in the south Eastern part of Nigeria, and also S.3 of the Oyo State Married Women’s Property Law of 2000 recognise a woman’s capacity to acquire and dispose of any property and have personal liability in contractual matters. Under Kaduna, Sokoto and Zamfara States Married women’s Property laws, only married women are accorded the right to acquire, hold and dispose of any property, a single or unmarried woman is denied such rights.

⁴³ Constitution of the Federal Republic of Nigeria, 1999, available at: <http://www.unhcr.org/refworld/docid/44e344fa4.html>, accessed 12 December 2012

⁴⁴ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

Various customary laws applicable in different parts of Nigeria deny married women the right to inherit property. The various customary laws operative in most parts of Nigeria still regard women as part of the property owned by her husband and that all properties acquired during the subsistence of the marriage belongs to the husband, even where she has contributed to the acquisition and development of the property. At divorce, she is not entitled to maintenance and custody of the children of the marriage. She also loses the right to be accommodated by her ex husband even where she is granted the custody of very young children.

These rules of customary law is manifestly obnoxious and discriminatory against women when subjected to the full weight of Article 16 of CEDAW which requires state parties to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against woman Kaduna, Sokoto and Zamfara states have enacted laws that guarantee the right of women to own and acquire property, but these laws exclude single women from enjoying these rights.”⁴⁵

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that due to the patriarchal nature of society a husband often has the power to dispose of assets without his wife's consent,

“A woman married under the Marriage Act has equal rights with her spouse to family assets and property acquired during the subsistence of marriage and right to be involved in its disposal during or after the marriage or upon the death of her husband. However, given the patriarchal nature of our society, the husband, more often than not, has the power to dispose of the family property and assets, irrespective of the wife's contribution and without her consent. The major area where discrimination and inequality is often manifested against the wife upon dissolution of the marriage is where the woman claims financial contribution to any property acquired during the subsistence of the marriage. Nigerian courts often require the woman to give documentary evidence of co-ownership of the property and unfortunately some women have been socialised to believe that major properties purchased, should be in their husband's name.[]

Under customary law it is assumed that the husband owns all properties acquired during subsistence of the marriage. A wife does not by virtue of marriage become coowner or joint owner of properties and assets acquired during the subsistence of the marriage even if she has contributed to the acquisition and development of the property. Although most customary laws recognise the right of the women to purchase and own property, some customary laws in the eastern part of Nigeria do not allow women to inherit family land or property.”⁴⁶

1.7.2 Land Rights

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that there was no legislation banning women from owning land but that customary land tenure systems only permitted men to own land and prohibited women from inheriting her husband's property,

“No laws barred 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

⁴⁵ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁴⁶ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

husband's property, and many widows became destitute when their in-laws took virtually all the deceased husband's property."⁴⁷

In 2012 a *British Council* report stated that in rural areas women's rights of access to land are considered secondary to those of men and user rights often follow marriage, inheritance or borrowing,

" An estimated 54 million of Nigeria's 78 million women are based in rural areas and make a living from the land. The Nigeria Land Use Act of 1978 nationalised all land and vested authority in the State Governor who holds it in trust on behalf of all. In practice however, the way land is owned and accessed varies from place to place in Nigeria and can be an amalgam of traditional Islamic Sharia and other local governance practices (Mabogunje, 2010). In rural areas, women's rights of access are still regarded as secondary to those of men and many customs suggest that women's access to land is still mediated via patrilineal systems (Aluko and Amidu, 2006), in spite of the intentions of the 1978 Land Use Act. For women, user rights often follow marriage, inheritance or borrowing. Traditionally, only Muslim women own land outright where inheritance practices mean they are entitled to a third of inheritance."⁴⁸

In 2012 a *British Council* report stated that trends suggest that women's land ownership is decreasing,

"Although women represent between 60% and 79% of Nigeria's rural labour force, men are five times more likely to own land than women. In general, land ownership is very low among women, a factor that limits their ability to exploit a landbased livelihood strategy. It affects their ability to access finance, for example, and often delays investment decisions or reduces the earning potential of agriculture. Long-term trends are also worrying because they suggest that fewer women own land. Data from the CWIQ show that in 2003 about 13% owned land compared to 7.2% in 2006."⁴⁹

In 2012 a *British Council* report stated that few women own land,

"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. Land ownership and land tenure give women security and provide a key to access other resources and opportunities. *Operationalising the Nigeria Land Administration Act could help to expand women's productivity.*"⁵⁰

In 2012 the *British Council* further reported that not owning land affects a woman's ability to access credit which restricts a woman's business activity,

"Only 7.2% of women own the land they farm, which limits their access to credit and constrains entrepreneurship and business activity."⁵¹

In 2012 a *British Council* report stated that patriarchal inheritance and decision making systems limit women's access to land,

⁴⁷ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

⁴⁸ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁴⁹ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁵⁰ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁵¹ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

"Land access is severely curtailed by the way land is inherited, owned and passed on by men to their male descendants in most patrilineal ethnic groups, especially in Southern Nigeria. For Muslim women, it can be curtailed by traditional male decision making power over female access to assets."⁵²

2. Implementation of legal framework in practice

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that the Nigerian government had failed to implement CEDAW provisions,

"The situation of women's human rights in Nigeria, however, signifies that the Nigerian Government is not carrying out its obligations as CEDAW requires. The sorry state of women's rights in Nigeria has been attributed to the nondomestication of and non-implementation of CEDAW."⁵³

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated the Bill for the domestication of CEDAW was rejected by the National Assembly in 2007,

"Most of the socio- economic, legal, and political frameworks needed for the protection and promotion of women's rights have not been effectively implemented. In early 2007, the National Assembly rejected the Bill for the domestication of CEDAW, which stands as the acid test for gender equality in Nigeria. This has put on hold the process of integrating CEDAW Convention as an integral part of the criminal justice and legal administrative system in Nigeria.

The National Economic Empowerment and Development Strategy (NEEDS) four years after its adoption as the country's economic blue print have failed most of its promises. It has not created the seven million jobs which had been envisaged to reduce the number of unemployed women in Nigeria; its promise of accelerated privatisation of the commanding heights of the Nigerian economy including oil and gas sectors also have rather impoverished more Nigerians especially women. Essential services including water, health and education under NEEDS have been outsourced to private/public participation."⁵⁴

In 2012 a *British Council* report stated that policies and international laws aimed at advancing conditions for women had not been implemented,

"Excellent policies and intentions have not translated into budgets or action to make the changes required if women are to contribute effectively to Nigeria's development. The National Gender Policy has yet to bear fruit, while implementation of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) has stalled."⁵⁵

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that in Nigeria there is gender discrimination in the division of labour, access to power and resources,

"Nigeria still falls short of the desired result of giving males and females equal opportunities and equal access to opportunities to advance socially, economically and politically. Evidence abounds of several forms of gender-based discrimination in gender relations in Nigeria. Gender-based division of labour, disparities between male and female access to

⁵² British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁵³ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁵⁴ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁵⁵ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

power and resources, and gender bias in rights and entitlements remain pervasive in Nigeria.”⁵⁶

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that Nigerian society is patriarchal and encourages gender stereotypes and the notion of male superiority,

“Gender stereotypes continued to be reinforced in Nigeria as series of the agents of socialisation such as the family, schools, churches, mosques, and the media have become custodians as well as disseminators of gender roles, stereotypes, prejudices and discriminatory cultures. Girls and boys grow up in Nigerian society to accept male superiority over female and the patriarchal structure has become unquestionable phenomenon. The Teachers, Religious Leaders, Parents, Police Officers and Artistes in Nigeria usually work to promote obnoxious customary beliefs and practices that violate the rights of women. Consequently, customary practices such as female genital mutilation, preference for male-child, and widowhood rites are still prevalent in most parts of Nigeria. Gender stereotypes in Nigeria are further reinforced by lack of national legislations aimed at disabusing the mind of people of such stereotypes as well as specify the punishment for offenders.”⁵⁷

In 2012 the Journal of Politics and Law published an article by *Ine Nnadi* of the Faculty of Law at Imo State University which stated that there is a culture of impunity for violence against women in Nigeria and that police and prisons have discriminatory practices,

"Perpetrators of violence against women are rarely held accountable for their acts. Women who are victims of gender-based violence often have little recourse because many state agencies like the police and prisons are themselves guilty of gender bias and discriminatory practices. Many women opt not to report cases of violence to authorities because they fear being ostracized and shamed by communities that are too often quick to blame victims of violence for the abuses they have suffered. Some brave women who dare to challenge their abusers or report violence against them are embarrassed with probing questions and ridiculed. The truth is that violence against women is so deeply embedded in society that it often fails to garner public criticism and outrage particularly as it is clothed with religious immunity in certain cases.”⁵⁸

2.1 Sexual and Gender Based Violence

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated women in Nigeria are subjected to wide ranging forms of gender based violence,

“Nigerian women suffer various forms of violence mostly owing to the patriarchal nature of the Nigerian society. The different forms of violence against women in Nigeria includes, but is not limited to: domestic violence (e.g. wife battering and verbal abuse, emotional and psychological abuse marital rape); sexual exploitation and harassment especially in academic institutions, corporate organisations and in Police custody; rape; trafficking; forced prostitution; forced marriage; widowhood rites; and female genital mutilation among others.”⁵⁹

⁵⁶ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁵⁷ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁵⁸ Ine Nnadi, An insight into violence against women as human rights violation in Nigeria: A critique, Journal of Politics and Law; Vol 5, No 3, August 2012, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=65&cad=rja&ved=0CEwQFjAEODw&url=http%3A%2F%2Fccsene.t.org%2Fjournal%2Findex.php%2Fjpl%2Farticle%2Fdownload%2F19903%2F13123&ei=Z231UKjDB-Kt0QWNxoDwCw&usq=AFQjCNGSFgKbKtj4D6wdEV7mtDmSXpVREQ&bvm=bv.41018144.d.d2k>, accessed 9 December 2012

⁵⁹ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

In 2012 a *British Council* report stated that data on violence against women is unreliable as reports capture a only fraction of cases, further victims do not report some forms of violence such as rape, for fear of being stigmatized,

"Before reviewing the literature and data on gender violence it is important to observe that data on violence are notoriously unreliable because much of the literature focuses on reports of violence that Mahdi (2011) and others suggest capture only a fraction of the actual number of cases. Victims are unwilling to report certain types of violence, such as rape, because of shame and social stigma, so that very few cases are brought to court in Nigeria (Amnesty International, 2006). A review of the literature on gender violence in Nigeria suggests a conspiracy of silence conceals the nature and extent of the problem."⁶⁰

In 2012 a *British Council* report stated that violence is endemic within some state institutions, including the police and some educational bodies and that a culture of impunity protects perpetrators,

"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."⁶¹

In its 2011 Annual Report *Amnesty International* reported that violence against women by state officials and private individuals was pervasive and that there was a culture of impunity towards such acts,

"Violence against women remained pervasive, including domestic violence, rape and other forms of sexual violence by state officials and private individuals. The authorities consistently failed to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors, leading to an entrenched culture of impunity."⁶²

2.1.1 Domestic Violence

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that domestic violence was widespread and often considered socially acceptable,

"Domestic violence remained widespread and often was considered socially acceptable. In a survey released in 2009, 28 percent of women reported experiencing violence after age 15, the majority of which a husband or partner had inflicted. The Legislative Advocacy Coalition on Violence Against Women conducted a survey of gender-based violence in 18 states from January through June of 2010. Of the 479 cases surveyed, 44 percent involved cases of physical violations, 21 percent sexual violations, 18 percent domestic violence, 12 percent harmful traditional practices, and 3 percent economic violations."⁶³

In 2012 a *British Council* report stated that violence towards women and girls reinforces societal disadvantages in Nigeria,

⁶⁰ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁶¹ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁶² Amnesty International, Annual Report 2011, Nigeria, <http://www.amnesty.org/en/region/nigeria/report-2011>, accessed 1 December 2012

⁶³ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

"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."⁶⁴

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that approximately a third of all women had been a victim of some form of violence and that it is mainly perpetrated by husbands, fathers and relatives who justify the violence as being due to the woman's behaviour. The *Nigerian NGO CEDAW Coalition* shadow report stated that domestic violence is reinforced by a culture of silence and many women are unaware that it is a human rights violation, further women are afraid of being stigmatized if they speak out,

"About one-third of every woman in Nigeria has at one time or the other been a victim of violence in its diverse form. Violence against women is mostly perpetrated by husbands, fathers, and relatives (basically people known to the women who suffer the violence). It is further reinforced by the culture of silence about violence against women especially the domestic type and other types perpetrated by family members. Most women are not aware of the fact that an act of violence against them is a form of human rights violation. Some who are aware are afraid of stigma and, consequently, they tolerate violence and suffer in silence. Most cultural and traditional belief systems of the various ethnic groups in Nigeria assign and inferior role to women and further promote violence against women. As there are no laws on some very prominent forms of violence against women in Nigeria, most acts of violence against women are justified on the grounds of some women's actions or inactions.

Some women, especially in the Northern part of the country, are of the opinion that the husband can punish the wife if she neglects some of her duties such as taking good care of the children or not putting the husband's food on the table in good time."⁶⁵

In 2012 a *British Council* report stated that one in three females between 15-24 have been a victim of violence and that women who have never been married are more likely to be attacked than a married woman,

"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."⁶⁶

In 2012 a *British Council* report stated that many women think that it is acceptable for a wife to be beaten if she burns food, refuses sex or leaves the house without permission,

"Most 15-24 year old women in Nigeria think it is reasonable for a husband to beat his wife if she burns the food, refuses sex or goes out without his permission."⁶⁷

In 2012 the *British Council* further reported that in Southern Nigeria almost half of unmarried women have experienced physical violence,

"Nearly half of unmarried women in parts of Southern Nigeria have experienced physical violence."⁶⁸

⁶⁴ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁶⁵ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁶⁶ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁶⁷ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

⁶⁸ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

The 2008 *Nigeria Demographic and Health Survey* reported that domestic violence affects Nigerian women from all socio-economic and cultural backgrounds. 44 percent of divorced, separated or widowed women have experienced domestic violence since the age of 15, compared to 25 percent of married or cohabiting women and 33 percent of women who have never been married,

"A total of 21,468 women were asked questions on domestic violence in the 2008 NDHS. In Nigeria, domestic violence cuts across all socio-economic and cultural backgrounds. [] The results show that 28 percent of all women experienced physical violence since the age of 15, and 15 percent of women experienced physical violence in the 12 months preceding the survey.

The experience of physical violence varies substantially by background characteristics. The trend by age group indicates an increase in physical violence from the 15-19 age group through the 25-29 age group, and a decrease thereafter. Thirty percent of women age 25-29 have experienced physical violence at some time since age 15, while 16 percent experienced violence during the 12 months preceding the survey. Women who are employed but are not paid in cash are more likely than other women to have ever experienced physical violence since age 15 and during the 12 months preceding the survey (38 and 23 percent, respectively). It is interesting to note that unemployed women are the least likely to experience physical violence, with 23 percent having experienced violence since age 15 and 13 percent experiencing physical violence during the 12 months preceding the survey. By marital status, women who are divorced, separated or widowed are far more likely to have experienced physical violence than other women. Forty-four percent of divorced, separated or widowed women reported experiencing violence since age 15, compared with 25 percent of women who are married or living together, and 33 percent of never-married women. Differentials in experience of physical violence by number of living children are small; however, women with no children (30 percent) are more likely to have experienced physical violence since age 15 than other women. Experience of physical violence in the past 12 months tends to increase with number of living children.

Women in urban areas are more likely than their rural counterparts to report having experienced physical violence since age 15 (30 percent as compared with 26 percent). There is notable variation in experience of physical violence by zone. Experience of physical violence since age 15 is reported by the highest proportion of women in South South (52 percent) compared with only 13 percent of women in North West. The proportion of women experiencing physical violence in the past 12 months is again highest in the South South (24 percent) and lowest in North West (6 percent).

Women with primary and secondary levels of schooling are more likely than other women to have experienced physical violence since age 15. Women who never attended school are the least likely to have experienced physical violence since age 15 (15 percent). A similar pattern is observed for physical violence in the past 12 months. Experience of physical violence generally increases with wealth quintile. A slight decrease is observed in physical violence in the past 12 months between the fourth and highest quintiles."⁶⁹

The 2008 *Nigeria Demographic and Health Survey* reported that the husband is the most commonly reported perpetrator, 61 percent of ever married women reported that their current husband committed physical violence against them. A mother or stepmother were the next most commonly reported perpetrators, followed by father or stepfather and siblings,

"The most commonly reported perpetrator of physical violence is the current husband or partner. A total of 45 percent of women who experienced violence since age 15 experienced violence from their current husband or partner, while 7 percent reported that violence was committed against them by their former husband or partner. Among ever-married women, 61 percent reported their current husband or partner committed physical

⁶⁹ National Population Commission (NPC) [Nigeria] and ICF Macro, *Nigerian Demographic and Health Survey 2008, 2009*, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

violence against them, and 9 percent reported their former husband or partner did so. Among all women who experienced physical violence, the next most commonly mentioned perpetrator is mother or stepmother (30 percent), followed by father or stepfather (22 percent), and sister or brother (19 percent). Among never-married women, mother or stepmother was mentioned as the most common perpetrator of physical violence (43 percent)."⁷⁰

The 2008 *Nigeria Demographic and Health Survey* reported that nearly half of women believed that wife beating was justified in some circumstances,

"The 2008 NDHS collected information on the degree of acceptance of wife beating by asking whether a husband is justified in beating his wife in each of five situations: if she burns the food, if she argues with him, if she goes out without telling him, if she neglects the children, and if she refuses to have sex with him.

[] 43 percent of women find wife beating justified in certain circumstances; that is, they agree that at least one of the specified reasons justifies wife beating. The least likely reason women agreed to that justifies wife beating is burning the food (16 per cent). In contrast, a third of women (32 percent) report that a husband is justified in beating his wife if she goes out without telling him. Women who have never married are least likely to agree that wife beating is justified (32 percent) for any of the reasons. Women in urban areas are less likely to agree with at least one of the specified reasons than those in rural areas (31 and 50 percent, respectively). The North East zone has the highest proportion of women who say that wife beating is justified for at least one of the reasons (54 percent), while the South West zone has the lowest proportion (24 percent). Except for the South West zone, 40 percent or more of women agree that wife beating is justified for at least one of the specified reasons. Women with no education or with a primary education are almost three times as likely as women with more than a secondary education to agree that wife beating is justified for at least one reason (55 and 20 percent, respectively). Women in the highest wealth quintile (23 percent) are less likely than women in the other wealth quintiles to agree with at least one of the specified reasons for wife beating."⁷¹

The 2008 *Nigeria Demographic and Health Survey* reported that 29.6 percent of men aged 15-59 believed that wife beating was justified in at least one specified reason,

"There is an inverse relationship between men's age and the proportion of men who agree that wife beating is justified for at least one reason; 35 percent of men age 15-19, compared with 24 percent of men age 45-49. Rural men are more likely to agree with wife beating for one of the specified reasons than their urban counterparts (33 versus 25 percent, respectively). By zones, North East has the highest proportion of men who say wife beating is justified for at least one of the reasons specified (44 percent), while North West has the lowest proportion (22 percent). Men with more than a secondary education are half as likely as men with a primary education to accept wife beating (17 percent compared with 34 percent, respectively)."⁷²

The 2008 *Nigeria Demographic and Health Survey* reported that domestic violence is often preceded by controlling behaviours, 49 percent of women said that their husbands got angry or jealous if they spoke to other men and 33.6 percent said their husbands insisted on knowing where they were at all times,

"Attempts by a husband or partner to closely control and monitor the activities of their female partner or spouse have been found to be among the most important early warning

⁷⁰ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

⁷¹ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

⁷² National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

signs of violence in a relationship. Controlling behaviours most often manifest themselves in terms of extreme possessiveness, jealousy, and attempts to isolate the woman from her family and friends. [] The results show that overall, 38 percent of ever-married women say that their husband or partner exhibits none of the controlling behaviours. The main controlling behaviours women experienced from their husbands were being jealous or angry if she talks to other men (49 percent) and his insistence on knowing where she is at all times (34 percent). Eighteen percent of ever-married women said that their husband does not trust them with any money, while 14 percent reported that their husband frequently accuses them of being unfaithful, and 13 percent said their husband does not permit them to meet their female friends. Furthermore, 8 percent of women reported that their husband tries to limit their contact with their families. About one-fifth of women reported that their spouse displays three or more of these behaviours.

Younger women are more likely than women age 30 and older to report that their husband or partner displays at least three of the controlling behaviours. Women who are employed but not for cash and women with fewer living children are more likely than other women to say that their husband engages in at least three controlling behaviours. Women who are divorced, separated, or widowed are more likely than currently married women to say that their husband engages in at least three controlling behaviours (31 percent compared with 20 percent). Husband's controlling behaviours decrease with increasing marital duration.

By zone, women in South South are most likely to report that their husband or partner participates in at least three controlling behaviours (28 percent), closely followed by women in North Central and North East (27 percent each). On the other hand, only 11 percent of women in North West say that their husband participates in at least three of the behaviours. Women with no education and with more than secondary education are less likely than women with primary or secondary education to report that their husband participates in at least three controlling behaviours. By wealth quintile, women in the middle and fourth quintiles report the highest percentages of husbands who exhibit at least three controlling behaviours."⁷³

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that a traditional ruler was deposed for publicly attacking one of his wives,

"In June 2010 the government deposed the traditional ruler of Akure Kingdom in Ondo State after he attacked one of his wives in the street in full view of witnesses. Police stated that they would press assault charges against the perpetrator, and many in Ondo State and Abuja criticized the actions of the traditional ruler. In a countermeasure the accused filed an injunction naming police and the courts and asking the court to drop the case. There were no developments in the case by year's end."⁷⁴

2.1.2 Social discrimination and stigma

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* stated in regard to marriage practices and social expectations that in some Nigerian cultures a father dictates who his daughter marries and that a daughter who refuses such a match may face punishment including beatings,

"Nigeria is a nation with diverse ethnic groups and cultures. In some cultures the father decides who the daughter marries. Consequences for refusing ranges from punishment such as beatings to being denied of the basic needs of life. Many of the victims also run away from home. This is common in the northern part of the country where child marriage is still

⁷³ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

⁷⁴ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

being practiced.”⁷⁵

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health* reported that family members put pressure on women and girls not to pursue legal protection from violence,

“in our experience as an NGO working in this area VAW is seen as a cultural thing and usually the family will want to wade in and stop the woman or girl from taking any legal action. When NGOs want to help in taking the case further, they are hampered by the intervention of the family members. Only very few cases have ever been taken up legally. If the law is to be upheld there will not be any difference in the implementation whether in the rural or urban centers.”⁷⁶

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health* reported that domestic violence is culturally accepted and women fear losing the economic support of their abusive husband,

“Domestic violence which takes various forms from beating to marital rape is culturally accepted to a certain extent and so it is very difficult in our society to convince a woman that she is facing domestic violence and so should take legal actions. Only very recently due to the work of NGOs that women and girls are coming out to challenge abusive partners in court, but there are still many more that are not reported or under reported. Due to poverty and economic dependence on men, many victims suffer in silence for fear of losing the economic support of the male perpetrator.”⁷⁷

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that victims of domestic violence do not generally seek redress and women in the Eastern areas rarely seek divorce due to the stigmatization of divorced women,

“Generally, most victims of violence against women in Nigeria do not seek redress in the court except in cases of divorce (which is rarely sought by women in the Eastern part of the country due to the stigma attached to divorced women).”⁷⁸

2.1.3 Access to justice

The 2008 *Nigeria Demographic and Health Survey* reported that 45 percent of women who experienced physical violence did not tell anyone, one in three women sought help to stop the violence,

“According to the 2008 NDHS, nearly half (45 percent) of women who experienced physical or sexual violence never told anyone. An additional 8 percent told someone about the violence but did not seek help. One in three women (34 percent) who experienced physical or sexual violence sought help to stop the violence.

Women who have experienced both physical and sexual violence are more likely to have sought help (51 percent) than women who experienced only physical violence (29 percent) or only sexual violence (38 percent). Women who are unemployed are less likely to seek

⁷⁵ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, see appendix for full text transcription

⁷⁶ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

⁷⁷ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

⁷⁸ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

help (28 percent), compared with women who are either employed for cash (35 percent), or who are employed but are not paid in cash (37 percent). Divorced, separated, and widowed women are more likely to have sought help to end the violence (46 percent) than women who are currently married (33 percent) or women who are never-married (31 percent).

Women in rural areas reported a higher percentage of help seeking behaviour to stop violence than their counterparts in urban areas (36 percent compared with 30 percent). There is notable variation in help-seeking by zone. Women in South East are most likely to have ever sought assistance to end violence against them (43 percent) while women in North West are least likely to have done so (24 percent).⁷⁹

The 2008 *Nigeria Demographic and Health Survey* reported that only 2 percent of women who sought help, sought it from the police,

"The majority of women who ever experienced physical or sexual violence sought help from their family (65 percent), while 31 percent sought help from in-laws, and 17 percent sought help from a friend or neighbour. Three percent sought help from a religious leader and 2 percent from the police. Less than 1 percent of women sought help from a social service organisation."⁸⁰

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that many police officers and Judges in customary courts and some higher courts are not aware of international and regional laws on violence against women. The *Nigerian NGO CEDAW Coalition* shadow report states that police view domestic violence as a private matter to be settled within the family,

"The provisions of both international and regional laws on violence against women are not known to most Police Officers and Judges in the customary courts and even in some higher courts. Hence, Police Officers dismiss cases of violence against women as domestic affairs (private matters) that should be settled within the family, while some Judges in the customary courts, without any recourse to the provision of international and regional laws on violence against women, directly apply customary laws even when such reinforces violence against women. The parallel tripartite system of laws in Nigeria also makes it a challenge to checkmate some of these discriminatory customary laws."⁸¹

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that the outcome of police investigations into cases of husbands killing their wives often go unreported and the absence of disaggregated data makes it difficult to determine the extent of domestic violence in Nigeria,

"Series of cases in which husbands beat their wives to death are often reported in the media, but the end result of investigation of the police into such cases are usually unknown as they are not reported. Other several cases of violence against women go unreported because the victims suffer in silence. The absence of a gender disaggregated data on violence against women makes it impossible to determine how many women suffer violence and to what extent in Nigeria. The data that are usually relied on are those received from some field survey and or research of some NGOs."⁸²

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that there is a lack of confidence in the capacity of the police to carry out investigations,

⁷⁹ National Population Commission (NPC) [Nigeria] and ICF Macro, *Nigerian Demographic and Health Survey 2008, 2009*, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

⁸⁰ National Population Commission (NPC) [Nigeria] and ICF Macro, *Nigerian Demographic and Health Survey 2008, 2009*, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

⁸¹ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁸² The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

“The killing of women by husbands and intimate partners is frequently reported in the news media and by human rights defenders, lawyers, journalists, care workers and medical professionals. However, it is often difficult to obtain information about the outcome of any investigation by the police into such cases, sometimes because of the difficulties experienced by the press in obtaining information from the police. There is widespread lack of confidence in the capacity or resources of the police to carry out thorough investigations, for example in the collecting and preserving of evidence.”⁸³

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that the police did not intervene, especially if abuse did not exceed ‘customary norms,’

“Police did not intervene in domestic disputes. In rural areas courts and police remained reluctant to intervene to protect women who formally accused their husbands of abuse if the level of alleged abuse did not exceed customary norms in the areas. According to the 2008 NDHS, 43 percent of women and 30 percent of men between the ages of 15 and 49 agreed that a husband may justifiably hit or beat his wife for at least one of five specified reasons, including burning food and arguing.”⁸⁴

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health* reported that police trivialised the issue of domestic violence, viewing it as a private matter,

“where a victim summons the courage to report to law enforcement agents, the issue is trivialized and termed a “private matter.”⁸⁵

In July 2011 the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health* reported that there is a level of acceptance of domestic violence amongst law enforcement and court officials; according to the *Inter African Committee* a few cases have been taken to court, however they state that the punishment was not proportionate to the crime,

“There is a generally high level of acceptance of domestic violence even amongst law enforcement officers and court personnel. Given cultural attitudes, victims may not have the courage to seek legal recourse. However I may add that things are gradually easing off with the police being sensitized to see Domestic violence as violence and not just a family matter. Few cases have been taken to court and justice melted out to culprits but the truth is the punishment given to such men is not as heavy as the violence committed.”⁸⁶

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health* further states that women may experience pressure from relatives to settle cases out of court,

“some NGOs have sheltered homes for abused women and some have free legal services for abused women but all in all these women are forced to withdraw such cases by family members who promise to settle things out of court.”⁸⁷

The 2008 *Nigeria CEDAW NGO Shadow Report* to UN CEDAW reported that a lack of legal aid and corruption are barriers to women accessing justice,

⁸³ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁸⁴ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

⁸⁵ CORI Interview with Oyefunso Orenuga and Oyenyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

⁸⁶ CORI Interview with Oyefunso Orenuga and Oyenyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

⁸⁷ CORI Interview with Oyefunso Orenuga and Oyenyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

“Majority of Nigerian women are uneducated and uninformed about their rights and the language of the law is very technical and complicated for them.

There is a provision of legal aid for indigent citizens but, generally, the Nigerian Legal System does not recognise legal aid for civil matters, which is very important for the protection of women’s rights.

A major challenge to enhancing access to justice in Nigeria, apart from the ones stated in the Nigerian CEDAW report, is corruption, which pervades the gamut of the administration of justice in Nigeria. According to a survey conducted in 2000 in Lagos state, it was revealed by 99% of lawyers who frequently use the Lagos State High Court that corruption was an issue in the state judiciary; 80% of lawyers who had 11-15 years post-call experience agreed that the prevalence of corruption was high or very high while 65% of lawyers in this category were of the view that confidence in the judiciary was low, and this is true of all other states of the federation. The challenges faced by these institutions that provide legal aid services are that they do not have institutional capacity and requisite financial capacity to cope with the enormity of the cases that need legal assistance. Therefore, they could not reach out to many indigent Nigerian women citizens who need their services.

[]

The government has done nothing to tackle the challenges of access to court as stated in the Nigeria CEDAW report. Many women still have no access to the courts, which is a pre-condition for access to justice.”⁸⁸

The 2008 *Nigeria CEDAW NGO Shadow Report* to UN CEDAW reports that the police are perpetrators of human rights violations in Nigeria and that many women’s cases are not handled seriously,

“Notwithstanding the provision of the Human Rights Desk in some Police Stations, many women are unable to benefit from the service provided because of the levity with which women’s human rights cases are handled by the Nigerian Police. The Police are one of the major violators of human rights in Nigeria. The wrongful arrest of young girls and women in Lagos and Cross River States, and some other parts of the country, by the Nigeria Police under the guise of ‘indecent dressing’ and ‘prostitution’, which further created an avenue for the police to extort money from victims, is a case in point. The justice and law enforcement administration in Nigeria is not gender friendly in the delivery of its mandate.

The centrally controlled Nigerian Police and Prisons have been a major hindrance to effective crime control and prevention. States that deliver majority of justice services do not have control or say over these institutions thus, the institutions are not accountable to state governments for their performance. State service delivery is also constrained by the limited and erratic flow of funds from federal to state level. The impact of these challenges affect the poorest in society who are the most frequent victims of long detentions for minor offences and extortion by the Police and other law enforcement agencies.”⁸⁹

2.1.4 Access to support

The 2006 *Nigeria State Party report* to UN CEDAW stated that some NGOs provide legal aid to support women who have experienced violence,

⁸⁸ The Nigeria CEDAW NGO Shadow Report, Submitted to the 41st session of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, 2008, page 58 and 59, <http://www.fidh.org/IMG/pdf/BAOBABNigeria41.pdf>, accessed 30 November 2012

⁸⁹ The Nigeria CEDAW NGO Shadow Report, Submitted to the 41st session of the United Nations Committee on the Elimination of All Forms of Discrimination Against Women, 2008, page 67, <http://www.fidh.org/IMG/pdf/BAOBABNigeria41.pdf>, accessed 8 December 2012

“some NGOs have functional legal clinics to provide free legal aid to women and young people whose human rights are abused. Legal aid is given in the form of counseling, mediation and other alternative dispute resolution options, or through litigation and representation in the courts of law.”⁹⁰

The 2006 *Nigeria State Party report* to UN CEDAW reported details of two NGO run shelters in Enugu and Lagos which provided support to women who have experienced violence,

“WACOL, an Enugu based NGO has an ultra modern shelter/safe haven where it provides temporary shelter for female victims of battery and violence at the peak of crisis pending the outcome of legal action. Similarly in Lagos, Project Alert on Violence against Women (PROLERT) runs a shelter for women who have suffered abuse or any forms of violence.”⁹¹

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that there are only two shelters in Nigeria for women survivors of domestic violence run by NGOs, according to the *Nigerian NGO CEDAW Coalition* shadow report the government does not provide any shelters,

“The non-governmental organisations that have mandates around women issues are also known for carrying out various campaign activities on violence against women, especially during the annual 16 days of activism on violence against women between November 25 and December 10. The only two shelters available to survivors of domestic violence in Nigeria are also owned by non-governmental organisations with funds raised from international donor agencies: the Nigerian government gives no provision for that.”⁹²

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that Project Alert, a local NGO ran support groups and operated a shelter,

“Project Alert on Violence Against Women, a local NGO, continued various outreach efforts to combat domestic violence, including training programs to sensitize police to domestic violence, support groups and programs for male abusers, and assistance to faith-based organizations in counseling victims of domestic abuse. Project Alert also operated a shelter, Sophia’s Place, for victims of domestic violence, which offered services such as counseling, legal aid, and acquisition of skills. The Women’s Rights Advancement and Protection Alternative also served as a leading voice in the campaign against violence against women and advocated passage of legislation to protect women’s rights.”⁹³

In August 2012 the *International Organization for Migration (IOM)* reported that Nigerian NGO, Women's Aid Collective (WACOL) which has offices in Enugu and Abuja, provided shelter to women and girls,

“WACOL provides a wide range of services: training, research, advocacy, shelter, free legal and financial aid, intra- familial conflict resolution, and information and library services.

Their services for women and girls include:
Shelter/safe homes at crisis moments
Legal advice/assistance
Counseling for victims and their families
Documentation of cases of abuse

⁹⁰ UN CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Nigeria, CEDAW/C/NGA/6, 5 October 2006, Page 40, <http://www.un.org/womenwatch/daw/cedaw/reports.htm#n>, accessed 8 December 2012

⁹¹ UN CEDAW, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Nigeria, CEDAW/C/NGA/6, 5 October 2006, page 104, <http://www.un.org/womenwatch/daw/cedaw/reports.htm#n>, accessed 8 December 2012

⁹² The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

⁹³ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

Drop-in centre."⁹⁴

2.2. Rape and Sexual Violence

2.2.1 Prevalence

In 2006 *Amnesty International* reported that indicators suggested that rape occurs with a high frequency within the family, community and by the police and security forces, but a lack of official records made it difficult to establish the full scale,

"Although reports by non-governmental organizations, some police records, statements by state prosecutors and media reports indicate that rape in the family, the community, and by the police and security forces occurs on an alarming scale, lack of comprehensive official statistics make it difficult to establish accurately its true scale. The lack of comprehensive official figures also makes it difficult to assess the extent of direct state involvement in perpetrating gender-based violence against women, or state failure to prosecute and punish perpetrators of rape. Amnesty International considers a lack of official records of rape to demonstrate complacency by the government in addressing effectively violence against women in Nigeria."⁹⁵

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that sexual harassment was common and in some areas was due to social and religious reasons, according to *USDOS* women were often propositioned for sexual favours in return for employment or university grades,

"Sexual harassment remained a common problem. [] The practice of demanding sexual favors in exchange for employment or university grades remained common. Women suffered harassment for social and religious reasons in some regions."⁹⁶

The 2008 *Nigeria Demographic and Health Survey* reported that 7 percent of women have been subjected to sexual violence,

"The experience of sexual violence ranges from 6 percent among women age 30-49 to 9 percent among women age 20-24. Women who are employed but not paid in cash are the most likely to have experienced sexual violence (11 percent), while unemployed women are least likely (6 percent). In examining marital status, women who are divorced, separated or widowed women are most likely to have experienced sexual violence (11 percent), and women who are currently married are least likely (6 percent). Nine percent of never-married women have experienced sexual violence.

There is no difference in the experience of sexual violence by urban-rural residence; however, the differentials by zone are notable. By zone, the experience of sexual violence ranges from 3 percent in North West and South West to 12 percent in South East and 13 percent in South South. The experience of sexual violence is lower among women with no education (4 percent) than among women who have been to school (8-9 percent). Women

⁹⁴ International Organization for Migration, Country Fact Sheet, Nigeria, August 2012, http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs-nigeria-download-englisch.pdf?__blob=publicationFile, accessed 5 February 2012

⁹⁵ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/af440202006en.html>, accessed 12 December 2012

⁹⁶ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

in the three highest wealth quintiles are more likely to have experienced sexual violence than women in the two lowest wealth quintiles."⁹⁷

The 2008 *Nigeria Demographic and Health Survey* reported that the most commonly reported perpetrators of sexual violence were husbands, for never married women the most commonly reported perpetrators were strangers,

"Overall, current husband or partner is the most commonly reported perpetrator of sexual violence, reported by 36 percent of women. Among ever-married women who have ever experienced sexual violence, the proportion who says that their current husband or partner committed sexual violence against them increases to 50 percent. Among never-married women, strangers are the most commonly reported perpetrators of sexual violence (23 percent), followed by a friend or acquaintance (18 percent) and current or former boyfriend (17 percent)."⁹⁸

In May 2012 Nigerian newspaper *This Day* reported that rape cases in Lagos had increased, in 2011 283 cases were reported resulting in 11 men being convicted in the same year,

"Lagos State Government Tuesday put cases of rape committed in the state at 283 in 2011, out of which 11 suspects were duly prosecuted and convicted during the same period.

Special Adviser on Youth Social Development, Dr. Dolapo Badru, revealed this at a news conference held at the state secretariat, Alausa, Ikeja calling for collateral action against rape."⁹⁹

In November 2012 Nigerian online newspaper *Naija 247 News* reported that incidences of rape had increased,

"Incidences of rape in Nigeria have shot up from 12.5 per cent to 84 per cent. This startling revealing was made on Thursday, in Ibadan, by Dr (Mrs) Omolara Smith, President, Zonta Club II, Ibadan.

While lamenting the increasing wave of violence against women, she called on the government to enact appropriate laws to serve as deterrence to culprits.

Smith, who was addressing journalists on activities organised by Zonta Club to mark the International Day for the Elimination of Gender-Based Violence, said, "violence against women and children in Nigeria has challenged us to act in solidarity to promote and end violence against women and girls. Over the years, cases of rape and other violence against women have been on the increase. It is our view that this can only be reduced or eradicated with proper legislation and stiff penalty."¹⁰⁰

In November 2012 Nigerian newspaper *The Daily Trust* reported that reports of rape in Osun State had risen,

"By most accounts, rape cases have been on the increase in Osun State in recent times.

Alarming as such accounts may sound, current statistics, however, confirm such viewpoints.

⁹⁷ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

⁹⁸ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

⁹⁹ This Day, Nigeria: Lagos rape cases hit 283, <http://allafrica.com/stories/201205230047.html>, accessed 23 May 2012

¹⁰⁰ Naija247news, Rape crimes in Nigeria increases to 84% - NGO, 30 November 2012, http://www.naija247news.com/index.php?option=com_content&view=article&id=4484:rape-crimes-in-nigeria-increases-to-84-ngo&catid=302:crime-reports&Itemid=545, accessed 8 December 2012

For instance, statistics from the three magistrate courts in Osogbo, the state capital, indicate that not less than 25 cases of rape were brought before the courts between January and September this year.

In these cases, most of the accused persons are currently on bail, while those found guilty in the decided few cases have been imprisoned.

Concerned observers, however, moan that rape cases have become so rampant in Osun State, noting that the trend has even become quite worrisome because the perpetrators include some respected members of the society.

They lament that the crime involves the elderly, the youth and even the disabled.”¹⁰¹

In November 2012 Nigerian newspaper *The Daily Trust* reported that a traditional ruler raped a member of the youth corps,

“Some of the observers point at a traditional ruler of a town in the state who was charged to court for alleged raping a youth corps member serving in his domain.

The victim alleged that the monarch lured her into his apartment in Osogbo and forcefully had sex with her.

The case, which has yet to be decided, is before the state High Court in Osogbo.”¹⁰²

In October 2012 Nigerian daily newspaper *Vanguard* reported that 19 women were raped in camps set up for those displaced by floods,

"No fewer than 19 young girls have been reportedly raped at four of the designated resettlement camps established for flood victims in Makurdi, the Benue State capital. Vanguard Newspaper investigations revealed that rape cases have become a daily occurrence in the four official camps spread across the state capital for flood victims.

It was also gathered that perpetrators of the unholy act were young men who reside in the camps with their victims and some who come from within the communities where the camps are situated.”¹⁰³

2.2.2. Marital rape

The 2008 *Nigeria Demographic and Health Survey* reported that 47 percent of women feel justified in refusing sex with their husband for all stated reasons (if he has a sexually transmitted disease, is sleeping with other women, or if she is too tired/not in the mood), whereas 12 percent did not believe that a woman was justified in refusing to have sexual intercourse for any specified reason,

"To measure women's agreement with the idea that a woman has the right to refuse to have sex with her husband, respondents were asked whether a wife is justified in refusing to have sex with her husband under three circumstances: she knows her husband has a sexually transmitted disease, she knows her husband has had sex with other women, and she is tired or not in the mood.

¹⁰¹ The Daily Trust, Nigeria: Checking prevalence of rape cases in Osun, 4 November 2012, available from <http://allafrica.com/stories/201211040179.html>, accessed 8 December 2012

¹⁰² The Daily Trust, Nigeria: Checking prevalence of rape cases in Osun, 4 November 2012, available from <http://allafrica.com/stories/201211040179.html>, accessed 8 December 2012

¹⁰³ Vanguard, Nigeria: 19 women allegedly raped in Benue IDPs' camps, 16 October 2012, available from <http://allafrica.com/stories/201210160699.html>, accessed 4 December 2012

[] almost half (47 percent) of women believe wives are justified in refusing sexual intercourse with their husband or partner for all of the specified reasons, while about one in ten women (12 percent) believe that a woman may not refuse to have sexual intercourse with her husband for any of the specified reasons. Knowledge that a husband has a sexually transmitted disease is the most widely accepted reason for refusing sexual relations (81 percent). Although knowing that a husband is having sexual intercourse with other women and a wife being tired or not in the mood for sexual intercourse are less accepted reasons, the majority of women still agree that these are justified reasons for refusing sex with their husbands (62 and 64 percent, respectively).

There is little difference between women in urban and rural areas regarding a woman's right to refuse sex with her husband or partner. For instance, 49 per cent of women in urban areas agreed with all the specified reasons, compared with 45 percent of women in rural areas who agree with all the specified reasons for a woman to refuse sex with her husband. However, zonal variations are pronounced. Women from the North East zone are least likely to agree with all of the reasons (38 percent), while those from the South West zone are most likely to agree (58 percent). Furthermore, the belief that wives are justified in refusing to have sexual intercourse for all of the specified reasons increases in a linear trend with education level from 39 percent among women with no education to 53 percent of women with more than secondary education."¹⁰⁴

The 2008 *Nigeria Demographic and Health Survey* reported that 52 percent of men agreed that women are justified in refusing sex for all three stated reasons (if he has a sexually transmitted disease, is sleeping with other women, or if she is too tired/not in the mood),

"[] Men are more likely than women to agree that a wife is justified in refusing sex for all three of the specified reasons, 52 percent for men compared with 47 percent for women. Knowledge that a husband has a sexually transmitted disease is the reason most frequently given by men to justify a woman refusing sexual intercourse with her husband (87 percent), whereas knowing that the husband or partner is having intercourse with other women is the least cited reason (68 percent). Men who are divorced, separated, or widowed are least likely to agree with all the specified reasons for a wife to refuse sex (48 percent). By zone, men in South West are least likely to agree with all of the reasons that a wife is justified in refusing sex (44 percent), while those from South East are most likely to agree (68 percent). Men with no education are less likely to agree with all the specified reasons for a wife refusing intercourse with her husband (43 per cent) compared with men who have been educated. There is no clear pattern by wealth quintile among men who believe that wives are justified in refusing sex with their husbands for all three reasons. Men in the middle and fourth wealth quintiles are most likely to agree with all the specified reasons for a wife refusing intercourse with her husband (55 percent for both quintiles)."¹⁰⁵

The 2008 *Nigeria Demographic and Health Survey* reported that if their wife refused to have sex with him, 47.9 percent of men felt they were entitled to get angry and reprimand her, 15.4 percent felt they had the right to refuse financial support, 5.8 percent felt they had the right to use force to have sex with her, 8.6 percent felt they had the right to sleep with another woman (rates were higher amongst men who were divorced, separated or widowed),

"the percentage of men who believe that a husband has the right to certain behaviours when his wife refuses to have sex with him when he wants her to. These behaviours include getting angry and reprimanding her, refusing her financial support, forcing her to have sex, and having sex with another woman. Almost half of men (47 percent) think that a man has no right to carry out any of the specified behaviours when his wife or partner refuses to have sexual intercourse with him. On the other hand, 2 percent of men think that

¹⁰⁴ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

¹⁰⁵ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

a man has the right to engage in all of the specified behaviours when denied sex by his wife or partner. Getting angry and reprimanding the wife is thought of as the most accepted behaviour by a husband when a wife refuses to have sex with him (48 percent). Fifteen percent of men think that a husband has the right to deny his wife financial support, 9 percent believe that he has the right to have sex with another woman if his wife refuses to have sex with him, and 6 percent believe he has the right to force his wife or partner to have sex with him.

Among zones, the highest percentage of men who think a man has no right to behave in any of the specified manners when his wife or partner refuses to have sexual intercourse reside in South West (65 percent). North East has the lowest percentage of men who agree with all of the specified behaviour (22 percent). Men with more than a secondary education (57 percent) and those in the highest wealth quintile (60 percent) are more likely than other men to believe that a man is not justified in carrying out any of the specified behaviours if his wife or partner refuses to have sex with him.¹⁰⁶

In 2011 the *Australian Journal of Basic and Applied Sciences* reported the results of research which surveyed 350 married women in Imo State between the ages of 21 and 66. The findings showed that 27.8% had experienced some form of sexual abuse by their husbands and 0.9% had experienced severe spouse abuse,

"From the frequency table, only 27.8% of the total sample reported any level of sexual abuse while 72.2% reported no form of sexual abuse reflecting low prevalence rate of wife rape among married couples in Imo state, Nigeria. Specifically, among those who reported experiencing sexual abuse, 21.2% reported mild abuse, 5.7% reported moderate abuse while 0.9% reported experiencing severe spouse abuse."¹⁰⁷

In 2011 the *Australian Journal of Basic and Applied Sciences* reported the results of research which surveyed 350 married women in Imo State between the ages of 21 and 66, which stated that their findings of a low level of marital rape may be due to the shame associated with such experiences and cultural conditioning in accepting spousal rape as normal,

"Generally, the low level of wife's rape reported in this study could be attributed to the shame attached to such experiences by women in this part of Nigeria. Results of the study revealed that there are no appreciable reported cases of wife's rape as indicated by the percentage of reported cases of wife's rape. Thus, the first hypothesis stating that there will be no significant prevalence rate of wife's rape among married women in Imo state was accepted. According to the result of the study, 239 (72.2%) of the participants reported no form of spousal rape while only 92(27.8%) indicated being raped by their spouse. Even among those who reported being rapped, only 70(21.2%) reported mild wife's rape; 19(5.7%) reported moderate wife's rape and 3(0.9%) reported severe wife's rape. The low level of the reported cases of wife's rape by the participants may not be unconnected to their traditionally and religiously conditioned mind sets about the sexual relationship between a man and the wife. For instance, Igbo people have a tradition of total submission of a wife to the husband, as well as accepting the husband's advances irrespective of the way and method such advances are made. As predominantly Christians, they seem to be greatly influenced by the biblical injunction that a woman should be submissive to the husband at all times. The opinion here is that because of this level of conditioning they may not be willing to evaluate most wives' rape in the true meaning of rape. They consider such cases as normal and may regard reporting such as drawing unnecessary attention to their

¹⁰⁶ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

¹⁰⁷ Prof. Nkwam C. Uwaoma et al, Prevalence of wife's rape among married couples in Imo State, Nigeria, *Australian Journal of Basic and Applied Sciences*, 5 (9): 1865-1871, 2011, <http://www.ajbasweb.com/ajbas/2011/September-2011/1865-1871.pdf>, accessed 5 February 2013

private lives which might be negatively rewarded by the social norms concerning the culturally and religiously induced appropriate relationship between a man and the wife."¹⁰⁸

In July 2011 Nigerian newspaper, *The Daily Trust* reported cultural expectations that a wife must be submissive to her husband and that marital rape is widespread but under reported,

"Patricia and thousands of her female counterparts constantly suffer marital rape at the hands of unsympathetic husbands on a near daily basis. Perhaps due to cultural constraints and other militating religious factors, these women are forced to keep mum over such an inhumane act and are more likely to bear the suffering in quiet pain.

Technically, marital rape is any unwanted sexual act by one's spouse or ex-spouse that is committed without the victim's consent and/or against a person's will, obtained by force, or threat of force, intimidation, or when a person is unable to consent. It is as widespread as other sexual offences but grossly under-reported. Lawyers opine that these sexual offence includes "sexual intercourse, anal or oral sex, forced sexual behaviour with the spouse and other sexual activities that are considered by the victim as degrading, humiliating, painful, and unwanted." It is also referred to as spousal rape and in some societies it is simply called wife rape.

A high number of respondents especially the male ones believe that it is the wife's obligation to be submissive to the man, adding that when such a woman is submissive such an act would not occur in the first place. This is the thinking of Donald Etim who says that a man cannot be said to have raped his wife for whatever reason as long as he has paid the required bride price. "How can you say that I raped my wife? It is impossible. If it happens in other countries, it is not so in our own country. A wife must be willing to accept her husband whenever he is 'in the mood.' That will even minimize the cases of adultery and unfaithfulness. A man cannot rape his wife," he asserts heatedly.

That no doubt typifies a normal male response in Nigeria. Another male respondent who does not want his name in print is more conciliatory in his response. "A man must be able to have intimacy with his wife whenever and wherever he so desires and our African women are expected to be submissive to their husbands unlike the foreign ones who rush to court on frivolous excuses every time they feel their rights have been tampered with. Although I agree that men should be reasonable when it comes to sexual demands I feel the women should also display the same level of maturity."¹⁰⁹

2.2.3 Sexual violence within schools and universities

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that rape was widespread at universities,

"Rape remained rampant in universities. For example, in September a video allegedly showing five men gang-raping a female Abia State University student began circulating on the Internet. The video, which garnered extensive media coverage, led to criticism across the country. University and Abia State government officials initially denied the authenticity of the video. Police officials in Abia made initial arrests but eventually released the suspects without charge. Police stated that they could not prosecute the case unless the victim came

¹⁰⁸ Prof. Nkwam C. Uwaoma et al, Prevalence of wife's rape among married couples in Imo State, Nigeria, *Australian Journal of Basic and Applied Sciences*, 5 (9): 1865-1871, 2011, <http://www.ajbasweb.com/ajbas/2011/September-2011/1865-1871.pdf>, accessed 5 February 2013

¹⁰⁹ *The Daily Trust*, Marital rape - Spoken about only in whispers, 29 July 2011, <http://allafrica.com/stories/201107290384.html?page=2>, accessed 5 February 2013

forward. The House of Representatives Justice Committee and the NHRC both called for an investigation of the case, but there was no additional progress by year's end."¹¹⁰

In September 2011 US online news agency *The Huffington Post* reported that the gang rape of a female student on a university campus was videoed and posted on the internet. *The Huffington Post* reported that university and state officials dismissed the video, despite the Youth Minister calling for the men to be arrested, women's NGO Project Alert said there was a culture of immunity for rape,

"In the grainy video, a Nigerian woman repeatedly asks her attackers to kill her as they take turns raping her at a university dormitory. The five men only promise to drive her home, pushing her back down each time she starts to stand up.

Local authorities have dismissed the 10-minute video, which has ricocheted around the Internet in recent days. But Nigeria's youth minister is calling for police to prosecute the men. Some Internet users disturbed by it are even offering rewards for information.

Activists in Nigeria say the video exposes an underreported epidemic of rape in Africa's most populous nation, and they plan to march in the coming days to draw attention to the case.

"The perpetrators go further to record it and circulate it. It shows for me that they're daring society to take action on it," said Josephine Effah-Chukwuma, the executive director of a Nigerian women's rights group called Project Alert. "It shows that there's a high level of impunity."

The video had circulated for weeks around the campus of Abia State University near Nigeria's southern oil-rich delta before being posted on the Internet. It appears to take place in a single-room dormitory or student hostel.

The men taking turns raping the woman who repeatedly asks to go home. "Please just kill me," the woman cries several times. The men laugh.

Nigeria's Youth Minister Bolaji Abdullahi has issued a statement calling for the university and police to arrest and prosecute the men shown in the video, as well as offering assistance to the woman.

"The attitude of these men, if indeed they are young Nigerians, does not represent the character and nature of the Nigerian youth," the minister said.

However, the university and state government officials have denied the video's authenticity and that it took place near or on school grounds, Effah-Chukwuma said.

Abia state police spokesman Geoffrey Ogbonna told *The Associated Press* on Tuesday that no one reported the rape to university officials or to any of the state's police precincts. He said he searched for the video on the Internet only after hearing about it.

"From the look of things, I don't think such a thing happened," Ogbonna said. "All I know is that state command is not aware of such an incident."¹¹¹

In March 2012 Nigerian newspaper *The Daily Times* reported that an Imam raped a 15 year old student, grooming and manipulating her through her low academic performance,

¹¹⁰ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹¹¹ The Huffington Post, Nigerian rape video: Footage of brutal attack on woman outrages nation, 21 September 2011, http://www.huffingtonpost.com/2011/09/21/nigeria-rape-video-footag_n_974408.html, accessed 7 December 2012

"A 15-year-old Junior Secondary School Student of Educational Legacy College, Ibadan, has been raped by a teacher because she had poor grades.

Isiaka Salimonu, 43, who teaches Arabic, allegedly promised to give Yetunde holy oil for prayers to improve her academic performance, and raped her when she came for the oil. Salimonu is also an Imam and regularly conducts Friday Jumat prayers in the local mosque.

The suspect, who is being quizzed at the State Criminal Investigation Department(SCID) Iyaganku Ibadan, has reportedly owned up to the crime. [] The suspect, whose daughter is a classmate of the victim, said he been wooing Yetunde since September last year. "I always noticed her whenever I was conducting Jumat for them every Friday," he said. "I have confessed to the police that I raped her. It was the devil that pushed me into this."

The state's police spokesperson, Femi Okanlawon, confirmed that the suspect has confessed to the crime and said he would be prosecuted."¹¹²

In November 2012 the Nigerian newspaper *The Daily Trust* reported that a primary school teacher was arrested for raping two of his pupils, aged 5 and 7 years,

"a primary school teacher in Osogbo was arrested and charged to court in February for having canal knowledge of his two pupils, aged five and seven.

It was alleged that the teacher lured the two minors to the school toilet where he was caught in the act."¹¹³

2.2.4 Sexual violence committed by security forces

In 2006 *Amnesty International* reported that rape by police and security forces, both on and off duty, is endemic and victims have no recourse to redress. *Amnesty International* reported that rape is committed with impunity and is sometimes used strategically to intimidate communities,

"Rape of women and girls by both the police and security forces, and within their homes and community, is acknowledged to be endemic in Nigeria – not only by human rights defenders but also by some government officials at both federal and state levels.[]

The government, however, is failing in its obligation to exercise due diligence: the perpetrators invariably escape punishment, and women and girls who have been raped are denied any form of redress for the serious crimes against them.

Amnesty International has found that the Nigerian police force and security forces commit rape in many different circumstances, both on and off duty. Rape is at times used strategically to coerce and intimidate entire communities. Amnesty International has met some of the women and girls who have been raped, some of whom have been abducted by the security forces in areas of the country where violence is rife, and has documented their harrowing experiences – most recently during visits to Nigeria in January and February 2006.

The government's response has been, and continues to be, woefully inadequate. Rape is a crime under Nigerian national law and is an internationally recognised human rights violation. Despite this, the government is failing in both its national and international obligations to prevent, investigate and prosecute rape, whether committed by state actors

¹¹² The Daily Times, Imam rapes his student, 4 March 2012, <http://dailytimes.com.ng/article/imam-rapes-his-student>, accessed 8 December 2012

¹¹³ The Daily Trust, Nigeria: Checking prevalence of rape cases in Osun, 4 November 2012, available from <http://allafrica.com/stories/201211040179.html>, accessed 8 December 2012

or non-state actors, and to provide any reparations to the victims. Further, Amnesty International has discovered that the Nigerian government has failed in its international obligations to take action against agents of the state who have committed rape and sexual abuse, and has failed to amend discriminatory legislation that guarantees impunity from charges of rape."¹¹⁴

In 2006 *Amnesty International* reported that women have been raped by police in the street, while being transferred between police stations, whilst in custody or visiting detainees, but that some Commissioners deny that rape by members of the police occurs. *Amnesty International* reported that police use sexual violence to extract confessions, including inserting objects into a detainees vagina and threatening and raping members of her family,

"The Nigerian Police Force is notorious for persistent human rights violations, including extrajudicial executions and torture. Amnesty International has received credible reports that women have been raped by the police in the street, while being transferred to police stations, while in police custody, or when visiting male detainees.

When Amnesty International interviewed the Commissioners of Police in Lagos and Enugu States in January 2006, they demonstrated some understanding of the seriousness of the crime of rape in general. The Lagos State Commissioner of Police also acknowledged the importance of obtaining a medical examination within 24 hours of the rape. Both stated that the victim could request to file a report with a female police officer. When asked how many reports of rape by police officers had been reported, however, the responses were categorical: in the case of Enugu State, "*rape by police has not happened*"; and, in the case of Lagos State, no such reports had been received. The Commissioners of Police, on the other hand, pointed to an increased level of rape of young girls by men within the family and the local community.

Amnesty International has, however, interviewed victims of rape where the perpetrators have been identified by the victims as members of the Nigerian Police Force, including in Enugu State. The organization has also received many reports of rape by the police from human rights organizations throughout Nigeria, including Women's Aid Collective (WACOL), Legal Defence and Assistance Project (LEDAP), Women's Rights Advancement and Protection Alternative (WRAPA), and Project Alert, and from the Nigerian media.

"*The police use their authoritative position over detainees and people visiting... Everybody knows that rape and other sexual violence by the police happens on a daily basis, but there are no reports,*" the then Executive Director of the National Human Rights Commission told Amnesty International in February 2006.⁽⁶⁾ According to Uju Eneh, WACOL's Acting Director in Enugu State, inadequate reporting and investigation of rape by police officers was partly because "*only really few of the police officers are willing to do something. Lots [of them] cover up for the others*". The Lagos State Director of Public Prosecutions also admitted to Amnesty International in January 2006 that she has heard of cases where the police commit rape, but that no such cases were currently before her.

The Nigerian non-governmental organization Civil Liberties Organisation (CLO) has identified rape and other forms of sexual violence, or the threat of such violence, as among various methods of torture used by the police to extract confessions or other information. Such methods include insertion of foreign objects, such as broomsticks or broken bottles, into the woman's vagina. Both detainees and members of their families have been subjected to rape or the threat of rape. In one case, the three-year-old daughter of a detainee was reported to have been raped."¹¹⁵

¹¹⁴ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹¹⁵ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

In 2006 *Amnesty International* reported that police rape women in custody, but that it is under reported as victims fear reprisals,

"Many non-government organizations, including those working specifically on prison reform, have reported that women and girls are frequently raped while in detention, or when they visit a detained male relative. Uju Agomoh, Executive Director of Prisoners' Rehabilitation and Welfare Action (PRAWA), a leading non-governmental organization working on rehabilitation and prison reform, explained that sometimes female visitors are faced with serious consequences as a result of police force corruption. They believe that by being forced into having sex with a police officer, the detainee that they are visiting may be released more quickly. This kind of corruption within the police force contributes to the state perpetrating and condoning violence, since regardless of consent, neither inmates nor women visiting can have truly consensual relations because of the power relationships involved.[]

Uju Agomoh further stated that despite the lack of official statistics, unpublished research by NGOs has shown that rape of female detainees in police cells is all too frequent, but because of fear of repercussions victims are very reluctant to report their cases. In a report on torture in June 2005, Access to Justice, a non-governmental organization in Lagos, described how two young women who were arrested in Lagos on allegations of theft had been raped: "*the police officers stripped them naked and left them in that state for more than five hours of interrogation, after they infused gaseous substances into their vagina*".[] In another case, a woman suspect was reported to have been told that, if she consented to sex, she would not be tortured and ill-treated during interrogation."¹¹⁶

In 2006 *Amnesty International* reported that women were vulnerable to rape in prisons as they are not held separately to men,

"The failure to separate men from women in prisons and other places of detention, which is particularly problematic in pre-trial detention in Nigeria, increases the vulnerability of women to rape. The Executive Director of PRAWA explained to Amnesty International that the risk to women was increased where they were held in wings within men's prisons, especially when these were insecure. The risk was particularly great during outbreaks of violence in prisons.

A Nigerian non-governmental organization reported that most, if not all, women detainees had been raped in the chaos following a prison breakout in Port Harcourt in June 2005. The perpetrators were believed to have included both male detainees and those who had entered the prison from the outside.

Representatives of the International Federation of Women Lawyers (FIDA) in Port Harcourt confirmed these reports to Amnesty International in February 2006. The prison authorities had transferred the women to the prison hospital for medical treatment. The victims, however, had been unable to identify the perpetrators. FIDA representatives raised concerns that, while charges relating to the prison breakout were subsequently brought, no one was charged with rape."¹¹⁷

In its country report on human rights practices covering the events of 2011, the *USDOS* cited reports that security forces committed rape and acts of sexual violence against women and girls with impunity,

¹¹⁶ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹¹⁷ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

"According to credible reports, during the year security forces committed rape and other forms of sexual violence against women and girls with impunity. In May 2010 the Open Society Justice Initiative reported that rape was "a routine but unspoken aspect of policing" and was "one of the fringe benefits attached to night patrol." This report on corruption within the country's police force highlighted the problem of rape of arrested prostitutes by police. The report described police officers raping women who could not pay as little as 1,000 naira (\$6) for their release. Police allegedly raped women who came to report crimes at police stations. The report also claimed that officers, both male and female, sodomized women with bottles and metal pipes. In August 2010 Human Rights Watch (HRW) released a report detailing widespread police abuse of power, including acts, or threats, of rape or sexual assault, as a means to extort bribes from female detainees or women traveling between road checkpoints.

In early October a police officer raped homicide suspect Hafsat Manye while in detention in Ganjuwa, Borno State. The police command informed the Legal Aid Council that after conducting an investigation, authorities dismissed the officer, who was expected to face charges in court.

AI reported in 2009 that police frequently raped women in detention but that victims did not report the abuse because of the social stigma attached to rape and the fact that police officers had committed these crimes."¹¹⁸

In 2010 the *USDOS* reported that the police use techniques designed to publicly humiliate arrestees, in one case a girl who it is alleged was raped by her father was forced to parade with him through an area of Lagos,

"Police commonly used a technique called "parading" of arrestees. Parading involved literally walking the persons through public spaces, subjecting the arrestee to public ridicule and abuse. Taunts, food, and objects are often thrown. Police defended this practice with the argument that public humiliation helps deter crime. In November a 15 year-old girl was paraded through the Lekki area of Lagos along with her 50-year-old father who was accused of raping his daughter and fathering her child. The father, the girl, and the baby were paraded by the deputy Lagos police public relations officer."¹¹⁹

In 2006 *Amnesty International* reported that two women were raped by three police officers including a Deputy Superintendent and passed to other men who also raped them,

"The rape of two young students who were abducted and repeatedly raped by three police officers, including a Deputy Superintendent of Police, in Enugu State in 2004 elicited national and international condemnation.

The two students, aged 17 and 18 years at the time, told Amnesty International in January 2006 how, on 27 September 2004, they were abducted by two men with Nigerian Police Force badges while returning home from the market: "*We begged him to let us go, but the policeman said he would arrest us. When we refused to get into the car, the other man pushed us inside*". They were threatened with arrest on trumped-up charges if they protested, and were forced to go with the police officers to the police detective college. They were subsequently taken to the home of one of the men, having being told that they would be safer there than in custody. They were, however, repeatedly raped:

"A detective colleague came into the house, he smelled of alcohol...I don't know what happened; he said he doesn't have money. He asked me for money for drink, [but] I said [I] have no money. He reassured me he won't harm me. Then [the] man's face changed. He

¹¹⁸ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹¹⁹ United States Department of state, Country report on human rights practices, Nigeria, 2010, 8 April 2011, <http://www.state.gov/g/drl/rls/hrrpt/2010/af/154363.htm>, accessed 6 December 2012

said he won't do any harm. I was crying but [he] told [me] to be quiet. He said it's final. He can shoot us. I was crying and before I knew it I was pushed inside [the] room. He shouted 'shut up' and said we should take off our clothes. He took out a gun and showed us the bullets, and pulled off his clothes. He raped me three times. Afterwards I was crying and he looked for fuel to take us back. It was around midnight we were brought to other men who raped us too as payment for the petrol."¹²⁰

In November 2012 Nigerian newspaper *The Daily Trust* reported that two police officers had been arrested for raping a teenager,

"In another rape case, two police corporals were arraigned in July for raping a teenager in Ilesa, a town in the state.

It was alleged that the girl was going on an errand to a place when the two police officers accosted her and sexually assaulted her."¹²¹

In November 2011 *Amnesty International* reported instances of sexual violence against women by members of the Joint Task Force during operations against suspected Boko Haram members,

"F.I. told Amnesty International she was at home with her six children aged between five and 15 when soldiers from the JTF blocked the entrance to the community and began searching houses. The soldiers also searched F.I.'s house: "He asked, 'where is your husband?' I told them he has travelled. He [the soldier] said I have hidden him inside the room and I should bring him out. One of the soldiers slapped me twice and I fell down, when I stood up we went into the room and he asked me to lift the mattress. He said 'Where is his gun?' I said 'he doesn't have a gun.' They said 'where is his bomb?' I answered 'he doesn't have a bomb.' The soldier that followed me into the room kicked me down and I fell... I had traditional beads on my wrapper [cloth used a skirt] he pulled at the beads and my wrapper came off. He lay on top of me. He put down his gun next to me, like he was going to rape me but he didn't take his trousers off. My four younger ones were under the bed in the same room. It lasted for about five minutes... At that time I couldn't talk, I couldn't control myself, I couldn't answer... They brought me to the roadside naked [without my wrapper]. A car was ablaze. The soldier asked me to go inside the fire. Another soldier said 'no, don't set fire to women and children.' They set fire to my house."¹²²

In November 2012 Nigerian newspaper *Premium Times* reported that the army had failed to cooperate with a court's attempt to summons a Colonel accused of rape,

"A Kaduna State Magistrate Court has ordered the arrest of an Army Colonel accused of raping a 16-year-old girl.

The order came after the accused, Azingie Williams, a Lieutenant Colonel with the Nigeria Defence Academy, NDA, refused to appear in court despite past summons.

Mr. Williams is accused of raping the girl on October 22 in Kaduna after luring her to his house on the pretext of sending her on an errand.

The court had on November 25 ordered that the accused be duly served of the notice, and according to the court's registrar, the summons was served through the commandant of the NDA.

¹²⁰ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹²¹ The Daily Trust, Nigeria: Checking prevalence of rape cases in Osun, 4 November 2012, available from <http://allafrica.com/stories/201211040179.html>, accessed 8 December 2012

¹²² Amnesty International, Nigeria: Trapped in the cycle of violence, 1 November 2011, <http://www.amnesty.org/en/library/asset/AFR44/043/2012/en/04ab8b67-8969-4c86-bdea-0f82059dff28/afr440432012en.pdf>, accessed 7 December 2012

The commandant, however, in a letter to the Kaduna Chief Magistrates' Court 13, returned the summons notice claiming the accused had been transferred to Benin.

The Counsel to the complainant, Dyagas Ezekiel, deplored the manner with which the Army was handling the issue, urging the court to compel the Army to trace Mr. William and serve him properly.

He also prayed the court to issue a bench warrant authorizing the arrest of the colonel.

Senior Magistrate, Sa'adatu Sambo, issued a bench warrant against the accused and said the order should be served through the Chief of Army Staff and the Commandant of the NDA.[]¹²³

2.1.5 Social discrimination and stigma

In October 2012 Nigerian newspaper *Vanguard* reported that most of the 19 women who had been raped in resettlement camps following floods had not reported it due to shame,

"I am not the only one they have done this to, there are so many other girls; there are over 19 of us that have been raped in the last few days, but we are all hiding it because of the shame, but if we don't cry out we will not get help because we are helpless."

"And if we don't cry out because of the shame, the people behind this evil acts will continue to torment girls and women in the camps."

When contacted, the Deputy Police Public Relations Officer, PPRO, for Benue State, Assistant Superintendent of Police Ejike Alaribe said the rape cases have not been brought to the notice of the Police.¹²⁴

In September 2011 *The Huffington Post* reported that speaking of a woman who was filmed being raped, Effah-Chukwuma, Chief Executive of Project Alert stated that women who have been raped are stigmatized and blamed,

"Activists say they fear for the woman shown being attacked in the video, who now may be shunned by those who can identify her face.

"Why should I come out and speak of my victimization when I'm going to receive secondary victimization?" Effah-Chukwuma asked. "The whole society blames (the victim)."¹²⁵

In April 2012 Nigerian newspaper *The Daily Times* published a blog by author *Chika Unigwe* who stated that investigations into the rape of a woman at Abia State University that was filmed and posted on the internet were dropped as the police believed the women's screams were of pleasure, not pain and that the rape may have justifiably been a 'lesson' for cheating on her boyfriend,

"The video of a young woman who was gang raped by students of Abia State University, even as she was begging them to let her go, went viral and sparked outrage in cyber world. It was sad but not surprising to read some comments on social media sites blaming the victim. After all, there is no cure for stupidity. What I found and still find more disturbing, is

¹²³ Premium Times, Army Colonel accused of rape shuns court summons, 28 November 2012, <http://premiumtimesng.com/regional/109087-army-colonel-accused-of-rape-shuns-court-summons.html>, accessed 9 December 2012

¹²⁴ Vanguard, Nigeria: 19 women allegedly raped in Benue IDPs' camps, 16 October 2012, available from <http://allafrica.com/stories/201210160699.html>, accessed 4 December 2012

¹²⁵ The Huffington Post, Nigerian rape video: Footage of brutal attack on woman outrages nation, 21 September 2011, http://www.huffingtonpost.com/2011/09/21/nigeria-rape-video-footag_n_974408.html, accessed 7 December 2012

the reaction of the police. When the case was finally brought to its notice, the Abia State Police Command enthusiastically began investigations. After the initial burst of energy, the police dropped its investigation because the all-knowing, all-seeing police command played jury and judge, and decided that the sex was consensual. They watched the video and decided that the girl's cries were cries of ecstasy. The Assistant Commissioner of Police, J.G. Micloth is reported to have said that even if she had not consented, she might have cheated on her boyfriend and the rape was a mere 'lesson', a punishment for the 'insult'. Well, I suppose that makes it okay. In a just society, that commissioner would have apologised publicly by now, be cooling his heels somewhere isolated, and be fighting to clear his reputation by claiming that his words had been 'misrepresented.'

But justice isn't something that comes very often to Nigerian victims of rape. Aside from not getting justice, insult is heaped on their injury by representatives of authority who seek to publicly humiliate them in different ways, ranging from asking a victim to make a spectacle of her abused body, to deciding that a distressed victim consented to rape."¹²⁶

In November 2011 *Amnesty International* reported that some women raped by the Joint Task Force didn't want to speak out, one woman told Amnesty that her husband had divorced her because she had been raped,

"Amnesty International interviewed five women from Kaleri Ward, one aged 17, who said they were raped by members of the JTF.112 "We all went to have tests, there are no infections. But not everyone wants to voice out. The whole area was affected. They [JTF] were doing it all over." One 40-year-old woman who has five children said her husband divorced her because of the rape. She said she was still receiving treatment for injuries she sustained in the attack almost a year previously."¹²⁷

In April 2012 Nigerian newspaper *The Daily Times* published a blog by author *Chika Unigwe* discussing social attitudes to rape in Nigeria. *Unigwe* stated that sexual responsibility is placed with the woman and that if she is raped she is considered partially responsible and family encourage her not to report it for fear of being stigmatised,

"We still live in a culture that places the onus of sexual responsibility on the woman. A woman who sleeps around is a 'prostitute' but a man who does same is simply 'being a man'. When a woman is raped, she must not only have been partially responsible for the crime, but is also encouraged by family and well wishers to keep it quiet lest she be made a pariah."¹²⁸

In April 2012 Nigerian newspaper *The Daily Times* published a blog by author *Chika Unigwe* who stated that in a recent case a woman who accused a traditional ruler of raping her was asked to undress in court and reveal the injuries to her vagina, as a means of humiliating her,

"Recently, an ex-NYSC fellow who took a case of rape to court was asked by the counsel for the accused to undress and show her 'bruised private part' to verify the claim that she was raped. This was not just a case of a lawyer trying to get his client off the hook –a client who happens to be a relatively powerful traditional ruler, Oba Adebukola Alli, the Alowa of Ilowa in Obokun local government area of Osun State– but one of a man trying to humiliate a woman who dared to bring such a case to court. It was about power, which is what rape is about basically."¹²⁹

¹²⁶ The Daily Times, Let's talk about rape, 15 April 2012, <http://dailytimes.com.ng/opinion/let%E2%80%99s-talk-about-rape>, accessed 8 December 2012

¹²⁷ Amnesty International, Nigeria: Trapped in the cycle of violence, 1 November 2011, <http://www.amnesty.org/en/library/asset/AFR44/043/2012/en/04ab8b67-8969-4c86-bdea-0f82059dff28/afr440432012en.pdf>, accessed 7 December 2012

¹²⁸ The Daily Times, Let's talk about rape, 15 April 2012, <http://dailytimes.com.ng/opinion/let%E2%80%99s-talk-about-rape>, accessed 8 December 2012

¹²⁹ The Daily Times, Let's talk about rape, 15 April 2012, <http://dailytimes.com.ng/opinion/let%E2%80%99s-talk-about-rape>, accessed 8 December 2012

2.1.6 Access to justice

In 2006 *Amnesty International* reported that legal provisions against rape were not adequately enforced,

"The Nigerian authorities at both federal and state levels have failed to address adequately gender-based violence, including rape. There is no federal or state legislation criminalizing violence against women, and most bills initiated by non-governmental organizations on violence against women are still pending.[] Nor are current provisions relating to rape adequately enforced in the criminal justice system. These provisions are inadequate and outdated and urgent legislative reform is needed to ensure conformity with Nigeria's obligations under international human rights law."¹³⁰

In 2012 the *Journal of Politics and Law* published an article by *Ine Nnadi* of the Faculty of law at Imo State University, which stated that rape and sexual violence occurred frequently and legal provisions were not adequately implemented,

"Nigerian women face various forms of sexual assault daily. Rape, indecent assault, incest, and defilement are some common sexual assaults that women in Nigeria are confronted with. Several provisions abound in both the Criminal Code and the Penal Code against the varied forms of sexual harassment against women. These provisions are however not effectively implemented due to the technicalities and evidential rules in the proof of sexual offences, in addition to women's silence in sexual offences against them so as to avoid stigmatisation and sometimes the protection of perpetrators who are close family members. Rape is one aspect of sexual assault that has become the order of the day. Women and girls are indiscriminately raped without regard to their dignity and age. The offence of Rape under the Nigerian laws attracts a heavy punishment of life imprisonment and is defined as "having carnal knowledge of or sexual intercourse with a woman or a girl without her consent or under duress." Many rape cases go unreported. Defilement of young girls is also pervasive globally as babies from the cradle are not spared this dehumanizing horror inflicted on women."¹³¹

In 2006 *Amnesty International* reported that rape victims are discriminated against in law and practice. *Amnesty International* stated that social stigma discourages a woman from speaking out and legislation may penalize the victim rather than the perpetrator, further there are no adequate mechanisms for complaints against the police,

"The testimonies collected by Amnesty International lead to one uncompromising conclusion: that women and girls in Nigeria continue to be discriminated against in law and practice. This is due to several factors: the social stigma attached to being a victim of rape discourages women from reporting the crime and very few cases of rape are brought to court. Definitions of rape in national legislation continue to be inadequate and there are considerable differences between the different definitions (between federal, state, *Sharia* and customary law) leading to arbitrary decisions concerning the seriousness of this crime. Current legislation may penalize the woman or girl who has been raped rather than the perpetrator. Police investigations are hindered by corruption and incompetence and convictions are rare. There is no effective, independent mechanism for complaints against the police."¹³²

¹³⁰ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹³¹ Ine Nnadi, An insight into violence against women as human rights violation in Nigeria: A critique, *Journal of Politics and Law*; Vol 5, No 3, August 2012, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=65&cad=rja&ved=0CEwQFjAEODw&url=http%3A%2F%2Fccsenet.org%2Fjournal%2Findex.php%2Fjpl%2Farticle%2Fdownload%2F19903%2F13123&ei=Z231UKjDB-Kt0QWNxoDwCw&usq=AFQjCNGSFgKbKtj4D6wdEV7mtDmSXpVREQ&bvm=bv.41018144.d.d2k>, accessed 9 December 2012

¹³² Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

In 2006 *Amnesty International* reported that less than one in five women who have been raped report it to the police, partly due to stigma which may lead to victims being rejected by their families, the unwillingness of police to make official reports, fear of reporting where the police were the perpetrators, being unable to obtain a medical examination and not knowing how to report rape,

"However, the lack of records is only part of the problem. The low level of reporting in cases of rape inhibits the collection of data even where the political will exists. A nationwide survey undertaken in 2005 by the CLEEN Foundation, a Nigerian NGO which promotes public safety, security and justice, found that only 18.1 per cent – less than one in five – of some 10,000 respondents who had been raped had reported the offence to the police.[] There are many reasons for this which have been well documented and researched: rape carries a heavy social stigma, sometimes resulting in rejection by families and communities; the police are sometimes unwilling to make official reports; victims fear reporting rape where the police themselves are the perpetrators; some women are unable to obtain a medical examination to substantiate their report; or they simply do not know how to report rape and obtain help."¹³³

In 2006 *Amnesty International* stated that a women's NGO reported that police are not trusted to investigate violations by their own forces,

"According to Joy Nzi Ezeilo, Executive Director of WACOL, "the police abus[e] their power, either while on duty or off duty but still wearing their uniform". She explained that few such cases are reported because "women who have been raped by the police are afraid of being stigmatized in the community and in the family". In addition, the police are generally not trusted to investigate adequately alleged human rights violations by their own forces, given corruption within the police force and lack of an independent police complaints mechanism."¹³⁴

In September 2011 *The Huffington Post* reported that rape is rarely reported to the police in Nigeria and that corruption prevents the federal police force from being able to investigate crimes,

"Rape is rarely reported to authorities in Nigeria – only 1,952 cases in 2009, according to federal police statistics posted on a website called Nigeria Police Watch. However, a 2006 Amnesty International report said those numbers are believed to "be sporadic, piecemeal and inconsistent" in a nation of 150 million people.

Nigeria's federal police force also remains largely incapable of investigating crimes, as its officers routinely harass motorists for bribes at checkpoints and arrest citizens randomly to collect so-called "bail money."¹³⁵

In 2006 *Amnesty International* reported that the Federal Government did not have a commitment to addressing violence against women and girls and that victims of rape have little chance of obtaining justice,

"Women and girls who are raped by state actors in Nigeria have little hope of obtaining justice and reparation. The Federal Government has demonstrated no serious commitment to address violence against women in general, and rape in particular. Despite this lack of will, the Nigerian government's obligations under international law are clear. It is obliged to

¹³³ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹³⁴ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹³⁵ The Huffington Post, Nigerian rape video: Footage of brutal attack on woman outrages nation, 21 September 2011, http://www.huffingtonpost.com/2011/09/21/nigeria-rape-video-footage_n_974408.html, accessed 7 December 2012

exercise due diligence to ensure that the rights recognized under international human rights law are made a reality in practice: if a right is violated, the state must restore the right violated as far as possible and provide appropriate compensation."¹³⁶

In October 2011 the *Nigerian Observer* reported that evidentiary requirements for prosecuting a man for rape are discriminatory against women,

"It is extremely difficult for example, for women to seek redress for rape, domestic or conjugal violence because of restrictive and degrading evidentiary requirements. Take for example, Section 211 of the Evidence Act which provides thus:

When a man is prosecuted for rape ... it may be shown that the woman against whom the offence is alleged to have been committed was of a generally immoral character, although she is not cross-examined on the subject; the woman may in such case be asked whether she has had connection with other men, but her answer cannot be contradicted and she may also be asked whether she has had connection on other occasions with the prisoner, and if she denies it she may be contradicted.

The nature and the method of eliciting the kind of evidence that would be sufficient to convict a man of rape as required under this provision of the Evidence Act is clearly discriminatory in that it operates at a technical level to put the woman on trial for being raped, effectively making the entire process "a man's trial but a woman's tribulation."

Consequently, she suffers not only from the mental and physical torture of being raped, but also from the indignity of putting her moral character on trial.

Thus, it becomes imperative to ask whether a woman who rapists and by implication, the law, consider "loose", "unchaste" or of "easy virtue" deserve to be raped. Is the law implying that familiarity or even a relationship with a man entitles him to rape a woman? As the law stands now, the answers are in the affirmative.

In very extreme cases, women victims of rape have been known to have been punished under Muslim Sharia law for getting pregnant outside wedlock."¹³⁷

In 2006 *Amnesty International* reported that only a small number of prosecutions are brought and that victims are sometimes pressured into withdrawing cases. *Amnesty International* reported that cases which are prosecuted may be obstructed by inappropriate police referrals or the slow process of the judicial system, further judges seldom impose the maximum sentence,

"Prosecutions for rape are brought in only a small number of cases. Victims are sometimes pressured into withdrawing the case or parents of victims prefer financial settlement out of court to a criminal prosecution. Where cases are brought to court, prosecution sometimes fails because police refer cases to a court lacking appropriate jurisdiction and progress is then obstructed by the slow administration of the judicial system. In some cases, the alleged perpetrator is charged with a different and less serious criminal offence.

In the few cases where a conviction is secured, judges seldom impose the maximum sentence. This indicates an apparent failure by the judiciary to acknowledge the gravity of the crime. In addition, compensation is rarely awarded. According to a retired high court

¹³⁶ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹³⁷ Nigerian Observer, The Nigeria society and issues of justice for women, 10 October 2011, <http://nigerianobservernews.com/10102011/features/features9.html>, accessed 5 February 2013 (Date does not appear on article but is shown on Google listing and in url)

judge, Ezebuilo Ozobu, in Enugu State, whom Amnesty International met in January 2006, failure to award compensation results from the absence of appropriate legislation."¹³⁸

In 2006 *Amnesty International* reported that state actors have committed rape with complete immunity,

"With the exception of a few high-profile cases, state actors alleged to have committed rape enjoy complete impunity. Amnesty International is aware of only a few cases in which police officers have been prosecuted and convicted of the criminal offence of rape and knows of no case where members of other security forces have been prosecuted for gender-based violence, including rape. Human rights activists, serving and retired high court judges and some prosecutors shared their concerns about the low rate of prosecution and even lower rate of convictions with Amnesty International in early 2006."¹³⁹

In September 2011 US newspaper *International Business Times* reported that two men had been arrested when police reopened investigations into a gang rape at Abia State University, police originally found that there was no evidence of rape and were apathetic in pursuing the alleged perpetrators,

"The rape, reportedly by five men, occurred in a dormitory at a university in Abia State, in the southeastern part of the West African nation. The case has prompted widespread fury across Nigeria, both for the brutal nature of the offense, but also against the initial perceived apathy of state police and government officials in finding the transgressors."¹⁴⁰

In 2006 *Amnesty International* reported that there was a low prosecution rate as most women and girls do not report rape due to stigma, an Attorney General reported that he had only been worked with one case of sexual violence and a retired High Court judge had only heard two rape cases during his career,

"The low rate of prosecutions is explained in part by the fact that most women and girls who have been raped do not report the crime. But major problems exist once women do report the crime. According to Nigerian human rights defenders, including the Executive Director of WACOL, only 10 per cent of prosecutions result in a conviction. Factors contributing to this low conviction rate are difficulties in obtaining forensic evidence admissible in court and also legislation relating to evidence.

The Lagos State Head of Department, Public Prosecution, Lagos State Ministry of Justice, stated in January 2006 that most cases are not referred for prosecution. She believed that a contributing factor was that many victims were minors and "*under 12 years old*"; these cases are largely settled out of court because of the stigma attached to the rape of a child. Ezebuilo Ozobu, the retired High Court judge interviewed by Amnesty International, however, believed that parents' anger and desire for justice explained the slightly higher rate of reporting in cases involving "defilement".

The Attorney General and Commissioner for Justice of Rivers State has also stated that a major problem is that rapes are not reported. He told Amnesty International in February 2006 that he had only worked on one case of sexual violence: the alleged sexual assault of a minor whose mother had pressed for prosecution. In an effort to increase the rate of prosecution for rape and other forms of gender-based violence, he was reported to have adopted a policy allowing only female prosecutors to prosecute rape cases.

¹³⁸ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹³⁹ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹⁴⁰ International Business Times, Nigerian police arrest two in online video gang-rape case, 24 September 2011, <http://www.ibtimes.com/nigerian-police-arrest-two-online-video-gang-rape-case-317786>, accessed 8 December 2012

A now retired High Court judge from Enugu State who preferred to be anonymous, claimed to Amnesty International that he had heard only two cases of rape during his career as a High Court judge, in one of which he had imposed the maximum sentence."¹⁴¹

In 2006 *Amnesty International* reported that police display discriminatory attitudes towards women who report rape,

"The police force lacks training and expertise to prevent and to respond effectively to violence against women. The problem is compounded by attitudes towards women prevalent among male police officers. A woman who has been raped may be confronted by inferences that she was in some way responsible, for example, by questions and comments about her presence at the place where the rape occurred or about her manner of dressing. Such attitudes, coupled with the social stigma attached to rape, dissuade women from reporting the crime.

A woman high court judge told Amnesty International on condition on anonymity: "*the police who are taking the report are often displaying discriminatory and dismissive attitudes towards the victim. They would challenge the rape victim by saying that she must have done something to the man and that she must have attracted him.*"¹⁴²

In 2006 *Amnesty International* reported that there is widespread corruption within the Nigerian police force and that mechanisms for making a complaint about the police are ineffective,

"Reluctance to report a rape by a police officer to a colleague of the alleged perpetrator is an important factor in the under-reporting of rape. Corruption within the Nigerian Police Force is widely acknowledged. Colleagues or relatives of the alleged perpetrator have in some cases employed threats or bribes in an attempt to secure withdrawal of the complaint. Some allegations of rape are reviewed within existing internal police review systems and may result in internal disciplinary measures. Complaints are normally referred to either the Police Complaints Bureau or the "Orderly Room Trial" mechanism. In addition, a Police Service Commission was established by law in 2001. Current procedures, however, lack independence and are ineffective."¹⁴³

In 2006 *Amnesty International* reported that only medical reports from government run hospitals are admissible as evidence,

"The practice of only allowing medical reports by doctors in government-run hospitals as evidence has a discriminatory effect on women and girls who do not have easy access either to government-run hospitals or health care facilities. This is particularly acute in rural areas."¹⁴⁴

In 2006 *Amnesty International* reported that under the Sharia Penal Code a woman may be liable for imprisonment if she can not establish certain conditions, including having four witnesses,

"Kano *Sharia* Penal Code Law in Section 127 lists conditions that must be fulfilled in order to prove rape or *zina* (extramarital sexual relations) in respect of a married person: Islam;

¹⁴¹ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹⁴² Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹⁴³ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹⁴⁴ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

maturity; sanity; liberty; valid marriage; consummation of the marriage; four witnesses; or confession. If a woman who alleges that she has been raped fails to establish any of these conditions, she is liable to imprisonment for one year and up to 100 lashes.

Lawyers to whom Amnesty International spoke explained that these stringent conditions were put in place in order to ensure that it would be difficult to impose the penalty of death by stoning of the perpetrator. In January/February 2006 Amnesty International met members of the Kano State Law Reform Committee – comprised of six men and one woman – which in December 2005 began a review of legislation in force in Kano State (where the Penal Code is applicable) in order to assess conformity with the Constitution and federal laws and to propose legislative reform to the state Attorney General. When questioned by Amnesty International delegates about legislation that condones marital rape – which violates Nigeria's obligations under CEDAW and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa – they laughed and insisted that by consenting to marriage, a woman had also consented to sexual relations with her husband: "*if you are married rape is not an issue*".

Fulfilment of these conditions, however, is almost impossible. The virtual impossibility of proving an allegation of rape has a discriminating effect against women with potentially very serious consequences. Where there are not four (male) witnesses to support her allegations, there can be no conviction. In such cases the perpetrator enjoys impunity, while the victim is punished for making unproved allegations. A victim of alleged rape could be accused of having allegedly consented to extramarital sexual relations and could therefore face a possible sentence of death by stoning. The contrast between the difficulty of securing a conviction of rape in a *Sharia* court and the ease with which women (and less frequently men) can be charged with *zina* for consensual sexual relations is stark.¹⁴⁵

2.3 Harmful traditional practices

2.3.1 *Purdah*

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that in some northern areas, *Purdah* (the seclusion of women and girls) was practiced,

"*Purdah*, the cultural practice of secluding women and pubescent girls from unrelated men, continued in various parts of the north. In some parts of the country."¹⁴⁶

In April 2011 Nigerian news magazine *Newswatch* reported that women in *Purdah* are secluded from society, must remain at home and are not allowed outside of the house without her husband's permission, restricting personal, social and economic activity,

"A woman in *Purdah* must not mingle with men who are not related to her unless she needs to. So, the men allowed to relate with her, apart from her husband, are her father, brothers and brothers-in-law. A woman's withdrawal into *purdah* restricts her personal, social and economic activities outside her home, therefore, she must always remain at home, It is permissible, however, for a woman in *purdah* to come out of her house in extreme cases of necessity, but that is subject to certain conditions. During such times, she must be accompanied by a close relative or *Mahram* if the distance to her destination is more than three days and three nights. In ancient times, this is the distance covered by walking or on

¹⁴⁵ Amnesty International, Nigeria: Rape - The silent weapon, 2006, <http://www.amnesty.org/en/library/asset/AFR44/020/2006/en/d9dcf48c-d3e9-11dd-8743-d305bea2b2c7/afr440202006en.html>, accessed 12 December 2012

¹⁴⁶ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

an animal. In modern days, the Muslim clerics or *Ulama* have explained this to be about 48 miles.

In the Arab and Islamic world, when a woman under seclusion is going out, she must be veiled with a *hijab* because it marks them out as respectable women. Islam views women as individuals who are judged by their inner beauty and mind and not by their outward beauty. Also, by covering themselves, women are projected as people that cannot be dominated. Contrary to common prejudices and criticisms by human rights bodies that the act demeans and subjugates women, Muslims say that *purdah* is an act of honour, respect, and dignity. The practice does not subjugate women because Islam exalts the status of women by commanding that they should enjoy equal rights with men and remain on the same footing as them.

When a woman covers herself, she places herself on a higher level and allows men to see and respect her for her intellect, faith, and personality."¹⁴⁷

In April 2011 Nigerian news magazine, *Newswatch* published an account of a woman's experience of living in Purdah in Lagos State. *Newswatch* reported that the woman was subjected to Purdah due to her husband's wishes and that she is unable to socialise except with other women in Purdah,

"For Fatimah Abdul-Arahman, 26, life in purdah is a challenge she has lived with for nine years. Abdulrahman, confined to a life indoors, cannot socialise, go out or make friends except with fellow women in purdah. Except when travelling, she rarely goes out of the enclosure she has inhabited in Mushin, Lagos State, in those years. On the rare occasions that she went out, she must cover all parts of her body. She stopped schooling at the primary school level because her father married her off to be the second wife of Rabi'u, a trader.

Purdah is optional in Islam but since the husband of the mother of five wants it, she was bound to embrace it. Her husband provides for her needs because she must not work. For her other needs, she sends Aisha, her younger sister staying with her, on errands to get them for her. Outwardly, she is happy about her observance of *purdah*, but secretly, she yearns for occasional moments of freedom.

The last National Assembly election exercise provided her with a big opportunity. Abdulrahman, accompanied by her brother-in-law who acted as her chaperone or *Mahram*, was able to interact with other people. "I have never been among so many people in a long time. It felt very liberating," Abdulrahman said, adding, "If I have a choice, I would not be living this life but Islam allows my husband to decree it, so what can I do," she said."¹⁴⁸

2.3.1.1 Election participation

In April 2011 Nigerian newspaper *Vanguard* reported that some women in Purdah intended to vote, but needed the permission of their husbands,

"Some women in purdah say they will exercise their right to vote during the general elections in order to contribute to the enthronement of good leadership in the country.

The women told the News Agency of Nigeria (NAN) in Kano that they would embrace the challenge if their husbands allowed them to participate in the three slated elections.

¹⁴⁷ Newswatch, Life in Purdah, 26 April 2011, http://www.newswatchngr.com/index.php?option=com_content&task=view&id=3026&Itemid=48, accessed 9 December 2012

¹⁴⁸ Newswatch, Life in Purdah, 26 April 2011, http://www.newswatchngr.com/index.php?option=com_content&task=view&id=3026&Itemid=48, accessed 9 December 2012

Malama Barira Sani, a house wife, said she was determined to vote in all the elections, adding that she would however seek the consent of her husband.

"You know that as Muslim women, we have to seek for permission from our husbands to go out. So, that is the only snag that can set me back, although my husband encouraged me to vote in the previous election," Sani said."¹⁴⁹

In April 2011 Nigerian news magazine *NewsWatch* reported that many women living in *Purdah* are unable to vote without their husband's permission or because voter registration requires removing their veil,

"Not all women in *purdah* were able to vote in the recent elections. In Muslim-dominated Kano State, some women in *purdah* were unable to vote because their husbands prevented them. Salama Aminu, a young woman in *purdah*, said after her husband witnessed the pains that women suffered while queuing to vote during the postponed April 2, National Assembly poll, he disallowed her from going to vote.

Similarly, Malama Barira Sani, another woman in seclusion, was denied the opportunities to vote because she refused to reveal her face during the voters' registration exercise in order not to offend her husband or run foul of Islam.

Such is the life of women in *purdah*. *Purdah* is the Islamic practice of concealing women. Literally, it is a curtain which makes sharp separation between the world of a man and a woman's. This can be done with walls, curtains, and screens which separate the *Zenana* or women's chamber from the *Mardana* or men's chamber. *Purdah* involves also physical segregation of the sexes. There is also the requirement that women cover their bodies and conceal their form."¹⁵⁰

2.3.1.2 Accessing medical care

In April 2011 Nigerian news magazine *NewsWatch* reported that *Purdah* restricts women's access to obtaining travel and identity documentation and access to medical care,

"In modern times, women in *purdah* are facing a lot of challenges. Civilisation seems to shun their belief. They are often ridiculed in secular societies like Nigeria. In the Western countries of France, Belgium and Italy, laws were recently passed to ban the use of *burqa* in public. Acquiring basic necessities like international passport, visa and identity cards also prove laborious for women in *purdah* because of their refusal at times to show their faces fully. They also face health challenges because often, they are unable to get proper medical ante-natal and post-natal care and physical health check-ups."¹⁵¹

In 2003 the *National Foundation on Vesico-Vaginal Fistulae* reported that women in *Purdah* are not be able to access medical care without their husband's permission, even in emergencies such as child birth,

"In northern Nigeria, *purdah* is widely practised in the Muslim communities. This is the practice of confining the women strictly to their matrimonial homes particularly during the day so that they do not encounter other men. Also male visitors are not allowed in women quarters of the living compounds. The women are not allowed to leave the compound under any circumstances without the permission of their husbands. Therefore, even during times of sickness, including during prolonged obstructed labour or eclampsia for example, the husband has to be found to give permission to go to hospital. Apart from the rigours of

¹⁴⁹ Vanguard, Nigeria: Women in *purdah* vow to vote, 6 April 2011, available from <http://allafrica.com/stories/201104070865.html>, accessed 9 December 2012

¹⁵⁰ NewsWatch, Life in *Purdah*, 26 April 2011, http://www.newswatchngr.com/index.php?option=com_content&task=view&id=3026&Itemid=48, accessed 9 December 2012

¹⁵¹ NewsWatch, Life in *Purdah*, 26 April 2011, http://www.newswatchngr.com/index.php?option=com_content&task=view&id=3026&Itemid=48, accessed 9 December 2012

childbirth, women are often excluded from taking any decisions about treatment. In the absence of the husband, no one may be willing to take a decision. Therefore, a woman in obstructed labour has to continue in pain for several days further if necessary until the husband returns from a journey or is fetched. Even then there is no guarantee that the wife will be taken to hospital. The implications of this in the development of VVF are obvious. There have been cases of VVF developed in houses a few hundred metres from a teaching hospital with people in the household waiting for the husband to return."¹⁵²

In May 2009 US development NGO *FHI360* reported that women who live in Purdah have limited access to healthcare and HIV testing,

"Binta, who is from Nigeria's Kaduna State, lives in purdah: she is segregated physically from men and only able to participate in limited activities outside of the home. Purdah may pose difficulties for women affected by HIV/AIDS. For example, they may not be aware of HIV, or surmise their own HIV status only when their husbands, as in Binta's case, fall sick or die. They also do not have easy access to HIV/AIDS or other healthcare services."¹⁵³

2.3.2 Widowhood practices

2.3.2.1 Domestic Legislation

In January 2012 a *US Library of Congress* blog stated that Ebony, Enugu and Cross River States have passed legislation banning some widowhood rituals.

"The fact that they are based on deeply rooted and widely accepted traditions makes it unlikely that legislative solutions alone will make much of a difference, at least in the immediate future. Some Nigerian States have nonetheless issued laws aimed at banning certain humiliating mortuary practices. States including Ebony (in 2001), Enugu (in 2001), and Cross River (in 2005) issued laws criminalizing certain acts to which widows are traditionally subjected. For instance, a section of the Cross River State law states that [a]ny person who [f]orces, coerces, entices, induces, mesmerizes or hypnotizes a widow to drink the water or any other liquid used to bath and or clean her husband's corpse or subject her to pass through any ordeal or observe any obnoxious tradition ...commits an offence[sic].

This form of trial by ordeal is typically imposed on a widow as an interrogation technique. This is because as noted above, a widow is almost always suspected of having had a hand in her husband's death (talk about guilty until proven innocent).

The Enugu State law introduced a ban on a list of similar mortuary rituals imposed on widows. A section in this law states that [n]o person for whatever purpose or reason shall compel a widow....to

- sleep either alone or on the same bed or be locked in a room with corpse of the husband;
- sit on the floor or be naked during any period of the husband's burial rites; [or]
- drink the water used in washing the corpse of the husband.

The Enugu State law also introduced a ban on another ritual which forces widows to demonstrate in public their love for their late husbands. For instance, among the Hausa

¹⁵² The National Foundation on Vesico-Vaginal Fistulae, Report of the rapid assessment of vesico-vaginal fistulae in Nigeria, August 2003, <http://www.endfistula.org/webdav/site/endpoint/shared/documents/needs%20assessments/Nigeria%20OF%20Needs%20Assessment.pdf>, accessed 9 December 2012

¹⁵³ FHI360, Nigeria's Kaduna State reaches out to women in purdah, May 2009, http://www.fhi360.org/en/CountryProfiles/Nigeria/res_Nigeria_purdah_support.htm, accessed 9 December 2012

community in northern Nigeria, widows are given specific instructions [] as to how to mourn their deceased husbands:

When your husband dies, you must wail. If you loved him, then you are sad at heart also; he isn't there. If you didn't particularly like him, you wail because of compassion, and you had got used to him and now he isn't here.

In some communities, widows are assigned minders to supervise [] the adequacy of their grief and whenever they are perceived to have fallen short of the acceptable, obviously subjective, threshold, they may be punished or worse; accused of causing the death of their late husbands. The Enugu State law specifically prohibits forcing a widow to "weep and wail loudly at intervals at any time after the death of the husband."¹⁵⁴

In 2012 the Journal of Politics and Law published an article by *Ine Nnadi* of the Faculty of Law at Imo State University which reported on case law in which courts found in widows' favour against the practice of widowhood rituals,

"In the case of *Mojekwu V Mojekwu* (1977), the Court of Appeal decided that the "*Oli-ekpe*" custom of Nnewi in Anambra State where males and not females inherit the property of their father is unconstitutional. Justice Niki Tobi in a rare exhibition of extreme judicial activism, held the "*Oli ekpe*" custom to be repugnant to natural justice, equity and good conscience. The judgment represents a shift in judicial attitudes to women's rights issues even though at the Supreme Court, he was heavily criticized for that decision. In *Theresa Onwo v Nwafor and 12 Ors* (1996), the court had to decide the legality of the appellant's tradition requiring her as a widow to shave her hair. In that case Theresa Onwo was required by custom to shave her hair, an act she rejected on the basis of her religion. She went to court to enforce her fundamental rights. The Court of Appeal held that she had a right to do so and gave judgment in her favor."¹⁵⁵

In January 2012 Nigerian newspaper *Leadership* reported that the government does not adequately address widows needs in policies and legislation,

"Over the years, widows in Nigeria have been neglected and maltreated by the society. Few, if anybody, tend to listen and care about their welfare. It can be said there is no group more affected by the sin of omission than widows. They are left out of government's policies and legislations; forgotten in the scheme of things. Even the media underreport the plight of these women as issues affecting them are neither mentioned frequently on the pages of newspapers nor highlighted by the broadcast media as it concerns the frustration, oppression, poverty, health and human rights problems that they face. In fact widow's advocacy is weakly made."¹⁵⁶

2.3.2.2 Social discrimination and prevalence

In January 2012 a *US Library of Congress* blog stated that a woman loses social status when widowed,

"In parts of Nigeria, an unmarried woman has no status in society. Her nuptial marks her elevation in the ranks of her community, a status she loses if she outlives her husband. A ritual in which the widow is forced to sit on the floor naked for the duration of the husband's

¹⁵⁴ US Library of Congress, The Perils of widowhood, 12 January 2012, <http://blogs.loc.gov/law/2012/01/the-perils-of-widowhood/>, accessed 8 December 2012

¹⁵⁵ Ine Nnadi, An insight into violence against women as human rights violation in Nigeria: A critique, *Journal of Politics and Law*; Vol 5, No 3, August 2012, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=65&cad=rja&ved=0CEwQFjAEODw&url=http%3A%2F%2Fccsene.t.org%2Fjournal%2Findex.php%2Fjpl%2Farticle%2Fdownload%2F19903%2F13123&ei=Z231UKjDB-Kt0QWNxoDwCw&usq=AFQjCNGSFgKbKtj4D6wdEV7mtDmSXpVREQ&bvm=bv.41018144.d.d2k>, accessed 9 December 2012

¹⁵⁶ *Leadership*, Nigeria: Widows - Voices unheard, rights quashed, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

burial rites signifies the woman's loss of this status in her community, also known as dethronement."¹⁵⁷

In January 2012 Nigerian newspaper *Leadership* reported the President of the Christian Association of Nigeria as stating that widows are treated very badly in Nigeria,

"Also, in 2010 in Warri, Delta State, while officiating the wedding of four couples in his church, Words of Life Bible Church, the President of Christian Association of Nigeria (CAN), Pastor Ayo Oritsejafor, decried the ill-treatment meted out to widows.

"I was discussing with some people in Lagos recently on the way widows are being treated in the society. The way we treat widows is very bad. It is easier for a man who loses his wife to survive than for a woman. What we do to them is wrong. We should change from the way we treat widows," he said"¹⁵⁸

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that both the Yoruba and Igbo practiced widowhood rituals,

"Among the Yoruba, the ritual rites for the widow is called "ile Opo" and among the Igbos, this is called "Igbo Nkpe"."¹⁵⁹

In August 2011 Nigerian newspaper *Leadership* reported that widows may experience economic and psychological isolation,

"Widowhood comes with a stigma in most societies which often leads to psychological and economic stress as the woman is left on her own to cater for her needs and that of her children, especially if her children are still very young. Her responsibilities at this point are increased which could in turn lead to lack of interest in life. Withdrawal which if left untreated, can lead to feelings of isolation and even suicide."¹⁶⁰

2.3.2.3 Rituals

In January 2012 Nigerian newspaper *Leadership* reported that widows are subjected to psychological torture, degrading treatment and discrimination, she is considered to be unclean,

"The plight of widows in Nigeria is pathetic and heart-breaking. The psychological torture that they experience compounds the trauma of their husband's demise that leads to depression and related-health problems.

In Nigeria, certain customary laws permit certain unwholesome practices that subject widows to discrimination, deprivations and other degrading treatments. At the death of her husband, she is seen as unclean and impure, and the customs she must observe in the weeks following her husband's death can undermine her health."¹⁶¹

In August 2011 Nigerian newspaper *Leadership* reported that widows are put through rituals to prove that there were not responsible for her husband's death,

¹⁵⁷ US Library of Congress, The Perils of widowhood, 12 January 2012, <http://blogs.loc.gov/law/2012/01/the-perils-of-widowhood/>, accessed 8 December 2012

¹⁵⁸ *Leadership*, Nigeria: Widows - Voices unheard, rights quashed, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

¹⁵⁹ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria*, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrologis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012

¹⁶⁰ *Leadership*, Culture, rites and Nigerian widows, 27 August 2011, http://www.leadership.ng/nga/articles/4414/2011/08/27/culture_rites_and_nigerian_widows.html, accessed 8 December 2012

¹⁶¹ *Leadership*, Nigeria: Widows - Voices unheard, rights quashed, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

"Mrs. Chioma Eze (not real names) said, "It is so inhumane when people fail to understand what you are going through and want to further put you through more torture by forcing you to undergo rituals to prove your innocence of not being responsible for your husband's death. I went through hell in the hands of my husband's relatives when I lost my husband about five years ago. I was accused of being responsible for his death because our relationship was never approved by his family from the onset; I married him because I loved him so much, but never thought he would be leaving that soon."¹⁶²

In 2012 the Journal of Politics and Law published an article by *Ine Nnadi* of the Faculty of Law at Imo State University which reported that widowhood rites vary between communities,

"This is another aspect of harmful traditional practice common in Nigeria that violates the woman. A widow is a married woman who becomes single as a result of the death of her husband. Widowhood practices are those customary rites that a widow is made to undergo on the death of her husband by members of the husband's family or community. Widowhood practices differ from one community to another and are practices that are obnoxious, dehumanizing, and diminish the personality of the woman and violate her human rights. Some widowhood rites include:

- i. Being locked up with the corpse for days or hours;
- ii. Being forced to sit on the bare floor for the duration of the mourning period;
- iii. Isolating the widow from other people for some period;
- iv. Shaving the hair on the head, pubic or armpit with unsterilized razor blade, scissors or a piece of glass;
- v. Eating meals from dirty unwashed plates;
- vi. Denial of right to inherit husband's properties;
- vii. Drinking of the water used in washing the corpse of the dead husband to prove her innocence;
- viii. Walking to the market bare footed to buy foodstuff without collecting change."

The list of widowhood practices is almost endless as it varies from community to community but most are common in all areas where widowhood rites are performed.

On the death of the husband, the plight of a widow is made worse by the humiliating widowhood rites she undergoes. The above examples are common in the eastern part of Nigeria.¹⁶³

In 2009 *Gender Across Borders*, an online feminist community and blog, reported the following traditional widowhood rites in Nigeria,

CONFINEMENT: The widow is not allowed to fetch water, cook or go to the market. This period can last up to a year and the widow is forced to depend on others.

DEFACEMENT: This includes hair scraping. It is intended to make the woman unattractive since the hair is said to be the woman's crowning glory.

DISINHERITANCE: This denies the wife the right to inherit or own property. In-laws force the widow out of her home, leaving her with no means of shelter or support for herself and her children.

¹⁶² Leadership, Culture, rites and Nigerian widows, 27 August 2011, http://www.leadership.ng/nga/articles/4414/2011/08/27/culture_rites_and_nigerian_widows.html, accessed 8 December 2012

¹⁶³ Ine Nnadi, An insight into violence against women as human rights violation in Nigeria: A critique, Journal of Politics and Law; Vol 5, No 3, August 2012, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=65&cad=rja&ved=0CEwQFjAEODw&url=http%3A%2F%2Fccsene.t.org%2Fjournal%2Findex.php%2Fjpl%2Farticle%2Fdownload%2F19903%2F13123&ei=Z231UKjDB-Kt0QWNxoDwCw&usq=AFQjCNGSFgKbKtj4D6wdEV7mtDmSXpVREQ&bvm=bv.41018144.d.d2k>, accessed 9 December 2012

MOURNING PERIOD: The widow is forced to wear black or white and is made to go through routine crying, whether or not she feels like it.

RITUAL CLEANSING: This is done to supposedly sever the link between the living and the dead. The widow washes in the stream, her mourning clothes are burnt and she is forced to walk back home naked.

DETHRONEMENT: By making the widow sit on the floor or mat, this is to emphasize her apparent fall in status.

OSTRACISM: The widow is seen as defiled and capable of defiling others. She may not be touched or receive a handshake. In some cases, her hands are padded.

Other harmful traditional practices include enforced silence, sleeping on the floor, feeding from dirty dishes, forced nakedness and disinheritance.

In extreme cases, the widow is forced to drink the water from which her husband's body had been washed to prove she did not kill him."¹⁶⁴

In its country report on human rights practices covering the events of 2011, the *USDOS* reported widows maybe subject to confinement during a culturally expected period of mourning,

"[] widows experienced unfavorable conditions as a result of discriminatory traditional customs. "Confinement," which occurred predominantly in the northeast, remained the most common rite of deprivation for widows. Confined widows stayed under social restrictions for as long as one year and usually shaved their heads and dressed in black as part of a culturally mandated mourning period."¹⁶⁵

In August 2011 Nigerian newspaper *Leadership* reported that a widow may be subjected to a range of degrading customs by her late husband's family including having to drink the water used to wash his corpse, restrictions on her movement and being forced to marry a relative of her husband or risk loosing access to her children,

"Death of one's husband is often seen as an ultimate loss, which, invariably, is accompanied by grief. Aside the psychological trauma a woman undergoes at the loss of her beloved, she is further made to go through hell in the hands of some, if not most members of her husband's family.

Some people claim they are customary practices she has to undergo as part of their culture, not putting into consideration that she is also human and grieving as well. There are some practices that reduce the dignity of a woman. For example, in some eastern states of the country, after the demise of a woman's husband, she is forced to drink the bath water of her late husband's corpse to prove her innocence.

Some practices involve the shaving of the woman's hair as a sign of respect to her dead husband. Her movement is restricted as she is forced to remain in a room for a period of time as a sign of respect. She is faced with the decision of allowing a relative of her deceased husband to either inherit her and her late husband's property or face the risk of being forced out of the house without having access to her children, forgetting that she has her worries on how her life and that of her children will be with the absence of her husband and their father."¹⁶⁶

¹⁶⁴ Gender Across Borders, Widowhood rites in Nigeria, 25 June 2009, <http://www.genderacrossborders.com/2009/06/25/widowhood-rites-in-nigeria>, accessed 3 December 2012

¹⁶⁵ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹⁶⁶ *Leadership*, Culture, rites and Nigerian widows, 27 August 2011, http://www.leadership.ng/nga/articles/4414/2011/08/27/culture_rites_and_nigerian_widows.html, accessed 8 December 2012

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that Igbo widowhood rituals differ depending on the status of the deceased husband, a mourning period may last between a week and a year during which time a widow may be forced to undergo rituals such as wearing a 'mud cloth,' wailing and being caged so as unable to sleep,

"An analysis of the responses shows that among the Igbo, although there are differences in details and materials involved, the rituals for widowhood follow a fairly common way when a "common man" dies but clearly different for "Ozo" title holders. It is practically impossible to here give details of the practices in each community as narrated by the respondents. Some common elements will hereby be presented.

Among the Igbo, at the death of a woman's husband, the mourning period takes between one week and one year with specific activities recommended for the periods. Most Igbo communities recommend that a widow at announcement of her husband's demise, would wear the "mud cloth" ("ogodo upa"). The time of wearing this varies from seven days to one year depending on community's emphasis. The respondents interviewed revealed that a woman is mandatorily expected to wail at the death of her husband either three times in a day or once in a day for three or seven days. During the mourning days, the woman's hair among the Igbo is scraped and she is expected to sit on the mat surrounded by other mourners or to sit by the corpse of the husband, warding off flies from it. The respondents from Ogburuka revealed that "the widow is put in a cage where she could sit and not sleep on a mat or mattress". She is expected to be clad in black attire for seven months and any other cloth for the remaining five months of her one year of mourning. The respondents from Akili-Ogidi revealed that the widow is expected to do "evening wailing through" *onu ntapa*", a chink in the wall, facing the west the first 28 days after the burial of her husband"¹⁶⁷

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that Yoruba rituals include crying and demonstrating distress, confinement, not washing, cutting of her hair and sitting on a mat on the floor. The mourning period may last between forty and 120 days,

"According to the respondents, when a man dies, his wife or wives are expected to express the sorrow through crying and often falling into the ready hands of others surrounding her who would prevent her from injuring herself. She is thereafter expected to go into confinement for seven days during which she is not expected to wash herself or change her clothes. Among the Akure people, the woman would be expected to unweave her hair and have a low-cut while in Otan, the woman would be expected to shorn or scrape her hair as a sign of severing bonds between her and her death husband"

During the mourning period which sometimes lasts for forty days or four months (120 days) the widow is expected to wear a pensive look and be clad in black attire to all public places. During the initial seven days of mourning, the widow is expected to sit on bare floor or a mat at best but definitely not on a stool or a bed. In some Yoruba communities, she is expected to eat from broken plates and cook with broken pots

At this period, it will be ascertained whether or not the widow is pregnant etc. At the end of forty days, three month or four month as the case may be, the final rites are performed for the widow after which she is free to remarry. These final rites include being washed in the night after having the final wailing, making some rituals which are expected to finally put the spirit of the departed to final rest and the "outing", which involves change of dresses and being led to the market."¹⁶⁸

¹⁶⁷ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrologis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012*

¹⁶⁸ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrologis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012*

In May 2012 *Dr Tayo George* published an article on widowhood practices of the Awori in Ogun state, in the *American Journal of Contemporary Research*. Dr George reported that on confirmation of a husband's death a widow is confined to the family or matrimonial house for the duration of the mourning period to ascertain whether she is pregnant and to prevent her having an abortion,

"Essentially, confinement in this research refers to total restriction of the widow's movement within a particular place throughout the mourning period. This implies that the widow is denied freedom of movement except around the compound and sometimes within the four walls of a room in which she is confined. Confinement of the widow was found to be the commonest widowhood practice among the Awori. The practice among this sub-ethnic group is such that, on receipt of the news confirming the husband's death, staying indoor within the confines of the family house or the matrimonial home depending on the residential pattern in place, is mandatory for the widow in question. This is regarded as the greatest honour and mark of respect accorded to the dead. All forms of outings, business or social engagements are automatically suspended, outlawed and forbidden for as long as the mourning period lasts. For the Awori, confinement of a widow indoor has several socio-cultural implications, as in-depth interviews and focus group discussions revealed. Among the Awori, widows are confined to a room for specified periods to ascertain if the widow is pregnant and to discourage abortion. If the widow is confirmed pregnant within the period, arrangements are made for her upkeep and that of the unborn baby by the deceased family. Another explanation given for a widow's confinement is to ensure proper guidance, monitoring and supervision throughout the mourning duration in order to avoid the negative consequences such as the abortion of the unborn baby and eventual death often associated with non-strict adherence to widowhood rites. For instance, among the Awori, it is believed that refusal of the widow to remain indoor during widowhood and exposure to sunlight or rainfall will amount to her untimely death."¹⁶⁹

2.3.2.4. Inheritance of widows

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that in some communities a widow is 'inherited' by her deceased husband's family,

"In other areas communities viewed a widow as a part of her husband's property to be "inherited" by his family."¹⁷⁰

In January 2012 Nigerian newspaper *Leadership* reported that widows may be left without economic support if she refuses to become the wife of her brother in law,

"In most cases, the husband's kin do not provide the widow with any economic support, particularly if she will not accept the status of being an additional wife to one her husband's brothers."¹⁷¹

In August 2011 Nigerian newspaper *Leadership* reported that a widow may face being forced to marry a relative of her husband or risk losing access to her children,

"She is faced with the decision of allowing a relative of her deceased husband to either inherit her and her late husband's property or face the risk of being forced out of the house

¹⁶⁹ Tayo O. George, PhD, Policy response to widowhood rites among the Awori of Ogun State, Nigeria, *American International Journal of Contemporary Research*, Vol 2. no.5, May 2012, http://www.aijcrnet.com/journals/Vol_2_No_5_May_2012/20.pdf, accessed 8 December 2012

¹⁷⁰ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹⁷¹ *Leadership*, Nigeria: Widows - Voices unheard, rights quashed, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

without having access to her children, forgetting that she has her worries on how her life and that of her children will be with the absence of her husband and their father."¹⁷²

In January 2012 Nigerian newspaper *Leadership* reported that a widow who refuses to marry one of her husband's relatives may face persecution, unless she has an adult son who can advocate for her, however *Leadership* reported that there had been an improvement in the treatment of Igbo widows,

"In Igbo land, a young widow who refuses to marry from her late husband's kindred faces persecution. However, she may likely escape the persecution if she has a grown son who can speak for her and defend her rights. There has reportedly been a 'steady improvement' in the treatment of Igbo widows in Nigeria as western education and government intervention continue to influence traditional practices."¹⁷³

In January 2012 Nigerian newspaper *Leadership* reported that under Igbo customary law a woman is considered to be the property of her husband and does not have inheritance rights,

"Under Igbo customary law, wives do not have inheritance rights as they are considered "property" of the late husband's estate and, as a result, are considered an "object of inheritance themselves" Among the Yoruba, a brother or son of the deceased Igbo husband, but not the son of the woman, was traditionally allowed to inherit the widow as a wife."¹⁷⁴

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that Yoruba a widow can choose not to be inherited by her deceased husband's family,

"A woman may refuse to be "inherited" even if the family of her late husband wants it so. A relation may also refuse to marry a dead relation's widow even if the family wishes it so."¹⁷⁵

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that the practice of widows being inherited as a wife by a relative of her husband has nearly disappeared in Yoruba culture and has also reduced amongst the Igbo,

"among the Yorubas, the issue of widow inheritance was common up to three or four decades ago in which case a close kin of the dead was expected to take his widow to wife after the normal widowhood rites. This custom has however almost completely frizzled out except in very remote rural areas. Among the Igbos also, widow inheritance is no more popular as it was about three decades ago. Indeed, [] most widows who are of child-bearing age prefer to remain un-married and to stay in the family of their husband, taking care of their children."¹⁷⁶

2.3.2.5 Inheritance of husband's property

[See also [Section A. Position of women according to the law, 1.7 Property, land and inheritance rights](#)]

¹⁷² Leadership, Culture, rites and Nigerian widows, 27 August 2011, http://www.leadership.ng/nga/articles/4414/2011/08/27/culture_rites_and_nigerian_widows.html, accessed 8 December 2012

¹⁷³ Leadership, Nigeria: Widows - Voices unheard, rights quashed, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

¹⁷⁴ Leadership, Nigeria: Widows - Voices unheard, rights quashed, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

¹⁷⁵ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria*, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrojis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012

¹⁷⁶ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria*, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrojis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that among the Igbo widows were required to relinquish all of her husband's property to his siblings,

"It was revealed by majority of the Igbo respondents that at death of a woman's husband, she would be expected to surrender all the man's properties, including bank account to the relations for appropriation. She would, in some communities, be expected to take an oath that, she had not concealed anything from the family members. In some communities, the woman would be accused of masterminding the husband's death even where it is very apparent that he died a natural or accidental death. Hence, the widowhood rites would begin by making the woman to pass through "acid" test such as "drinking bitter water", swearing in a shrine, drinking the water used to birth the husband's corpse or going to a "T junction" to bath, returning home naked by 2.00am. It is believed that if she survives any or a combination of these, then she is free from the guilt of causing her husband's death. The above notwithstanding, the property of a dead man among the Igbo passes to his siblings rather than to his wife and children who are left un-regarded or are often ejected from those properties. It has been suggested that the humiliating and almost inhuman ordeal to which the Igbo woman is subjected during widowhood rites are to subjugate her and deter her from ever laying claims to her husband's properties."¹⁷⁷

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that among the Yoruba a man's property is inherited by his children,

"The Yoruba respondents on the other hand revealed that after the death of the husband, his wife or wives would be expected to observe the community based widowhood rites. Thereafter, the leaders of the extended family would constitute themselves into a committee to share the man's properties among his children and close kits and kin where he had only one wife. This is called "Olori ko kori" - i.e. an individual basis. However, where he had more than one wife, the properties are shared on the basis of "onidi judi", that is, on the basis of the group of children each wife has. Clearly, in Yorubaland, a dead man's properties belong primarily to his children and can be extended to his close kin but the wife/wives have access to their late husband's properties only through their children."¹⁷⁸

In July 2007 a study by *Dr O.O. Faoranti* published in the *Journal of World Anthropology* stated that in both Igbo and Yoruba culture childless women have no right to inherit her husband's property,

"Among the Igbos and the Yorubas, the respondents revealed that a barren woman has no rights to his late husband's properties and their widowhood rites are less rigorous."¹⁷⁹

In January 2012 Nigerian newspaper *Leadership* reported that the husband's property will be inherited by his brother if a widow has no male adult children,

"If she has no male adult children, she may be ejected from her husband's house as both it and his land will have been inherited by his oldest brother."¹⁸⁰

In August 2011 Nigerian newspaper *Leadership* reported that childless widows and widows without male children are particularly vulnerable to discrimination,

¹⁷⁷ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria*, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrojis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012

¹⁷⁸ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria*, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrojis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012

¹⁷⁹ *Journal of World Anthropology: Occasional Papers: Volume III, Number I, A cross-cultural comparison of practices relating to widowhood and widow-inheritance among the Igbo and Yoruba in Nigeria*, Dr. O.O. Fasoranti and Miss J.O. Aruna, July 2007, http://wings.buffalo.edu/research/anthrojis/JWA/V3N1/Fasoranti_Aruna-art.pdf, accessed 9 December 2012

¹⁸⁰ *Leadership, Nigeria: Widows - Voices unheard, rights quashed*, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

"The persecution faced by a widow is more, especially if she is childless, as in most cases, she is evicted from her matrimonial home. Childless widows face very traumatic situations; even the widows with only female children also face very harsh conditions, as female children are not entitled to inherit as their male counterparts."¹⁸¹

In January 2012 Nigerian newspaper *Leadership* reported a lack of legislation to protect widows and that widows are often the victims of violence during disputes about inheritance, land and property,

"It is disheartening as there are no legislations made by those who widows voted for to protect their rights and give them a sense of belonging despite their situation, as those lawmakers continue to watch as widow are subjected to a long period of incarceration during morning, an obligatory poor standard of hygiene, deprivation of the husband's property and maltreatment by his relatives, the enforcement of persistent wailing, and the practice of demanding that a widow sit in the same room with her husband's body until burial.

Unfortunately, the government does not have the exact numbers of widows in the country, their ages and other psychographic details about them. Yet widows constitute a sizable percentage of all adult women, and among these widows many are still rearing children. In some parts of Nigeria, girls who become widows suffer abuse and exploitation at the hands of family members, often within the context of property disputes.

A widow, Angela said, "We are being treated as animals just because we are widows." Widows are often the victims of violence in the law context of inheritance, land and property disputes. Many are alleged to be witchcrafts and evil, violently ejected by the late husband's relatives, assault and rejection. The rate of poverty among widows is alarming and saddening. Widows make up a sizeable percentage of poor people in Nigeria. They are usually not allowed to inherit their husband's property, nor are they party to their father's property as their rights are limited to inheritance under customary and religious laws. As they do not have inheritance rights, they continue to languish in poverty. The government has not shown the political will to intervene in traditions and customs which abuse widows and pauperise them, despite sections of the Convention on the Elimination of All Forms of Discrimination against Women (articles 5 and 16) relating to personal status law."¹⁸²

2.3.3 FGM

2.3.3.1 Prevalence and age

In 2008 the *Nigerian Demographic and Health Survey* reported that FGM is practised throughout the country,

"Female genital cutting (FGC), also known as female circumcision or female genital mutilation (FGM) is practiced in many societies in Nigeria and is present throughout the country."¹⁸³

In February 2012 Nigerian newspaper *The Daily Trust* stated that Ejiro Otive Igbuzor, a former executive director of Women Empowerment and Reproductive Health Centre reported that,

"the prevalence of FGM in Nigeria is estimated at 36-60%."¹⁸⁴

¹⁸¹ Leadership, Culture, rites and Nigerian widows, 27 August 2011, http://www.leadership.ng/nga/articles/4414/2011/08/27/culture_rites_and_nigerian_widows.html, accessed 8 December 2012

¹⁸² Leadership, Nigeria: Widows - Voices unheard, rights quashed, 4 January 2012, available from <http://allafrica.com/stories/201201040627.html?page=2>, accessed 9 December 2012

¹⁸³ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

¹⁸⁴ The Daily Trust, Women with painful lives - female genital mutilation: the silent killer, 14 February 2012, available from <http://allafrica.com/stories/201202140971.html?viewall=1>, accessed 12 December 2012

In 2008 the *Nigerian Demographic and Health Survey* reported that 30 percent of Nigerian women had been subjected to FGM,

"According to the 2008 NDHS findings, 30 percent of Nigerian women are circumcised. Variations in the prevalence of circumcision are similar to those observed for knowledge of the practice. For example, the prevalence of FGC is greatest in the Southern zones, among the Yoruba and Igbo, and among urban residents. The prevalence of FGC among the Yoruba (58 percent) and Igbo (51 percent) helps to explain zonal and urban-rural differentials because the Yoruba and Igbo traditionally reside in the South West and South East zones, which are more urbanised than the Northern zones. 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)."¹⁸⁵

In 2010 the *Population Reference Bureau* stated that inconsistent definitions of FGM were used within the 2008 Nigeria Demographic and Health Survey,

"FGM/C data from the 2008 Nigeria Demographic and Health Survey should be used with caution as the definition of FGM/C was not used consistently by interviewers across regions."¹⁸⁶

In 2008 the *Nigerian Demographic and Health Survey* reported that during their research some interviewers included *Angurya* and *Gishiri* cuts within the definition of FGM, and some didn't,

"During the interviewing, the Kano state team included *Angurya* and *Gishiri* cuts in the definition of female circumcision (the cutting of the clitoris), which resulted in an increase in FGC prevalence. *Angurya* involves the scraping of the vaginal orifice and is usually performed on infants within seven days of delivery. *Gishiri* cuts involve the cutting of the vaginal wall. According to researchers, three major forms of FGC are practiced in Nigeria: female circumcision, *Angurya* and *Gishiri* cuts, and hymenectomy (Mandara, 2004). Further investigation of the data collection methodology for the 2008 NDHS, in relation to FGC prevalence, suggested that *Angurya* and *Gishiri* cuts may not have been consistently included in the definition of FGC in the NDHS or in other data collection efforts aimed at determining FGC prevalence in Nigeria. Realizing these limitations, there is a need therefore for consensus on what constitutes FGC within Nigeria. There is also a need for further research to ascertain a more accurate prevalence of the practice of FGC in Nigeria."¹⁸⁷

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that FGM is practiced throughout the country and is most prevalent in southern areas among the Yoruba and Igbo. The *USDOS* cited the 2008 Nigerian Demographic and Health Survey which stated that 30 percent of women in Nigeria had been subjected to FGM,

"The 2008 NDHS reported that 30 percent of women in the country suffered FGM. While practiced in all parts of the country, FGM remained most prevalent in the southern region among the Yoruba and Igbo."¹⁸⁸

¹⁸⁵ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

¹⁸⁶ Population Reference Bureau 2010, Female Genital Mutilation/Cutting: Data and Trends <http://www.prb.org/pdf10/fgm-wallchart2010.pdf>, accessed 12 December 2012

¹⁸⁷ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

¹⁸⁸ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

In 2007 WHO cited Nigeria Demographic and Health Survey statistics from 2003 which show prevalence rates of FGM in South West Nigeria at 56.9%, South South 34.7%, South East 40.8%, North West 0.4%, North East 1.3% and North Central 9.6%.¹⁸⁹

In its country report on human rights practices covering the events of 2011, the USDOS reported that infibulation was common in the south and occurred infrequently in northern states, most victims were subjected to FGM before their first birthday but women and girls may undergo FGM between a wide age range, from being a week old until after the delivery of her first child,

“Infibulation, the most severe form of FGM, infrequently occurred in northern states but was common in the south. The age at which women and girls were subjected to the practice varied from the first week of life until after a woman delivered her first child; however, most female victims suffered FGM before their first birthday.”¹⁹⁰

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported that FGM is commonly practiced amongst several ethnic groups, in Ekiti State the prevalence rate is estimated at 80 percent,

“FGM is reportedly a common practice in several ethnic groups in Nigeria, including the Yoruba in the southwest geopolitical zone [] though the practice is diminishing, it is still carried out. In these States, FGM is commonly carried out at birth and the type 1 is usually practiced in these parts. It is not associated with any religion but with culture. It is usually performed in traditional settings though medicalization of FGM has also been documented. [] FGM in Ekiti State has a prevalence rate of 80% and as early as 2010 when we carried out sensitization activities and the training of Traditional Birth Attendants (TBAs) anecdotal evidences showed that FGM is still prevalent in the State. The activities were carried out in Oye Local Government Area, type1 is the commonest and performed on babies from 8 day old to 9 months. In Akure which is part of Ondo State prevalence rate though not available FGM is not very common there. In Lagos State, which is a melting point for all ethnic groups in Nigeria, FGM is common among migrants from Edo, Delta, Cross River, Rivers and Osun States and other states not mentioned but Lagosians themselves do not perform it.”¹⁹¹

In 2007 the World Health Organisation (WHO) stated that the practice of FGM is widespread in Nigeria and may be performed in infancy, childhood, after the first pregnancy or at death,

“FGM is carried out using various types of unsterilized instruments which include special knives, scissors, scapels, and pieces of glass or razor blades. The procedures are usually carried out by an elderly woman of the village who has been specially designated for this task or by traditional attendants. Assistants and /or family members hold down the girl to prevent her from struggling. Paste mixtures made of herbs, cow dung, hot ashes, barks and roots of trees or other mixtures are rubbed on the wound to stop the resultant bleeding. The practice of FGM is widespread in Nigeria and varies from one state and cultural setting to another. In some cultures it is carried out at infancy or childhood as a “rite of passage” to adulthood. In some other it is at first pregnancy and in some at death. In those cultures crying is prohibited until the corpse is mutilated and ceremonies performed.”¹⁹²

In 2009 the *Irish Catholic* newspaper reported research led by Nigerian Human Rights lawyer, Istifano John in the Eastern state Ebonyi, which showed that FGM was performed on girls aged one to six and 12 to 25 years old,

¹⁸⁹ World Health Organisation and Family Health Department, Federal Ministry of Health, Elimination of Female Genital Circumcision in Nigeria, December 2007, http://www.who.int/countries/nga/reports/female_genital_mutilation.pdf, accessed 6 December 2012

¹⁹⁰ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

¹⁹¹ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health, conducted via written correspondence, 12 July 2011, transcript available on request

¹⁹² World Health Organisation and Family Health Department, Federal Ministry of Health, Elimination of Female Genital Circumcision in Nigeria, December 2007, http://www.who.int/countries/nga/reports/female_genital_mutilation.pdf, accessed 6 December 2012

"The lawyer said the incidence of Female Genital Mutilation was "still very serious" and this fact had been outlined in interim research outlined to the Irish embassy in Abuja recently.

The embassy was also given video and photographic evidence of a recent case of FGM carried out on a year old infant in Eboyni.

"This is a very serious situation. It is a cultural matter. It is done to children between the ages of one and six, and later with girls between 12 years and 25 years. In some cases it is a wedding rite.

"Laws must be introduced to end the practice and people have to be enlightened about it," Mr John told *The Irish Catholic*.¹⁹³

In 2008 *Nigerian Demographic and Health Survey* reported that FGM is most commonly practiced on girls before their first birthday, two percent of girls underwent FGM between one and four years of age and 13 percent at five years or older, however the age at which FGM is practiced varies depending on ethnic group and region,

"In Nigeria, female circumcision occurs mostly during infancy. [] four in five women (82 percent) who have been circumcised had their circumcision before their first birthday. Two percent of circumcised women underwent the procedure between the ages of one and four years while 13 percent were circumcised at age five or older. The likelihood of having been circumcised at age five or older increases with age. The results show variations among ethnic groups in age at circumcision. Among the Ibibio, two-thirds of circumcised women undergo the procedure at age five or older, as do roughly half of women in the Ekoi and Ijaw/Izon ethnic groups. By zone, circumcised women in North East are most likely to have been circumcised at age five or older (47 percent), followed by South South (35 percent) and North Central (20 percent). By contrast, less than one percent of circumcised women in North West underwent the procedure at age five or older.

Differentials in age at circumcision by urban-rural residence, education and wealth are small.¹⁹⁴

2.3.3.2 FGM Type

[See also [2.3.3. FGM, 2.3.3.1 Prevalence and age](#)]

In February 2012 Nigerian newspaper *The Daily Trust* reported that FGM is practiced in most states in Nigeria with practices including a bride being cut before her wedding day, women being re-infibulated if her husband is away for long periods, dies or divorces her, the use of corrosive substances, gishiri cuts, clitoris removal and that girls are forcibly held down if they refuse to be cut,

"Ejiro Otive Igbuzor, the former executive director of Women Empowerment and Reproductive Health Centre (WERHC) speaking on the evils of female genital mutilation pointed out that the practice of FGM is performed in nearly all states in Nigeria.

Igbuzor said in different cultures, FGM exists, "in some cultures the bride is cut open by her husband with a double edged sword on her wedding night and often times to enable her re-marry, she is re-infibulated if her husband goes on a long journey, dies or divorces her.

He explained that the woman's vagina can be mutilated if corrosive substances are introduced into it to tighten it or holes are pierced around the vagina to decorate it.

¹⁹³ The Irish Catholic, Missionaries contradict Nigerian FGM claims, 9 April 2009, <http://www.irishcatholic.ie/site/content/missionaries-contradict-nigerian-fgm-claims>, accessed 1 July 2011

¹⁹⁴ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

In the North, Igbuzor said most girls are subjected to "Gishiri cuts", wherein the vagina is ripped to relieve obstructed labour or expand the vagina opening of a young girl in order for her husband to penetrate easily during sexual intercourse.

He lamented that Gishiri cut is a crude form of episiotomy but added that because the cut is usually done haphazardly, many girls have bled to death.

According to him the prevalence in the North is due to early marriages which, he added, is also responsible for the high rate of VVF.

The WERHC boss also added that the Urhobos in Nigeria remove the clitoris of young girls as a rite of passage to puberty.

His words: "It is the pride of every parent to ensure that their daughter goes through it, and any daughter that refuses to co-operate is held down usually by hefty men while the circumcisor cuts away."¹⁹⁵

In 2007 the *WHO* reported that Type I, II, III and IV are practiced in Nigeria, *WHO* further expressed concern at the medicalisation of the practice in which FGM is performed in hospitals,

"Female Genital Mutilation was traditionally the specialization of traditional healers, traditional birth attendants or members of the community known for the trade. There is however the phenomenon of "medicalization" which has introduced modern health practitioners and community health workers into the trade. *The WHO has continually and unequivocally advised that FGM must not be institutionalized, nor should any form of FGM be performed by any health professional in any setting, including hospitals or in the home setting*" [original italics]¹⁹⁶

In 2008 the *Nigerian Demographic and Health Survey* reported that 45 percent of women who underwent FGM stated that flesh was removed,

"The 2008 NDHS results on type of circumcision should be interpreted with caution because only 55 percent of circumcised women were able to report the type of circumcision they received. [] the most common type of FGC practiced in Nigeria involves the cutting and removal of flesh. Forty-five percent of the women who have undergone FGC reported that flesh was removed during their circumcision. This type of FGC is the most common in both urban and rural areas, across all zones and among all ethnic groups. Five percent of circumcised women said that they experienced infibulation, while 3 percent of circumcised women reported that they were cut with no removal of flesh during their circumcision. It is worth noting that although FGC is most common among the Yoruba, only 2 percent of Yoruba women who have been circumcised reported they underwent infibulation. On the other hand, the proportion of circumcised women who underwent infibulation is 10 percent among the Hausa and 19 percent among the Ekoi ethnic group."¹⁹⁷

2.3.3.3 FGM excisors

In 2008 *Nigerian Demographic and Health Survey* reported that 64 percent of women underwent FGM which was performed by traditional circumcisers,

"most women who have undergone FGC were circumcised by a traditional circumciser (64 percent). Traditional birth attendants performed 9 percent of circumcisions while a trained

¹⁹⁵ The Daily Trust, Women with painful lives - female genital mutilation: The silent killer, 14 February 2012, available from <http://allafrica.com/stories/201202140971.html?viewall=1>, accessed 12 December 2012

¹⁹⁶ World Health Organisation and Family Health Department, Federal Ministry of Health, Elimination of Female Genital Circumcision in Nigeria, December 2007, http://www.who.int/countries/nga/reports/female_genital_mutilation.pdf, accessed 6 December 2012

¹⁹⁷ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

nurse or midwife performed 7 percent of circumcisions; 2 percent of circumcisions were performed by a doctor.

Traditional circumcisers are the most common persons to perform FGC across all background characteristics. Traditional birth attendants perform a higher proportion of circumcisions in South East and South South zones (21 and 18 percent, respectively) than in other zones. Among ethnic groups, women in Ijaw/Izon (30 percent), Ibibio (28 percent), and Igbo (20 percent) ethnic groups are more likely to be circumcised by a traditional birth attendant than other women. At least 10 percent of circumcised women had their circumcisions performed by a nurse or midwife in the 15-19 age group, in urban areas, in South South zone, in the Ijaw/Izon ethnic group, if they attended secondary school or higher, and in the highest wealth quintile. Women with more than secondary education (4 percent) and in the highest wealth quintile (3 percent) were more likely than other women to report that a doctor performed their circumcision."¹⁹⁸

2.3.3.4 Societal discrimination & stigma

In 2007 *WHO* reports that the practice is entrenched in society with various pivotal supporters, justifications given for the practice include family honour,

"It is still deeply entrenched in the Nigerian society, where critical decision makers are grandmothers, mothers, women, opinion leaders, men and age groups. The reasons given to justify FGM are numerous, they include: custom and tradition; purification; family honour; hygiene; aesthetic reasons and protection of virginity and prevention of promiscuity. Others include increased sexual pleasure of husband; enhancing fertility; giving a sense of belonging to a group and increasing matrimonial opportunities."¹⁹⁹

In 2008 *Nigerian Demographic and Health Survey* reported that in many cultures FGM is an accepted way of socialising women,

"In many cultures, FGC is a recognised and accepted practice that is considered important for the socialisation of women, curbing their sexual appetites, and preparing them for marriage."²⁰⁰

In 2008 *Nigerian Demographic and Health Survey* reported that over half of women and men reported that there were no benefits to FGM. Where benefits were reported women most commonly stated them to be the preservation of virginity and prevention of premarital sex, other benefits given were marriage prospects, social acceptance, cleanliness, enhanced sexual pleasure for men and religious approval,

"Among women, the most commonly reported benefit was to preserve virginity or prevent premarital sex, mentioned by 11 percent of women. Eight percent of women said that better marriage prospects and social acceptance are benefits of circumcision, 6 percent mentioned cleanliness or hygiene, and 5 percent mentioned enhanced sexual pleasure for men as a benefit of female circumcision. Only 2 percent of women said that religious approval is a benefit. The proportion of women who reported that the preservation of virginity or prevention of premarital sex is a benefit of female circumcision is highest in the South East and South West zones (20 and 13 percent, respectively). It is also the benefit most commonly mentioned by women in the Igbo and Yoruba ethnic groups. Among the Ekoi, improved

¹⁹⁸ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

¹⁹⁹ World Health Organisation and Family Health Department, Federal Ministry of Health, Elimination of Female Genital Circumcision in Nigeria, December 2007, http://www.who.int/countries/nga/reports/female_genital_mutilation.pdf, accessed 6 December 2012

²⁰⁰ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

marriage prospects is the most commonly mentioned benefit, while among the Hausa, improved sexual pleasure for the man is mentioned most often."²⁰¹

In 2008 *Nigerian Demographic and Health Survey* reported that men most commonly reported benefits of FGM as being the preservation of virginity and prevention of premarital sex, enhanced sexual pleasure for men, marriage prospects, social acceptance, cleanliness and religious approval,

"As seen for women, the benefit of female circumcision most commonly mentioned by men is preservation of virginity or prevention of premarital sex (17 percent). Men were more likely than women to mention sexual pleasure of the man as a benefit of female circumcision (7 percent). Six percent of men said that improving marriage prospects is a benefit. Social acceptance was also given as a benefit by 6 percent of men, and 4 percent mentioned cleanliness or hygiene. Three percent of men said that religious approval is a benefit of female circumcision."²⁰²

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* stated that the practice of FGM is gradually reducing, but when practiced family honour, hygiene, protection of virginity and deterrent from promiscuity are used as justifications. The *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* report that girls are socialised to accept FGM as a pre-requisite to marriage and as a rite of passage into womanhood, uncircumcised girls may be considered culturally dirty and excluded from family and social functions including marriage,

"FGM though is still practiced, the incidence is gradually reducing. One of the most common explanations of FGM is local custom. Often times the families are not aware of the real implications of FGM, and the extreme health risks that it represents.

Family honor, cleanliness, insurance of virginity and faithfulness to the husband, or simply terrorizing women out of sex are sometimes used as excuses for the practice of FGM. Therefore families who have such beliefs will do everything to ensure their girls are circumcised. But I still emphasize the fact that the practice has diminished in most parts of the country.

Also at birth in some cultures in Nigeria the girl child has been socialized to accept the practice as the norm and value of the society and a pre-requisite for marriage, since marriage is seen as mandatory for a girl in Nigeria some of the girls voluntarily subject themselves to FGM as an initiation into womanhood in which other rituals will be performed on the girl child as from the age of 13. If in that culture you are not circumcised no man will want you as a bride and there are some functions within the family that you cannot perform because you are considered dirty culturally."²⁰³

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that women faced societal stigma and discrimination as a result of obstetrical fistula caused by FGM, including isolation, lack of economic support, divorce, and abuse,

"FGM often resulted in obstetrical fistula (a tearing of the vaginal area as a result of prolonged, obstructed labor without timely medical intervention). Most fistulas resulted in the death of the baby and chronic incontinence in the woman. The social consequences of fistula included physical and emotional isolation, abandonment or divorce, ridicule and shame, infertility, lack of economic support, and the risk of violence and abuse. The

²⁰¹ National Population Commission (NPC) [Nigeria] and ICF Macro, *Nigerian Demographic and Health Survey 2008, 2009*, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

²⁰² National Population Commission (NPC) [Nigeria] and ICF Macro, *Nigerian Demographic and Health Survey 2008, 2009*, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

²⁰³ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health*, conducted via written correspondence, 12 July 2011, transcript available on request

absence of treatment greatly reduced prospects for work and family life, and affected women had to rely on charity."²⁰⁴

In 2008 *Nigerian Demographic and Health Survey* reported that on average 62 percent of women think FGM should be discontinued,

"three in five women who have heard of female circumcision are of the opinion that the practice should be discontinued (62 percent). Twenty-two percent think it should be continued, and fifteen percent are not sure. There is surprisingly little variation in attitudes towards circumcision by age. Only women in the oldest age group (45-49 years) are slightly more likely than younger women to say that circumcision should be continued (25 percent compared with 22 percent or less). Urban women are slightly more likely than rural women to believe that circumcision should be discontinued (66 percent compared with 59 percent).

By zone, it is interesting to note that a high percentage of women in the Southern zone (between 59 and 70 percent), where the practice is most prevalent, do not want it to continue. More than three-quarters of women in the Ekoi, Ibibio, and Ijaw/Izon ethnic groups want the practice discontinued. On the other hand, women from Yoruba, Hausa, and Igbo ethnic groups are most likely to say that the practice should continue. Support for the practice decreases with increasing level of education."²⁰⁵

In 2008 *Nigerian Demographic and Health Survey* reported that on average 64 percent of men think FGM should be discontinued, however responses varied between regions,

" Sixty-four percent of men think that the practice should be discontinued, 24 percent think it should continue, and 11 percent are not sure. Unlike women, men in urban areas are more likely than those in rural areas to support the continuation of female circumcision. By zone, men in North East are most likely to think that circumcision should be discontinued (82 percent), while men in South West are least likely (42 percent). Among ethnic groups, Yoruba and Igbo men are most likely to support the continuation of circumcision. However, Hausa men are less likely than Hausa women (14 percent compared with 29 percent) to support the continuation of the practice."²⁰⁶

2.3.3.5 FGM by force

In 2006 correspondence with the *Immigration and Refugee Board of Canada* Women's Rights Watch Nigeria reported that women of the Urhobo in Delta State were kidnapped and forcefully circumcised,

"The Project Coordinator of Women's Rights Watch Nigeria also indicated in her correspondence that kidnapping and forced FGM occurs in Nigeria (24 Aug. 2006). The Project Coordinator stated that

Among the Urhobo Tribe of Delta State, the women are not notified of the date of [their] circumcision. They are kidnapped and forcefully circumcised during pregnancy. The authorities have done nothing and only pay lip service to the prevention of FGM. Even though some states have passed a law making FGM a crime, there has been no prosecution and FGM is still practised daily in Nigeria."²⁰⁷

²⁰⁴ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

²⁰⁵ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

²⁰⁶ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

²⁰⁷ Immigration and Refugee Board of Canada, Nigeria: Consequences for parents who refuse to submit their daughters to the practice of female genital mutilation; reports of women, girls or children being abducted and forced to undergo the procedure; response by authorities to complaints; and legal recourse, 30 October 2006, NGA101531.E, available from <http://www.unhcr.org/refworld/docid/45f147861b.html>, accessed 12 December 2012

In response to a question on whether a woman, her husband and children would be able to internally relocate to avoid being detected by Ogboni members (the context of the question implied but did not specifically state, to escape FGM) the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* stated in a July 2011 interview with CORI that they had not had experience of cases involving Ogboni members, but that a family could relocate to avoid detection. The *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported accounts of abduction and forced FGM by relatives,

"It is possible for a family to relocate within Nigeria without being detected. All they need to do is to go to a far place and change their contacts. But then in our 26 years of work on FGM in Nigeria we have not come in contact with the Ogboni cult but have heard of cases where mothers in law, grandmother in laws and grand aunts have abducted girls from their parents to go and circumcise the girls. A very recent case in which the girl child died but the mother who was forcefully circumcised survived the ordeal readily comes to mind."²⁰⁸

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* stated that it would be difficult for a woman to resist family pressures to submit her daughter to FGM,

"Nigeria is a patriarchal society and women don't usually have a say in the family especially when it comes to issues like this [FGM]. It will really be difficult for any woman to succeed in resisting pressures from relative especially when her husband is in support."²⁰⁹

In response to a question on the likelihood of an eight month old baby being subjected to FGM against her mothers will by family members the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* stated that,

"It is possible especially when the father of the child and other key members of the family are in support. Sometimes the father would insist that his wife (the mother of the baby) should take instructions from his mother whom he has absolute confidence in."²¹⁰

In February 2012 Nigerian newspaper stated that according to Dr Haliru Wara from the Federal Medical Centre FGM has immediate, short term and long term medical consequences,

"Some of the consequences of FGM, Dr Haliru Wara from Federal Medical Centre said include severe/violent pain, shock, hemorrhage, urine retention, ulceration of the genital region, infection and septicaemia.

Other later effects are sexual dysfunction, cysts, keloids, difficult labour and infant mortality. While psychosocial and psychological health problems include anxiety, depression, infection including HIV, neuroses and death."²¹¹

2.3.3.6 Access to justice

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that no legal action was taken by the Federal Government to curb FGM and despite 12 states banning FGM local governments did not always accept that state laws applied in their district,

"The federal government publicly opposed FGM but took no legal action to curb the practice. Twelve states banned FGM; however, once a state legislature criminalized FGM,

²⁰⁸ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health, conducted via written correspondence, 12 July 2011, see appendix for full text transcription

²⁰⁹ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health, conducted via written correspondence, 12 July 2011, transcript available on request

²¹⁰ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health, conducted via written correspondence, 12 July 2011, transcript available on request

²¹¹ The Daily Trust, Women with painful lives - female genital mutilation: the silent killer, 14 February 2012, available from <http://allafrica.com/stories/201202140971.html?viewall=1>, accessed 12 December 2012

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."²¹²

In an interview with CORI in July 2011 the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* stated that the implementation of laws banning FGM was ineffective,

"Legislations have not really mattered in Nigeria as no one has been prosecuted for the practice even in states where FGM has been banned."²¹³

In a 2009 expert paper submitted to UN Division for the Advancement of Women the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported that despite the existence of laws in some states that,

"Some bold excisers make mockery of the laws and dare any law enforcement agent to arrest them."²¹⁴

In an undated article *UNICEF* expresses concern at the high prevalence of FGM despite legislation and policies against it,

"Another disturbing trend is the high prevalence rate of Female Genital Mutilation (FGM) in Nigeria despite the various policies and legislations that have been put in place against the practice."²¹⁵

In an interview with CORI in July 2011 the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported that there was little information on the treatment of parents who refuse to allow their daughter to be cut,

"Information on the consequences for parents in Nigeria who refuse to submit their daughters to FGM is scarce."²¹⁶

In April 2009 the *Irish Times* reported Amnesty International's Irish section as stating that Nigeria was unable to protect girls from FGM,

"Amnesty International's Irish section yesterday reiterated its view that Nigeria cannot protect girls from genital mutilation. "This is clear from the Nigerian government's own statements to the UN in 2006 and again in 2008," said Colm O'Gorman, its executive director. "The claim that genital mutilation is not a problem in Nigeria, or that the Nigerian state can protect girls from it, is absolutely false."²¹⁷

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

²¹² United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

²¹³ CORI Interview with Oyefunso Orenuga and Oyenyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health, conducted via written correspondence, 12 July 2011, transcript available on request.

²¹⁴ United Nations Division for the Advancement of Women, Legislation to address the issue of female genital mutilation (FGM), Expert paper prepared by Berhane Ras-Work, Intern African Committee on Traditional Practices Affecting the Health of Women and Children, May 2009, http://www.un.org/womenwatch/daw/egm/vaw_legislation_2009/Expert%20Paper%20EGMGPLHP%20Berhane%20Ras-Work%20revised.pdf, accessed 6 December 2012

²¹⁵ UNICEF, Violence against children, undated, http://www.unicef.org/nigeria/children_1936.html, accessed 30 November 2012

²¹⁶ CORI Interview with Oyefunso Orenuga and Oyenyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health, conducted via written correspondence, 12 July 2011, transcript available on request

²¹⁷ The Irish Times, Nigerian report contradicts FGM claim of diplomat, 4 April 2009, <http://www.irishtimes.com/newspaper/ireland/2009/0402/1224243862271.html>, also available at http://www.fgmnetwork.org/gonews.php?subaction=showfull&id=1240248897&archive=&start_from=&ucat=1&, accessed 30 November 2012

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.”²¹⁸

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.”²¹⁹

In September 2010 Nigerian online newspaper *This Day* reported that Grace Akpabio speaking on the role of the National Youth Service Scheme in raising awareness of FGM stated that many women are unaware of their human rights,

“Most women in Nigeria are unaware of their basic human rights and do not see the practice of FGM as an infringement on their human rights.”²²⁰

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.”²²¹

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.”²²²

²¹⁸ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

²¹⁹ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

²²⁰ This day, Curbing female genital cutting, 9 September 2010, available from <http://allafrica.com/stories/201009100282.html>, accessed 6 December 2012

²²¹ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

²²² CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

2.4 Marriage

2.4.1 Polygamy

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that polygamy is legal and widely practiced,

"Polygyny remained legal and widely practiced among many ethnic and religious groups."²²³

The 2008 *Nigeria Demographic and Health Survey* reported that 33 percent of married Nigerian women are in polygamous unions, almost half the married women surveyed who had no education were in polygamous marriages, compared to 9 percent of women who had more than secondary education,

"33 percent of married women in Nigeria are in polygynous unions. Twenty-six percent of women reported they have one co-wife, while 7 percent have two or more cowives. The level of polygyny increases with age, from 26 percent among women age 15-19 to 44 percent among women age 45-49. A higher proportion of rural women are in polygynous unions (38 percent) than their urban counterparts (22 percent). There are marked zonal differences in the level of polygyny, with the practice being more common in the northern zones: 43 percent in North East, 42 percent in North West, and 37 percent in North Central. Polygyny decreases with level of education.

Nearly half of women with no education (46 percent) are in polygynous unions, compared with 9 percent of women with more than secondary education. Women in the lower wealth quintiles are more likely to have polygynous marriages than those in the higher wealth quintiles. Sixteen percent of married men age 15-49 reported having two or more wives (Table 6.2.2). Older men, those in rural areas, those in the northern zones, those with lower levels of education, and those in the lowest two wealth quintiles are more likely to have two or more wives than are other men."²²⁴

2.4.2 Bride Price/Dowry

In December 2011 Nigerian newspaper *The Daily Trust* reported that bride price is an important traditional practice within Nigerian marriage customs and may come in the form of cash, gifts or services,

"The bride price is a payment made by the groom to the family of the bride. Payment of the bride price is one of the most significant traditional practices in Nigerian marriages. It may come in form of cash, gifts and rendering of services. The fulfilment of the bride price confers on the marriage recognition under Nigerian laws."²²⁵

In December 2011 Nigerian newspaper *The Daily Trust* reported that a high bride price, set by her family, may prevent a woman being able to marry,

"However, the rigidity of the bride price has been fingered as one of the major causes of delayed marriages in the society. Some of the instances from persons interviewed have pointed in this direction.

As a mature lady from Rivers State, Linda believes her anticipated marriage should have been. Her dream has been delayed by her father's inordinate desire to collect triple the

²²³ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

²²⁴ National Population Commission (NPC) [Nigeria] and ICF Macro, Nigerian Demographic and Health Survey 2008, 2009, <http://www.measuredhs.com/pubs/pdf/FR222/FR222.pdf>, accessed 12 December 2012

²²⁵ The Daily Trust, Should we retain the bride price? 2 December 2011, available from <http://allafrica.com/stories/201112020448.html?viewall=1>, accessed 12 December 2012

traditional bride price on her head each time a suitor called. Linda is also hurt by the fact that her mates had their bride prices reasonably fixed by their parents to ease their marriages.

Like Linda, Hauwa Jacobs from Kaduna State says apart from societal or customary requirements in marriage, her family has made it difficult for her to settle down.

"In my part of the country, bride price is not rigidly adhered to. Though grooms are required to present gifts and other customary items to the bride's family, it is mostly optional and negligible. But in my own case, my family has not been cooperative", she bemoaned.

The above instances bring to fore once again the growing debate about the place of the bride price as a customary prerequisite for marriage in all national cultural settings. Indeed it does appear Nigeria's bride price is among the highest in Africa.

Many an aspiring couple have had their aspirations put in abeyance or worse, truncated, by the abuse of the bride price. For this reason and more, many of the persons in this category have called for the abrogation of the bride price in the country."²²⁶

In December 2011 Nigerian newspaper *The Daily Trust* reported that bride price is considered to give a marriage legitimacy and acts as compensation to the woman's family for their investment in her upbringing,

"On the other hand conservatives insist that bride price is a necessary requirement for the union to have legitimacy. They further explain that the parents of the bride, having invested substantially in the upbringing of their daughter, require a symbol of appreciation, not obligation, for producing and letting go of such priceless asset being the token called the bride price."²²⁷

In December 2011 Nigerian newspaper *The Daily Trust* reported that bride price requests differ between ethnic groups,

"For instance among the Yoruba, the groom is required to provide materials in the list. Items such as alligator pepper, yam, and honey are given to the family of the bride.

Wedding requirements among the Igbo and other areas, the bride price includes different gift items for the mother of the bride, father of the bride, the youths, relatives among others.

Among the Hausa, the groom is required to present the bride's family with gifts of wrapper, jewellerys, shoes, veil, make up items, blouses all inside boxes. Some family also require the payment of a certain amount of money known as the Sadaki.

In some cases, the level of the girl's education and family value contribute in determining the bride price. In other cases they stick to the traditional list of items for the community."²²⁸

In August 2012 *The Nigerian Observer* reported that within Igbo culture the bride price give rights to the children produced in the marriage and is returned if the wife remains childless, in some areas the price is seen as buying the wife,

" Before the marriage, the young man who is in love with the girl would speak to his parents about her. The parents will then investigate not only the physical beauty but also her physical, mental and moral back ground, then her resourcefulness, graceful temper, and

²²⁶ The Daily Trust, Should we retain the bride price? 2 December 2011, available from <http://allafrica.com/stories/201112020448.html?viewall=1>, accessed 12 December 2012

²²⁷ The Daily Trust, Should we retain the bride price? 2 December 2011, available from <http://allafrica.com/stories/201112020448.html?viewall=1>, accessed 12 December 2012

²²⁸ The Daily Trust, Should we retain the bride price? 2 December 2011, available from <http://allafrica.com/stories/201112020448.html?viewall=1>, accessed 12 December 2012

her general ability to work well. The background of the girl's parent would also be examined. The young man's parent would also inquire carefully vices like murder, theft, lying, disobedience and other undesirable behaviour. If the would-be wife's mother is later found to be lazy, idle, gossipy, quarrelsome, way word, disobedience to her husband, the boy's parent may conclude that the daughter may possess these vices. If however, the inquires are satisfactory, the two families may look forward to the settlement of the bride wealth. The would-be husbands and wife may exchange visits, which are usually regulated by custom and supervised by their parents. In Igbo land, the period of courtship consists of first meeting, other meetings of the two people concerned, the mutual inquiries conducted by both extended families and the state of friendship leading into the actual celebration of the marriage.

The groom's father will introduce himself and his son to the family of the bride the bride's father welcomes the guests invites his daughter to come and asks her if she knows the groom. Then, the bride's price settlement (Ika-akalika) starts with the groom accompanied by the bride's compound on another evening.

The groom's people bring wine and kola nuts to the bride's father. After they have been served with meal, the bride's price is being negotiated between. At times, there is only a symbolic price to be paid for the bride but in addition other prerequisites (kola nuts, goats, chicken, wine etc) are listed as well. Usually it takes more than one evening before the final bride's price is settled, offering guest from both sides a glamorous feast. The money and goods are counted while relatives and friends are served drinks and food in the bride's compound.

Despite these rigorous processes that the would-be groom would go through to marry the bride, the payment has undoubtedly become extremely difficult in the present day Igbo land. In fact, a poor person can no longer marry in the zone as the bride price runs into millions of naira. This has given credence to the numerous interpretation given to the price in the East. In many cases, groups justify the practice by claiming that the wealth received compensates them for time and trouble taken to raise the daughter who will be sent off to live with another family. Others viewed it as compensation for the loss of a daughter's economic services or for the children she adds to her new family.

In the zone, the bride price is often seen as a payment to acquire rights in the children of the marriage, hence it is returned when the women is found to be barren or leaves before producing children. Most people think bride price arrangement in the East constitute an actual purchase of wife, or similar to buying a slave. Bride price is often recognised as an integral part of customary law marriage.²²⁹

In August 2012 Nigerian newspaper *The Daily Trust* reported that bride price had been harmonised in some areas of Imo due to concerns that young people were remaining unmarried due to prohibitive bride prices,

"Mixed reactions have trailed the harmonisation of bride prices in various communities in Imo by the traditional parliament recently inaugurated by Gov. Rochas Okorochoa.

Some residents who spoke with the News Agency of Nigeria (NAN) in separate interviews expressed the belief that the move was timely and important.

Others were, however, of the view that the resolution would not be in the interest of members of the community and as such might not see the light of the day.

²²⁹ The Nigerian Observer, Consequences of high bride price in Igbo land, 27 August 2012, <http://nigerianobservernews.com/27082012/features/features3.html>, accessed 12 December 2012

Those in favour of the harmonisation reasoned that many youths, especially the girls, stayed longer than necessary before getting married because of high bride price and other exigencies involved in traditional and church weddings."²³⁰

2.5 Honour crimes

2.5.1 Acid attacks

In October 2011 Nigerian newspaper *The Daily Trust* reported that there was a high rate of acid attacks in Nigeria, but that there was no specific legislation criminalising them,

"Acid attack, like other forms of violence against citizens, is highly condemnable. No matter how the action or inaction of fellow citizens makes us feel, acid attack is certainly one of the most barbaric forms of reacting to disappointments. The high rate of this home-grown crime especially among our youths suggests how the Nigerian society has lost moral and ethical values. []

The crime of acid attack is no less criminal than murder, and should be treated as such. Severe punishment should be meted out on culprits to deter others. The National Assembly should move quickly to enact legislation on the matter. The enforcement of appropriate sanctions on offenders would help to check the rising cases of acid attacks in the country."²³¹

In October 2011 Nigerian newspaper *The Daily Trust* reported that most acid attacks against women have occurred if she refused a man's advances or marriage proposal. *The Daily Trust* reported that in some cases the criminal justice system has been slow to respond,

"The plight of Franca Ogbu Adima Paul, a female student of Modibbo Adama University of Technology, Yola, is one of the many recent cases of man's inhumanity to a fellow human being.

Franca was reading in the early hours of May 5, 2011 at the mechanical engineering block of the institution in preparation for examinations when concentrated acid was spilled on her face. Franca's offence, according to reports of the university investigation panel on the matter, was that she turned down a request for friendship tendered by Nkire Bright Chibuzo, a final year student. While Franca remains deformed and in severe pains, Bright who was dismissed by the university is yet to be convicted for his crime.

A female NYSC member, Onyinye Blessing Agu, was attacked with acid by her former boy friend. Onyinye, a self-acclaimed born-again Christian, decided in December 2010 to end the relationship she had with Ifeanyi Collins Ude. Two months later, Ifeanyi travelled from Enugu to Lagos where Onyinye was serving as a Youth Corp member. When Onyinye was seeing Ifeanyi off, the latter brought out a container from the plastic bag he was carrying, poured acid on Onyinye and ran away. The attack left the young Onyinye deformed. In a recent newspaper interview, Onyinye complained bitterly about the way police have been handling the case."

Victims of acid-bath are attacked by perpetrators of the crime for various malicious reasons. In most cases in Nigeria, it occurs when a young girl or woman rejects a marriage proposal from a man. This explains why women are predominantly victims of this brutal crime of passion, even though incidences outside passion have also been recorded in the country."²³²

²³⁰ The Daily Trust, Reactions trail harmonisation of bride prices by Imo parliament, 29 August 2012, <http://allafrica.com/stories/201208300458.html?viewall=1>, accessed 12 December 2012

²³¹ The Daily Trust, Nigeria: Curbing incessant acid attacks, 6 October 2011, available from <http://allafrica.com/stories/201110060699.html>, accessed 9 December 2012

²³² The Daily Trust, Nigeria: Curbing incessant acid attacks, 6 October 2011, available from <http://allafrica.com/stories/201110060699.html>, accessed 9 December 2012

In March 2012 Nigerian newspaper *Punch* a woman was blinded in an acid attack after she turned down a man's advances,

"When a man, Alabi Olokode, made advances to Lateefah Adesope, a National Diploma holder, the lady simply turned him down on the grounds that her heart was not with him.

Like a desperate man that he is, Olokode persisted. But Lateefah maintained her stand. This, however, did not go down well with the desperate suitor.

As usual, Lateefah set out for mosque around 5.30am on December 30, 2011, for her prayers.

She said, "I was on my way to say my morning prayers at Tekunudeen Mosque, Aboru on Friday, December 30, 2011, when Olokode, who was hiding near the mosque, suddenly called my name. As I turned back, he poured a liquid substance on my face.

"The liquid went straight into my eyes and started burning my face. At that time, I didn't know it was acid but I just realised that I couldn't open my eyes because of the burning sensation I was having.

"When I started screaming, people around me confirmed it was acid because the substance consumed part of my veil."²³³

In March 2012 Nigerian newspaper *Punch* reported that the perpetrator had been arrested two months following the attack,

"The Police Public Relations Officer, Mr. Joseph Jaiyeoba, said Olokode had been arrested.

He said, "Policemen attached to the Oke-odo Division were able to arrest Olokode on Sunday following a tip-off.

"The suspect denied the allegations and said he was her boyfriend. He has been transferred to the State Criminal Investigation Department, Yaba, and investigation is ongoing."²³⁴

In October 2011 Nigerian newspaper *The Daily Trust* reported that in one case a daughter was attacked by her father who accused her of being a witch,

"One such horrendous case involved a father in Nasarawa State who allegedly poured acid on his daughter on suspicion of her being a "witch"."²³⁵

In October 2011 Nigerian newspaper *The Daily Trust* reported that women who have been injured by an acid attack may suffer social isolation and be unable to marry, work or study,

"When acid is thrown on a person, the consequences can be horrifying. Hydrochloric or sulphuric acids have catastrophic effects on human flesh. It causes the skin tissue to melt, often exposing the bones below the flesh; sometimes even dissolving the bone. Many acid attack survivors have lost the use of one or both eyes. The victim is more often traumatized physically and psychologically. Acid attack also changes the life of the victim as survivors are forced to give up their education or occupation as the case may be. The effect is worse

²³³ *Punch*, Girls loses eyes after acid attack by suitor, 6 March 2012, <http://www.punchng.com/metro/girl-loses-eyes-after-acid-attack-by-suitor/>, accessed 9 December 2012

²³⁴ *Punch*, Girls loses eyes after acid attack by suitor, 6 March 2012, <http://www.punchng.com/metro/girl-loses-eyes-after-acid-attack-by-suitor/>, accessed 9 December 2012

²³⁵ *The Daily Trust*, Nigeria: Curbing incessant acid attacks, 6 October 2011, available from <http://allafrica.com/stories/201110060699.html>, accessed 9 December 2012

when the victim is the bread-winner of a family. Victims, due to scars left on their skin by acid, most often suffer social isolation which further destroys their self-esteem and confidence. Female survivors of acid bath, if unmarried, have difficulties in finding husbands."²³⁶

In March 2012 Nigerian newspaper *Punch* reported that a woman attacked by acid feared that due to her injuries she would remain unmarried, childless and unable to return to her studies,

"Lateefah, who sobbed uncontrollably, told our correspondent that life had been unbearable ever since her ordeal.

She said, "I didn't offend Olokode in anyway, he had been making advances at me and I refused to date him. So, he decided to destroy my life.

"I cannot see again, I have no fiancé, no child and all my dreams and aspirations seem like a fairytale.

"I was still trying to gather money to go back to school so I'll be able to take care of my family but now I've become a liability to my family."

Her mother, who spoke amid tears, said the family had spent all their savings on medical bills."²³⁷

B. Victims and persons at risk of trafficking

1. Prevalence

In 2012, the *USDOS Trafficking in Persons Report* stated that Nigeria is a source, destination and transit country for women and children subjected to forced labour and trafficking,

"Nigeria is a source, transit, and destination country for women and children subjected to forced labor and sex trafficking. Trafficked Nigerians are recruited from rural, and to a lesser extent urban, areas within the country: women and girls for domestic servitude and sex trafficking, and boys for forced labor in street vending, domestic service, mining, stone quarries, agriculture, and begging. Nigerian women and children are taken from Nigeria to other West and Central African countries, as well as South Africa, where they are exploited for the same purposes. Children from West African countries, primarily Benin, Ghana, and Togo, are forced to work in Nigeria, and many are subjected to hazardous labor in Nigeria's granite mines. Nigerian women and girls, primarily from Benin City in Edo State, are subjected to forced prostitution in Italy, while Nigerian women and girls from other states are subjected to forced prostitution in Spain, Scotland, the Netherlands, Germany, Turkey, Belgium, Denmark, Finland, France, Sweden, Switzerland, Norway, Ireland, Slovakia, the Czech Republic, Greece, and Russia. Nigerian women and children are recruited and transported to destinations in North Africa, the Middle East, and Central Asia, where they are held captive in the sex trade or in forced labor. Nigerian women are trafficked to Malaysia where they are forced into prostitution and to work as drug mules for their traffickers."²³⁸

²³⁶ The Daily Trust, Nigeria: Curbing incessant acid attacks, 6 October 2011, available from <http://allafrica.com/stories/201110060699.html>, accessed 9 December 2012

²³⁷ Punch, Girls loses eyes after acid attack by suitor, 6 March 2012, <http://www.punchng.com/metro/girl-loses-eyes-after-acid-attack-by-suitor/>, accessed 9 December 2012

²³⁸ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

In 2010 the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs, the *Integrated Regional Information Networks (IRIN)* stated that the number of men, women and children trafficked in Nigeria is unknown but that over 4,000 victims had been intercepted between 2004 and 2009,

"How many men, women and children are trafficked each year in Nigeria is unknown – the only figures on record are the number of people law enforcement officers have intercepted since the National Agency Prohibiting Trafficking in Persons (NAPTIP) was set up in 2004. Over 4,000 victims were intercepted between 2004 and the end of 2009, with the number rising each year to reach 1,000 in 2007 and 1,269 in 2008, according to NAPTIP.

Most children trafficked and smuggled in Nigeria are sent by families to work as domestic labourers, with a minority used as street beggars, or sold into marriage or to illegal orphanages, according to NAPTIP. Families pay middlemen to take children across the borders to West African destinations like Togo and Cameroon, or north to Saudi Arabia, said Simon Chuzie Egede, the head of NAPTIP. The UN Children's Fund (UNICEF) child protection specialist in Abuja, Sharon Oladiji, said poverty was still the main reason families pushed children to leave home to find work."²³⁹

In 2012 the report *Freedom in the World* but the British NGO *Freedom House* stated that Nigerian women and children are trafficked domestically and abroad for forced labour and sexual exploitation and comprise approximately 70% of the estimated number of African women victims of trafficking,

"Nigerian women and children are trafficked domestically and abroad for forced labor and sexual exploitation, and citizens of neighboring countries are brought into Nigeria for similar reasons. Nigerian women and girls comprise approximately 70 percent of the estimated 70,000 African women victims of trafficking. The authorities, particularly under the National Agency for the Prohibition of Trafficking in Persons (NAPTIP), have apparently increased prosecution of offenders, and the government sponsors awareness-raising programs and a number of shelters for victims."²⁴⁰

In 2010 an article by Francisca Isi Omorodion for the *African Journal of Reproductive Health* stated that the Delta and Edo States of Nigeria have been documented as the primary source for victims of trafficking,

"[] Delta and Edo States are the two areas of Nigeria documented as the primary source for victims of trafficking. Hence in the last decade, international and national governments, NGOs, private sector organizations and individuals have increasingly become interested in activities to discourage young persons, particularly girls, from being trafficked. The study anticipated that this increased awareness of trafficking among the youth is more likely to produce a negative attitude to trafficking and unwillingness to be trafficked. [] Although the data indicate that a large proportion of the students were aware of trafficking for sex work, many students continue to identify poverty (69.8%), unemployment (58.1%), and hope for better life (48.5%), illiteracy (46%), entrapment (28.7%) and false marriage (23.1%) as factors increasing the vulnerability of young persons to trafficking. This finding supports claim that poverty and unemployment remained the primary contributors to the success of global trafficking. Moreover, entrapment and forced marriage are indicators of family violence, which support finding that human trafficking is a part of the violence against women in non-western societies, which violates their fundamental human rights.

[] well-organized and lucrative businesses specializing in the recruitment and transportation of persons, mainly females, to international markets in Europe, and the Middle East continue to make trafficking attractive to many marginalized individuals and

²³⁹ IRIN Africa, NIGERIA: Trafficking convictions up but progress slow, 15 March 2010, <http://www.irinnews.org/Report/88424/NIGERIA-Trafficking-convictions-up-but-progress-slow>, accessed 19 November 2012

²⁴⁰ Freedom House, *Countries at Crossroads*, 2012, Nigeria, <http://www.freedomhouse.org/report/countries-crossroads/2012/nigeria>, accessed 20 November 2012

groups, particularly women and girls from impoverished areas. Such findings partially explain our current finding that students of Edo heritage were least likely to perceive sex trafficking as risky, which may explain the continued exposure and vulnerability of Edo young girls to trafficking for sex trade [] trafficking is a social malady that plagues the poor and disadvantaged groups in Edo and Delta states of Nigeria. While the potential exists to eliminate human trafficking for sex trade, this will require a number of structural and legislative changes."²⁴¹

In February 2010 a research paper for the *International Journal of Sociology and Anthropology* stated that as a result of poverty women, are migrating in order to be able to provide for their families,

"Nigeria is a country of origin, transit and destination for human trafficking and is subject to both national and international flows of human trafficking. Women and children make up the vast majority of the human trafficking chain. This is a result of push factors that are rooted in poverty, inequality and discrimination, resulting in survival strategies that expose the most vulnerable to exploitation and abuse. Pull factors include the lure of opportunity and huge economic differentials that make even relatively poor neighboring regions seem a likely source of livelihood; as well as the lucrative trade in adoption and organ transplants.

Nigerians are generally poor financially, with about two-thirds living in rural areas and earning less than \$1 per day. The income level amongst the population and level of education, especially amongst women is very low. As a result of poverty and a lack of income generating opportunities at home, more and more women, especially young women, are migrating in order to be able to provide for their families, both within their country and overseas. [] Trafficking in human beings is a crime in which victims are moved from poor environments to more affluent ones, with the profits flowing in the opposite direction, a pattern often repeated at the domestic, regional and global levels. Trafficking in human beings is not confined to the sex industry. Children are trafficked from Nigeria to work in sweatshops as bonded labor in European and America countries. [] Multivariate logistic regression analysis revealed that increase of school dropouts, lack of governments' monitoring of trade working environments, poor socio-economic conditions in terms of low asset index and low monthly income appeared to be significantly associated with trafficking in women and children."²⁴²

In 2011, the *USDOS Human Rights Report* stated that in addition to children who were citizens, there had been reports of thousands of Beninese children forced to work in mines in Ogun State,

"In addition to children who were citizens, there were reports of thousands of trafficked Beninese children forced to work in granite mines in Abeokuta, Ogun State. An international NGO worked with state government officials to eliminate the number of child workers under age 14 and acted as an ombudsman to advocate for 14- to 16-year-old workers. In Abakaliki, Ebonyi State, and near Lafia, in Nassawara State, children could be seen hammering down large pieces of rocks, stacking them into piles, and carrying them on their heads, but there were no official statistics on their state or country of origin. In Zamfara State children were employed in industrial facilities used to process gold ore, exposing them to hazardous conditions. International observers reported improvement in conditions later in the year.

[] Private and government initiatives to eliminate child labor continued but remained mostly ineffective. The government gradually implemented the ILO/International Program for the Elimination of Child Labor (ILO/IPEC) Sustainable Tree Crop Program in the cocoa and other agricultural subsectors. A component of the ILO/IPEC project sensitized farmers to

²⁴¹ Vulnerability of Nigerian Secondary School to Human Sex Trafficking in Nigeria by Francisca Isi Omorodion , African Journal of Reproductive Health Vol 13 No 2 June 2010 <http://www.ajol.info/index.php/ajrh/article/view/55691/44159> accessed 2 December 2012

²⁴² Trafficking in women and children: A hidden health and social problem in Nigeria S. Abdulraheem and A. R. Oladipo, International Journal of Sociology and Anthropology Vol. 2(3), pp. 034-039, March 2010, <http://www.academicjournals.org/ijisa>, accessed 2 December 2012

issues relating to hazardous child labor and child trafficking for labor exploitation. Akwa Ibom, Ondo, Cross River, and Abia states participated in the program during the year. In October the government launched an ILO/IPEC project to reduce child labor and trafficking in stone quarries in Ogun State."²⁴³

On 27 September 2011 *The United States Department of Labor (USDOL) 2010 Report*, Findings on the Worst Forms of Child Labor, stated that children in Nigeria are trafficked internally for work in domestic service, agriculture, street-peddling and begging and externally for "work in the worst forms of child labor",

"Nigeria is a source, transit and destination country for child trafficking. Children in Nigeria are trafficked internally for work in domestic service, agriculture, street-peddling and begging. Children are also trafficked from Nigeria for work in the worst forms of child labor in West and Central Africa as well as to the U.K. and Saudi Arabia. Children are trafficked into Nigeria from the Central African Republic and Liberia for work in agriculture, domestic service, vending and mining. They are trafficked from Togo for the same jobs and for commercial sexual exploitation. Chadian children are trafficked to Nigeria to herd cattle, while children from Niger are trafficked to Nigeria to beg and perform manual labor. Beninese boys are also trafficked into Nigeria to work in granite mines and gravel quarries."²⁴⁴

In August 2010 *Human Rights Watch* stated that the majority of Nigerian victims it interviewed in Côte d'Ivoire told both Human Rights Watch and the Nigerian embassy that they came from Delta and Edo States in southern Nigeria,

"In July 2010, Human Rights Watch travelled to three Ivorian towns and met with groups totalling around 30 Nigerian women believed to have been trafficked for prostitution. [] Many victims were either between the ages of 15 and 17 or had been minors when brought to Côte d'Ivoire. [] In two small towns in central Côte d'Ivoire, with populations of about 40,000 and 50,000, respectively, Human Rights Watch documented the presence of five separate brothels of Nigerian women and girls. A gendarme in one of the towns estimated that at least 100 Nigerian women were working there as prostitutes. Human Rights Watch investigations indicated that the majority of them were likely to have been trafficked. [] The majority of victims told both Human Rights Watch and the Nigerian embassy that they came from Delta and Edo States in southern Nigeria. [] Nigerian embassy staff in Abidjan told Human Rights Watch that they have repatriated scores of women trafficked for prostitution, including dozens this year alone, and noted that the problem is on the rise.

"You have to work so hard," Ruth said. "In one night, you have to have sex with 15, 20, even 30 men. You work until the sun comes up and you cannot even open your eyes. Some of the girls are small, less than 18 years old. They think they are coming for something else. They were not doing this kind of work [prostitution] in Nigeria. One girl, she is so small, she is only 16. This is not the work for a small girl." Ivorian, UN, and Nigerian officials described to Human Rights Watch an incident in July 2010 in which three 17-year-old Nigerians who refused to engage in sex work after being trafficked were locked in a room and denied food for three days. They finally escaped, went to the local police, and were repatriated by the Nigerian embassy."²⁴⁵

In September 2012 Lagos-based daily newspaper *The Sun* stated that a syndicate specialising in the theft and sale of babies operated in parts of Anambra State, particularly the city of Onitsha,

²⁴³ USDOS Human Rights Report 2011, Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 20 November 2012

²⁴⁴ The US Department of Labor's Bureau of International Labor Affairs 2010 Findings on the Worst Forms of Child Labor, 30 September 2011, <http://www.dol.gov/ilab/programs/ocft/PDF/2010TDA.pdf> accessed 1 December 2012

²⁴⁵ Human Rights Watch, Côte d'Ivoire/Nigeria: Combat Trafficking for Prostitution, Networks Freely Move Women, Girls Across West Africa 26 August 2010, <http://www.hrw.org/news/2010/08/26/c-te-d-ivoirenigeria-combat-trafficking-prostitution>, accessed 28 December 2012

A syndicate that specializes in the theft and sale of babies has invaded parts of the country, inflicting sorrow and tears on families. [] Months after a motherless babies home in Aba, Abia State, was caught operating a child trafficking outfit, another dimension to the filthy lucre has been introduced in parts of Anambra State, especially Onitsha, where no fewer than 12 children were stolen in less than four months. The baby thieves were said to have invaded the commercial city seeking for innocent little children to grab for sale elsewhere. Worse hit is the Awada area of Onitsha where residents now live in palpable fear due to rampant cases of child theft. For example, in the last four months, not less than 12 kids in the area have been stolen in what a resident described as “most subtle and agonizing” manner.

[] Investigation by Sunday Sun revealed that stealing babies and little children has become a booming business with varied methods. The South East particularly Aba in Abia State, and parts of Delta state as well as Onitsha and its environs have become synonymous with illegal buying and selling of babies. Some hospitals and maternities as well as so-called orphanages and charity homes run, “baby factories” where they ‘mass produce’ babies by exploiting young girls with unwanted pregnancies”²⁴⁶

In January 2006 a report by the *International Labour Organisation and Action Programme against Trafficking and Forced Labour in West Africa* stated that women and children from Nigeria are trafficked across borders to parts of West and Central Africa, Europe and the Middle East,

“Women and children from Nigeria are trafficked across borders to parts of West and Central Africa, Europe and the Middle East. According to reports from the media, there is an active trade in child labourers, some of whom are “exported” to Cameroon, Gabon, Benin and Equatorial Guinea to work in agricultural enterprises or domestic service while others are coerced into the sex trade. Children and women are also trafficked for the purpose of adoption, other worst forms of child labour (e.g. begging, mining, criminal activities like drug dealing, and participation in armed conflict). Authorities have identified a trade route for traffickers of children for labour through Katsina and Sokoto to the Middle East and East Africa.

There are also incidents of young boys trafficked to Belgium for sexual purposes on the pretext of playing football, and women who are trafficked to the United States of America and United Kingdom to work as nannies. The country remains a destination point for the trafficking of Togolese children to serve as domestic or agricultural workers, market traders, child beggars and prostitutes. Internal trafficking from rural areas to cities is common.”²⁴⁷

In January 2006 a report by the *International Labour Organisation and Action Programme against Trafficking and Forced Labour in West Africa* also stated that intermediaries supply children who are often less than 17 years of age to different households in exchange for their travel expenses and six months of wages,

“[] Most of the domestic helps that work in the cities reported that middlemen facilitated their present jobs. Intermediaries supply children who are often less than 17 years of age to different households in exchange for their travel expenses and six months of wages. In some cases, at the expiration of six months, the employer continues to pay the girl’s wages to her ‘uncle or aunt’ who, in reality, may not be related to her. These young children are exposed to sexual abuse from their mistress’ husbands and in some cases the grown up sons of their masters. This age-old form of internal trafficking is usually confused with the traditional practice of child fostering within the extended family. Such children are no longer

²⁴⁶ The Sun, Parents beware: Baby thieves on the prowl, 2 September 2012, <http://sunnewsonline.com/new/cover/parents-beware-baby-thieves-on-the-prowl/>, accessed 8 January 2013

²⁴⁷ International Labour Organisation, Action Programme against Trafficking and Forced Labour in West Africa Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour, Bisi Olateru-Olagbegi LL.B, BL, MCIARB (UK) and Anne Ikpeeme LL.B, BL, MILD, January 2006, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf, accessed 10 January 2013

cared for but rather exploited through placement for different forms of labour. Also parents and guardians (mostly in the rural communities) now give away children to non-relatives for labour in exchange for money. There are also reports of children who are kidnapped by traffickers from the villages and trafficked to cities within Nigeria. Child begging is especially widespread in northern Nigeria and most of the people parading as deaf mutes at filling stations, mosques, churches and hospitals with envelopes asking for alms have been found to be victims of trafficking.

Women and children especially, from poor rural communities and with little or no education often constitute the larger percentage of trafficked persons in Nigeria. Traffickers exploit the vulnerability of the people in places where there is general poverty, lack of income generating opportunities and pervading ignorance, to source the victims of trafficking. The vulnerability of rural dwellers becomes more visible in cases where the children and young people are not only from poor rural communities but are orphans or come from dysfunctional homes. In some cases human trafficking is facilitated or carried out with the active connivance of members of the victims' families."²⁴⁸

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja stated that the vast majority of female victims of trafficking are from Edo State in the south western part of Nigeria,

"The extent of trafficking from Nigeria is difficult to estimate but the problem is a major concern for the authorities and a number of non-governmental organisations (NGOs) in the country. The Government of Nigeria has recognised the problem and since 2003 the legal and institutional foundation for combating trafficking and support victims of trafficking has been in place in Nigeria. The vast majority of female victims of trafficking are from Edo State in the South-South, i.e. the southwestern part of Nigeria. A number of Nigerian NGOs are based in Benin City – the capital of Edo State – and they are addressing the problem of trafficking, and NAPTIP has a Zonal Office in the city.

[] In Edo State, a law amending the sections of the Criminal Code on trafficking in persons was passed in year 2000. The law however criminalizes prostitution as a result of which victims of trafficking have become less willing to bring their traffickers to book and traffickers, their agents and other service groups such as native doctors are now cautious in their dealings. While this state of things may seem advantageous, criminalizing of prostitution has been shown elsewhere to only increase the abuses that sex workers experience and not reduce the incidence of prostitution. Rather than seek to punish trafficked girls who in reality are the victims, the law further victimises them by disregarding the International Protocol that the consent to being trafficked is void because no one can consent to becoming a slave."²⁴⁹

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja also stated that the national Act on trafficking, passed in May 2003, recognises that trafficked girls are victims and seeks to attach same level of seriousness to the prosecution of traffickers of persons, as is presently the case with drug traffickers,

"At the national level, the National Assembly in May 2003 passed a national Act on trafficking that provides for the setting up of a special agency, recognises that trafficked girls are victims and seeks to attach same level of seriousness to the prosecution of traffickers of persons, as is presently the case with drug traffickers. Its implementation modalities have commenced with the opening up of offices of the agency in states of the

²⁴⁸ International Labour Organisation, Action Programme against Trafficking and Forced Labour in West Africa Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour, Bisi Olateru-Olagbegi LL.B, BL, MCIARB (UK) and Anne Ikpeme LL.B, BL, MILD, January 2006, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf, accessed 10 January 2013

²⁴⁹ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available from <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

federation. The Edo State office of the agency led the prosecution and first ever conviction of a trafficker in the State recently.

The impact of the efforts made by government and non-governmental agencies and organisations so far are enormous and include:

- Heightened awareness of the problem. Prior to the research by IRRRAG and WOCON documenting the incidence of trafficking in girls in 1999, though the indicators were visible, not many recognised that children and women were being trafficked both internally and externally. Since then however especially with the emergence of more NGOs addressing the issues including those of the wives of the Vice President and Governor of Edo State, interventions of international governmental and non-governmental agencies like UNODC, UNICEF and IOM, many urban dwellers are now aware of the difference between migration and trafficking and the resistance to the wiles of the traffickers has led them to move to rural areas for recruitment of new victims.
- Legal reform arising from the efforts of anti-trafficking organisations include a national Act on trafficking, state laws on it and establishment of a federal agency to implement the provisions of the act.
- Increased prosecution of traffickers although mostly unsuccessful due to the non-cooperation of victims and corruption can still be cited as an impact of anti-trafficking efforts. Daily, the traffickers change tactics and routes just to beat the law.
- School curriculum adaptation to make for the teaching of information and skills to address the susceptibility of girls and children. The IOM in collaboration with Edo State government has tested this curriculum.
- Reintegration and rehabilitation of victims. Many returned girls and others considered to be vulnerable to trafficking have received counselling, skills training and micro finance support to become self-employed and fully reintegrated into the society.
- Research and publications on the issue are more available now than in the past as a result of the involvement of many groups.
- Creation of networks and coalitions at local, state and national levels are a direct effect of the work done so far.²⁵⁰

1.1 Organisation of trafficking network(s), recruitment practices, modus operandi

In January 2006 a report by the *International Labour Organisation and Action Programme against Trafficking and Forced Labour in West Africa* stated that traffickers can be members of organised criminal networks but can also be relatives, neighbours, or friends who are better off than the victims or their parents/guardians or diplomats who “import” domestic workers,

“Traffickers in Nigeria have many faces. They could be men or women members of organized criminal networks that traffic mostly women and young girls into forced prostitution. They could also be ordinary people who do not belong to criminal gangs but are relatives, neighbours, or friends who are better off than the victims or their parents/guardians. They could be diplomats who “import” domestic workers and hold them in isolation and forced labour in their homes. Some of them are people who “import” foreign-born women, ostensibly for marriage but in reality for the purpose of holding them in servitude and subjecting them to sexual abuse. Others are families that “import” men, women and children to work in forced labour in farms, factories and homes, and subject

²⁵⁰ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available from <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

them to sexual and physical assault. In effect, traffickers could be next-door neighbours, parents/relatives or total strangers.

Most traffickers that recruit women and girls for the sex industry or domestic work are women. Such traffickers in many cases may have previously been trafficked themselves or are currently sex workers. Recruitment could be done with the help of their families. In some cases, community leaders and teachers are also reported to be involved in trafficking. In many cases, recruiters are relatives or acquaintances of the people who are trafficked and thus in a position of trust or known to the trafficked persons. They may even be parents and guardians themselves.²⁵¹

In January 2006 a report by the *International Labour Organisation* and *Action Programme against Trafficking and Forced Labour in West Africa* also stated that traffickers gain control of their victims in a variety of ways including kidnapping, job offers and false promises of opportunities for education or marriage,

"[] Traffickers gain control of their victims in different ways. Sometimes the victims are kidnapped in one place and taken forcibly to another place, and in other cases they are lured with offers of wellpaid jobs in foreign countries as hairdressers, restaurant attendants, domestic workers etc. or with false promises of opportunities for education or marriage. After providing transportation and fake documentation to get victims to their destination, they subsequently charge exorbitant fees for those services, creating heavy debt bondage under extreme terms and conditions. Some of the exploitative practices used include coercion of victims through seizure of travel documents, oath taking, threats or physical violence on victims, threats to relations of victims, restriction of movement and communication, seizure of earnings of victims, and psychological pressure through guaranteeing silence and submission through ritual oaths."²⁵²

In April 2008, a shadow report compiled by the *Nigeria NGO Coalition on CEDAW* for the forty first Session of the Committee on the Elimination of All Forms of Discrimination Against Women stated that poverty, socio- cultural values and an absence of a social support system or safety net encourage trafficking of people and particularly women,

"In Nigeria, poverty, socio- cultural values and an absence of a social support system or safety net encourage trafficking of people - particularly women. Traffickers send often vulnerable individuals to other countries to work under unfavorable conditions. The victims of this trade get involved in these schemes as a bid to earn money and social respect. The legal measures against trafficking of women and children for the purpose of prostitution and/or other sexual exploitations and other criminal activities are limited. Over the years, traffickers have devised different means of trafficking women and children, some of which ostensibly seem 'above board' including getting parental consent, legal travel papers and using different commercial carriers."²⁵³

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja stated that although there are some traffickers in Nigeria, the major players of trafficking are abroad,

²⁵¹ International Labour Organisation, *Action Programme against Trafficking and Forced Labour in West Africa* Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour, Bisi Olateru-Olagbegi LL.B, BL, MCIARB (UK) and Anne Ikpeme LL.B, BL, MILD, January 2006, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf, accessed 10 January 2013

²⁵² International Labour Organisation, *Action Programme against Trafficking and Forced Labour in West Africa* Review of legislation and policies in Nigeria on Human Trafficking and Forced Labour, Bisi Olateru-Olagbegi LL.B, BL, MCIARB (UK) and Anne Ikpeme LL.B, BL, MILD, January 2006, http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_083149.pdf, accessed 10 January 2013

²⁵³ CEDAW AND ACCOUNTABILITY TO GENDER EQUALITY IN NIGERIA, A Shadow Report Compiled by the Nigeria NGO Coalition on CEDAW Report for the forty first (41st) Session of the Committee on the Elimination of All Forms of Discrimination Against Women, April 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NigeriaNGOCoalition41.pdf>, accessed 09 January 2013

"Regarding traffickers' networks, Rev. Ekeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) emphasized that it is important to understand that the major players of trafficking are abroad. However, it was added that there are certainly some major players also in Nigeria. They may also be in a position to persecute victims who have returned home from abroad. However, local traffickers in Nigeria, who are also called 'trolleys', 'racketeers' or 'middlemen', do not occupy a strong position in society, and they cannot do much else than recruit victims. Rev. Ekeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) considered that the local traffickers are not in a position to persecute victims of trafficking that have returned from abroad. They might not be 100% loyal to the traffickers or Madams abroad. Secondly, the traffickers have no interest in being exposed and imprisoned on acts of revenge on behalf of a Madam or trafficker abroad. Rev. Ekeh and Agbogun (Catholic Secretariat of Nigeria/Caritas Nigeria) emphasized that 'the big fish' are those traffickers and Madams that are living abroad.

Morka (NAPTIP Lagos Zonal Office) explained that the Madams abroad are in full and strict control of each step in the trafficking procedures. The normal procedure is that the so-called 'trolley man' – also called 'middleman' or 'trafficker' – in Nigeria brings the victim from Benin City to Protection of victims of trafficking in Nigeria 21

Lagos and hand her over to another trafficker who is responsible for the next step. The whole procedure may last up to two years and the travel route can go through Libya, Mauritania or Ghana. Within this string of traffickers the network is very strong. However, it is not usually the case that each Madam and her string of traffickers have a close cooperation with another Madam and her traffickers although a kind of cooperation may exist in some cases.

According to Rev. Sister Florence (COSUDOW) the traffickers do not have a strong network in Nigeria, they normally operate underground and they will always keep a low profile and avoid being exposed. Traffickers will not step forward in order to take revenge against victims who bear witness against them."²⁵⁴

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja stated that the debt of the victim or her family to the agent is not a fixed amount and the total sum is not determined when the trafficking arrangement is agreed,

"Ndaguba (NAPTIP Abuja Headquarters) informed that usually the debt of the victim or her family to the agent is not a fixed amount and the total sum is not determined when the trafficking arrangement is agreed upon between the two parties. The victim may end up having to pay up to 50,000 or 60,000 Euros to her agent. Ndaguba (NAPTIP Abuja Headquarters) explained that the agent's real expenses in each case of trafficking may be considerable lower and it could amount to 2,000 or 3,000 Euros. However, more debt is continuously added when the victim is abroad. Adding to the original debt serves to keep the victim under the control of the agent because the victim is always under the obligation to pay her debt to the agent until the oath is revoked.

[] Jane Osagie (IRRRAG) stated that traffickers in Nigeria have a network in Nigeria that can be used to collect the remaining debt or persecute the victims or their families. The debt could be as high as 50,000 to 65,000 Euros.

Olateru-Olagbegi (WOCON) explained that the traffickers abroad are the ones that receive the vast majority of the money that a victim of trafficking will have to pay. Those traffickers could be Nigerian as well as European citizens. It was added that initially the victim's debt to the local trafficker in Nigeria is very small compared to the debt the victim will owe to the trafficker or Madam abroad. It was explained that the victims are faced with an enormous increase of their debt when they arrive in Europe. The debt to the local trafficker in Nigeria may be less than US\$1,000 , but the debt to the Madam or trafficker in Europe could be as

²⁵⁴ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available from <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

high as US\$50,000 to US\$70,000. The victims are unaware of this enormous increase of their debt until they arrive in Europe where they are being confronted with the realities of the trafficking arrangement. It was considered by Olateru-Olagbegi (WOCON) that even though victims of trafficking are in a dehumanising situation when they are working as sex workers abroad they at least have a hope that when their debt has been paid they will be independent and earn their own money as a compensation for all their suffering. Mrs. Umaru (WOTCLEF) explained that the size of the victim's debt to a trafficker is dependent on a number of circumstances and one will never know how this debt is being established unless the victim herself is willing to cooperate with investigators. Normally the debt is something that is established by the trafficker and his victim in a secret meeting."²⁵⁵

In 2012 the report *Freedom in the World* by the British NGO *Freedom House* stated that while human trafficking to, from and within the country for the purposes of labour and prostitution remained illegal it was reported to be on the rise,

"While illegal, human trafficking to, from, and within the country for the purposes of labor and prostitution is reported to be on the rise. Forced labor is illegal but common, especially bonded labor and domestic servitude, and the government makes very little effort to combat the practice. Several organizations have reported on an illegal trade in which pregnant teenagers are promised abortions, only to be held until their babies are delivered and sold."²⁵⁶

In 2012 an issue paper for the *United Nations Office of Drugs and Crime (UNODC)* stated that "abuse of a position of vulnerability" (APOV) was considered to be a particularly common means of trafficking with respect to children. Coercion was noted as being a less common means because generally minors will resist less than adults,

"While the concept of abuse of a position of vulnerability is not part of the relevant legal framework, practitioners considered this to be a frequent means by which individuals are moved into or maintained in situations of exploitation. Several practitioners considered that APOV was "implied" in the definition as well more directly inferred in other provisions of the act relating to sexual abuse of children. Practitioners confirmed a strong overlap between the various stipulated means in terms of their substantive meaning as well as in terms of how they are used. In practice, stipulated means are often accompanied by an abuse of vulnerability. For example, it is easier for traffickers to deceive vulnerable people who they will target on the basis of their vulnerability.

More specifically, it was argued that APOV is implied as a key component of deceit, in that some people are so vulnerable that they do not have the capacity to question offers made. Victims' lack of economic capacity, education and literacy makes them highly susceptible to trafficking through the means of inducement, deceit and threats or force. Relationship with abuse of power: Abuse of power (also undefined by legislation) is generally understood to include power wielded by public officials and by anyone else who exercises control over another person. Abuse of a position of vulnerability was considered to be a particularly common means of trafficking with respect to children. Coercion was noted as being a less common means because generally minors will resist less than adults.[] Coercion was differentiated from the stipulated means of deception and from APOV on the basis that it is less "subtle". For example, where initial abuse of a victim's vulnerability through deceitful offers fails, coercion may be then applied. Similarly, where abuse of a position of vulnerability and deceit are

²⁵⁵ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available from <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

²⁵⁶ Freedom House, *Freedom in the World 2012*, Nigeria, <http://www.freedomhouse.org/report/freedom-world/2012/nigeria>, accessed 20 November 2012

successful at the recruitment phase, coercion may be used at the transit or destination phase where the victim becomes less cooperative"²⁵⁷

In February 2010 a research paper for the *International Journal of Sociology and Anthropology* stated that "educated and enlightened people" were the main perpetrators of women and child trafficking, and that victims expressed surprise at the way they were tricked by their traffickers,

"The most frequent type of trafficking was commercial sex (46.7%) followed by child labor (34.5%). Other types of human trafficking revealed by this study include selling of women to brothel owners (4.3%), working in dirty, difficult and dangerous areas (7.6%), domestic servitude (4.8%) and free sexual services in exchange for ignoring the doctored documents produced by traffickers (2.1%). Educated and enlightened people (57.3%) appeared to be the main perpetrators of women and child trafficking followed by intimate/close associate (32.1%). [] victims expressed surprises in the way and manners they were tricked by their traffickers. One woman stated that her trafficker promised her good accommodation and well paid job, but to her utmost dismay, she was "asked to pass a night with a white man for a week pending the time her accommodation apartment will be ready. She confessed that she was raped twice and her trafficker threatened her with deportation if she fails to cooperate".

[] In a group discussion that included children aged 12 - 14 years of age, one child mentioned that her mother was bribed and tricked to follow the trafficker to Lagos to work for only one year so as to save enough money to pay her family debts. Unfortunately, "the girl echoed that she was lured into prostitution and she started crying". Another 11 years old girl said "she was trafficked as a domestic servant (house help) because it is a cultural practice in her area for a girl of 10 years and above to travel out to work and earn good living/money for her parents. [] In the area of sexual abuse, all victims of human trafficking felt that sexual abuse is a frequent occurrence."²⁵⁸

In August 2010 *Human Rights Watch* stated that women trafficked to Côte d'Ivoire from Nigeria described being deceived into migrating with promises of work in West Africa or in Europe and that Nigerian women recruited and transported them,

"These women and girls were sold dreams of migrating to better their lives, but then found themselves in a personal hell," said Corinne Dufka, senior West Africa researcher at Human Rights Watch. [] All of the women and girls interviewed by Human Rights Watch described being deceived into migrating with promises of work as apprentice hairdressers or tailors, or to work in other businesses elsewhere in West Africa or in Europe. They said that Nigerian women recruited and transported them overland through Benin, Togo, Ghana, and Burkina Faso.

[] Ruth (not her real name), a 27-year-old Nigerian woman trafficked for prostitution in central Côte d'Ivoire, said: "I came here six years ago with five other girls from Delta State. The woman who brought us told me that she sold wrappers [fabric used as a skirt] in Côte d'Ivoire. I thought it was a good opportunity for me to learn a business, so I left Nigeria and went with her. The second day after we arrived, she handed us each a condom and I thought, What is this? She said, 'This is what you are going to do.' What could I do? I had nobody backing me ... so I did it."

An 18-year-old Nigerian woman told Human Rights Watch that the woman who trafficked her two years ago enticed her to leave Nigeria with promises to learn to be a hairdresser. Another young woman, from Edo State, described her own experience: "She said I was going to sell clothes in a boutique in Liberia, but took me [to Côte d'Ivoire] and every night I

²⁵⁷ United Nations Office of Drugs and Crime (UNODC), Issue Paper, ABUSE OF A POSITION OF VULNERABILITY AND OTHER "MEANS" WITHIN THE DEFINITION OF TRAFFICKING IN PERSONS, 2012, http://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf, accessed 2 December 2012

²⁵⁸ Trafficking in women and children: A hidden health and social problem in Nigeria S. Abdulraheem and A. R. Oladipo, *International Journal of Sociology and Anthropology* Vol. 2(3), pp. 034-039, March 2010, <http://www.academicjournals.org/ijisa>, accessed 2 December 2012

have to do this.... Just a thousand [CFA francs] each man. I have been here for two years. I don't like it. I want to leave."²⁵⁹

In August 2010 *Human Rights Watch* also stated that women trafficked to Côte d'Ivoire from Nigeria are forced to pay off an exorbitant "debt" to their traffickers, which amounts to debt bondage, a practice similar to slavery under the 1956 United Nations Supplementary Convention on the Abolition of Slavery.

"Within days of arrival in Côte d'Ivoire, the traffickers demanded that the women and girls engage in prostitution to pay off an exorbitant "debt" of generally 1.5 to 2 million CFA francs (US\$3,000 to \$4,000), though the cost of overland transportation to Côte d'Ivoire is only roughly 100,000 CFA (\$200). This amounts to debt bondage, a practice similar to slavery under the 1956 United Nations Supplementary Convention on the Abolition of Slavery. Several victims said they had not yet been able to pay off their "debt" despite engaging in sex work in Côte d'Ivoire for between two and six years, and despite having sex with up to 30 men a night. Nigerian women and girls in central Côte d'Ivoire said that they receive 1,000 CFA francs (\$2) per act, or 5,000 CFA francs (\$10) for the night.

All the victims Human Rights Watch interviewed said they wanted to leave Côte d'Ivoire and the sex trade, but felt they had no escape because of the perceived consequences of failing to pay the debt. "We can't leave," said Faith (not her real name), an 18-year-old Nigerian woman trafficked for prostitution in Central Côte d'Ivoire. "The girls are scared." The women said repeatedly that "bad things" would happen to them or their families if they escaped, but were too afraid to provide further details regarding the precise threats or the person who would hurt them. Further investigation needs to be undertaken by Ivorian and Nigerian authorities to determine the extent of the trafficking operation, the threats being made, and ways to protect the victims."²⁶⁰

1.1.1 Use of witchcraft to intimidate trafficking victims

[See also [Section B. Trafficking, 7. Linkages between trafficking and witchcraft](#)]

In 2012, the *USDOS Trafficking in Persons Report* stated that Nigerian traffickers rely on threats of voodoo curses to control victims and gangs traffic large numbers of women into forced prostitution in Europe,

"Nigerian traffickers rely on threats of voodoo curses to control Nigerian victims and force them into situations of prostitution or labor. Nigerian gangs traffic large numbers of Nigerian women into forced prostitution in the Czech Republic and Italy, and EUROPOL has identified Nigerian organized crime as one of the largest law enforcement challenges to European governments."²⁶¹

In 2011 an article for the *Interdisciplinary Journal of Human Mobility* the biannual publication of the Scalabrianiano Centre for Migration Studies (CSEM) stated that Nigerian girls have "voodoo rituals" forced upon them by criminal organizations before they travel to Europe,

"Before reaching their final destination in Europe, women cross several countries, such as Greece, Russia, Bulgaria, Holland, Germany, Spain and France, travelling for weeks or months over land, by air or sea. In most cases, nowadays, Nigerian women are taken across the Sahara Desert before crossing the sea with light boats to enter Italy/Europe. On arrival at their destination, women's passports or documents are seized with the empty

²⁵⁹ Human Rights Watch, Côte d'Ivoire/Nigeria: Combat Trafficking for Prostitution, Networks Freely Move Women, Girls Across West Africa 26 August 2010, <http://www.hrw.org/news/2010/08/26/c-te-d-ivoirenigeria-combat-trafficking-prostitution>, accessed 28 December 2012

²⁶⁰ Human Rights Watch, Côte d'Ivoire/Nigeria: Combat Trafficking for Prostitution, Networks Freely Move Women, Girls Across West Africa 26 August 2010, <http://www.hrw.org/news/2010/08/26/c-te-d-ivoirenigeria-combat-trafficking-prostitution>, accessed 28 December 2012

²⁶¹ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

promise of having them returned after they pay their debt bond to the slave traders. Unfortunately, documents (which are often forged for travel) are never returned, and women remain as persons with no identity – no name, no status, no nationality. They lose any sense of who they are. For many Nigerian girls, there are also “voodoo rituals” (black magic) forced upon them by criminal organizations before they travel to Europe.²⁶²

In 2011, the *USDOS Human Rights Report* stated that in June police raided a hospital in Aba and rescued 32 girls being held to produce babies for sale in witchcraft rituals,

"In June police raided a hospital in Aba, Abia State, and rescued girls being held to produce babies for sale in witchcraft rituals. The police rescued 32 of the girls, ages 15 to 17. Male babies reportedly sold for up to one million naira (\$6,167) for use in trafficking rings or witchcraft rituals. The owner of the hospital claimed that the hospital served as a shelter for pregnant teenagers. Authorities held him for trial at year's end."²⁶³

In June 2011 British newspaper *The Guardian* also stated that police had rescued 32 pregnant girls from an alleged "baby farm" Aba and arrested the proprietor,

"Nigerian police have raided an alleged "baby farm" where teenage mothers were forced to give up their newborns for sale to human traffickers. Thirty-two pregnant girls were rescued from a maternity home run by a trafficking ring in the southern city of Aba, police said. The girls, mostly of school age, were allegedly locked up at the Cross Foundation clinic so they could produce babies to be sold for illegal adoption or for use in ritual witchcraft.

Bala Hassan, the Abia state police commissioner, said: "We stormed the premises of the Cross Foundation in Aba three days ago following a report that pregnant girls aged between 15 and 17 are being made to make babies for the proprietor. "We rescued 32 pregnant girls and arrested the proprietor, who is undergoing interrogation over allegations that he normally sells the babies to people who may use them for rituals or other purposes." Hassan added that four babies, already sold in an alleged deal but not yet collected, were also recovered in the raid."²⁶⁴

In June 2011 British newspaper *The Guardian* stated also that some of the rescued girls told police that they had received payment from the hospital owner after their babies had been sold,

"[] Some of the rescued girls told police that the hospital owner gave them \$192 (£118) for newborn boys and \$161 for newborn girls after they were sold. Dr Hyacinth Orikara, proprietor of the Cross Foundation, is likely to face charges of child abuse and [human trafficking](#), police said. Buying or selling babies can carry a 14-year jail sentence. Orikara, reportedly a university graduate and employee of the Abia state health management board, denied the allegations, claiming the home was a foundation to help teenagers with unwanted pregnancies. Babies are sold for up to \$6,400 each, depending on the sex, the National Agency for the Prohibition of Trafficking in Persons says. Teenagers with unplanned pregnancies are sometimes lured to clinics and then forced to hand over their babies. The children are often put up for illegal adoption or, in some parts of the country, killed as part of witchcraft rituals because they are thought to make charms more powerful."²⁶⁵

3. *Legal framework*

²⁶² MC Bonetti, Sr. Women Helping Women". The Prophetic Role of Women Religious in Counter-trafficking in Persons, *Revista Interdisciplinar da Mobilidade Humana* (Interdisciplinary Journal of Human Mobility) 19.37 (2011).

²⁶³ USDOS Human Rights Report 2011, Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 20 November 2012

²⁶⁴ The Guardian, Nigerian 'baby farm' raided – 32 pregnant girls rescued, 2 June 2011, <http://www.guardian.co.uk/law/2011/jun/02/nigeria-baby-farm-raided-human-trafficking>, accessed 29 November 2012

²⁶⁵ The Guardian, Nigerian 'baby farm' raided – 32 pregnant girls rescued, 2 June 2011, <http://www.guardian.co.uk/law/2011/jun/02/nigeria-baby-farm-raided-human-trafficking>, accessed 29 November 2012

In October 2006 the consideration of the report submitted by the Nigerian government to the *United Nations Committee on the Elimination of Discrimination against Women* also stated that the promulgation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, provides a legal and institutional framework for implementing contemporary provisions stipulated in the Committee on the Elimination of Discrimination against Women,

"Since the submission of the 4th and 5th Periodic Report, additional efforts have been made to fulfill Nigeria's obligations under the convention at the federal, state and local levels, translate the CEDAW provisions into reality, and ensure effective and practical mechanisms for guaranteeing non-discrimination. This domestication of the CRC through the Child's Rights Act and promulgation of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, provide legal and institutional frameworks for implementing contemporary provisions stipulated in both the CRC and CEDAW. These include in particular, issues relating to the protection of the girl child from abuse, violence, exploitation and discrimination. By implication, the country has created a legal framework for certain provisions of CEDAW to be justiciable. [] Article 6 of CEDAW provides that state parties shall take all appropriate measures, including legislation, to suppress all forms of trafficking in women and sexual exploitation. Section 34 of the 1999 Constitution makes it clear that every Nigerian citizen is entitled to respect for his/her dignity and forbids torture or inhuman/degrading treatment, slavery or servitude. Sections 223-225 of the Criminal Code, applicable in southern Nigeria, prohibit trafficking in human beings. The penal code applicable in northern Nigeria also has provisions against trafficking in humans. A major breakthrough in this area is the enactment of the 'Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003'. In the same vein, various states, notably Edo, Cross-River and Imo have enacted legislation to prevent and prosecute cases of child trafficking.

There exists an office of the Special Assistant to the President on Human Trafficking and Child Labour which complements the agency for enforcement and monitoring of trafficking of persons, "National Agency for Prohibition of Traffic in Persons (NAPTIP)" in its mandate execution. Documented successes of efforts in the fight against human trafficking indicate that about 24,000 copies of the Act have so far been circulated to educate, sensitize and create awareness on the malaise of child trafficking. Furthermore, the police force is not only empowered to search and inspect vehicles and premises, but also to arrest any person they suspect of the offence of human trafficking. Nigeria has entered into a number of bilateral agreements with some countries on trafficking in persons. Nigeria has ratified and domesticated the UN Convention on TransNational Organized Crime (otherwise known as Palermo Convention) as well as its Protocols to Prevent, Suppress And Punish Trafficking in Persons, especially Women and Children. The Protocol against Illegal Smuggling of Migrants have also been ratified by the country.²⁶⁶

In April 2008, a shadow report compiled by the *Nigeria NGO Coalition on CEDAW* for the forty-first Session of the Committee on the Elimination of All Forms of Discrimination Against Women stated that Nigeria, currently has an office of the Special Assistant to the President on human trafficking and cooperative agreements with several other countries,

"In line with CEDAW Article 6, which states that state parties should take all appropriate measures including legislation to suppress all forms of trafficking in women and children, Nigeria, currently has an office of the Special Assistant to the President on human trafficking and child labour which complements the National Agency for Prohibition of Traffic in Persons (NAPTIP). In addition, Nigeria has a cooperative agreement with Italy, UK and Netherlands to protect trafficked women and girls against violation of their human rights through indiscriminate deportation.

²⁶⁶ United Nations, Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Nigeria, 5 October 2006, http://www.iwraw-ap.org/resources/pdf/41_official_documents/nigeriaNGA6.pdf, accessed 10 January 2013

[] The relevant legal frameworks pertaining to trafficking in Nigeria are as follows:

- NAPTIP: the law prohibiting the trafficking of persons enacted in 2003 and amended in 2005. This law also criminalizes parents, herbalists and commercial carriers involve trafficking in persons especially women and children.
- The Prohibition law incorporated some of the provisions of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, (The PALERMO Protocol) signed in Italy in 2000.
- Child Rights Act (2003) - through which the UN Convention on the Rights of the Child had been domesticated.

In addition to these the Edo State Criminal Code Amendment in 2000 criminalized parents and herbalists involvement in trafficking of women and children, but this legislation obviously only covers this particular state.²⁶⁷

In April 2008, a shadow report compiled by the *Nigeria NGO Coalition on CEDAW* for the forty-first Session of the Committee on the Elimination of All Forms of Discrimination Against Women also stated that inadequacy of laws and law enforcement impeded efforts to fight trafficking,

“• Inadequacy of laws and law enforcement in most origin, transit, and destination countries hampers efforts to fight trafficking.

• Inadequate awareness of victims’ rights under the law to seek redress at the law courts gives room for offenders to escape conviction.

• NAPTIP is the only agency addressing human trafficking issues which includes prevention of human trafficking, protection of persons and prosecution of offenders. The law is weak in the area of protection and rehabilitation of trafficked persons, especially from the human rights perspective.

• Insufficient monitoring of NAPTIP implementation.

• Lack of resources to rehabilitate and reintegrate traumatized and exploited trafficked persons - The challenges of poverty and absence of communal structure for the re-integration of victims socially, educationally and financially, leaves them susceptible to being re-trafficked.”²⁶⁸

In 2009 a report to the fourth session of the *Working Group on the Universal Periodic Review of the United Nations General Assembly Human Rights Council* stated that in addition to Constitutional guarantees, legislations and policies provide for specific promotion and protection of the rights of vulnerable groups such as victims of trafficking and forced labour,

"In addition to the Constitutional guarantees, the following legislations and policies provide for specific promotion and protection of the rights of vulnerable groups such as Women, Children, Refugees and Internally Displaced Persons (IDPs), Victims of Trafficking and Forced Labour, Persons Living with HIV-AIDS, the Elderly, Victims of War, etc. Sections 16(1) (b), 17, 19(c) of the Constitution consolidate these goals. [] The Child Rights Act, 2003, domesticates the United Nations Convention on the Rights of the Child and that of the African Union Charter on the Rights and Welfare of the Child, guaranteeing the survival, development and protection of children. It also gives muscle to legislation by States in the country in aspects relating to child protection such as the prohibition of: [] child trafficking; all forms of child labour, sexual and economic exploitation of children; [] The Anti-

²⁶⁷ CEDAW AND ACCOUNTABILITY TO GENDER EQUALITY IN NIGERIA, A Shadow Report Compiled by the Nigeria NGO Coalition on CEDAW Report for the forty first (41st) Session of the Committee on the Elimination of All Forms of Discrimination Against Women, April 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NigeriaNGOCoalition41.pdf>, accessed 09 January 2013

²⁶⁸ CEDAW AND ACCOUNTABILITY TO GENDER EQUALITY IN NIGERIA, A Shadow Report Compiled by the Nigeria NGO Coalition on CEDAW Report for the forty first (41st) Session of the Committee on the Elimination of All Forms of Discrimination Against Women, April 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/NigeriaNGOCoalition41.pdf>, accessed 9 January 2013

Trafficking Act 2003, as amended in 2005 (NAPTIP Act), seeks to protect women and children especially as victims of trafficking and other forms of exploitation.

[] The list below indicates the United Nations Human Rights Instruments that Nigeria has signed and ratified: [] International Covenant on Economic, Social and Cultural Rights, New York, 16 December 1966: ratified on 29 July 1993; International Covenant on Civil and Political Rights, New York, 16 December 1966: ratified on 29 July 1993; [] Convention on the Political Rights of Women: ratified on 17 November 1980; Convention on the Elimination of All Forms of Discrimination against Women, New York, 18 December 1979: signed on 23 April 1984 and ratified on 13 June 1985; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, New York, 10 December 1984: ratified on 5 October 1998; [] Convention on the Rights of the Child, New York, 20 November 1989: signed on 26 January 1990 and ratified on 19 April 1991; (Domesticated as the "Child Rights Act") Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, New York, 6 October 1999: signed on 8 September 2000 and ratified on 22 February 2004; Convention Against Transnational Organized Crimes; Protocol to Prevent, Suppress and Punish Trafficking in Persons especially Women and Children: ratified on 28 June 2001;²⁶⁹

In 2009 a report to the fourth session of the *Working Group on the Universal Periodic Review of the United Nations General Assembly Human Rights Council* also stated that the National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was established to address trafficking in persons and its attendant human rights abuses,

"The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) was established by an Act in 2003, (amended in 2005), partly in fulfillment of Nigeria's international obligations under the Trafficking in Persons Protocol Supplementing the United Nations Transnational Organized Crime Convention, to address the scourge of trafficking in persons and its attendant human rights abuses. The functions of NAPTIP include (a) the coordination of all laws on trafficking in persons, (b) the adoption of measures to increase the effectiveness of eradication of trafficking in persons, (c) the enhancement of the effectiveness of law enforcement agents to suppress trafficking, (d) the strengthening and enhancement of effective legal means for international cooperation in criminal matters for suppressing the international activities of traffic in persons, and (e) counselling and rehabilitation of victims of trafficking, etc.

Following the country's review under the African Peer Review Mechanism of the New Partnership for Africa's Development in June 2008, Nigeria was credited with 12 best practices, including: (a) Nigeria's role in Africa as a consistent mediator and promoter of regional economic cooperation and development; (b) Nigeria's role in conflict resolution and peace building, particularly in the West African sub-region; (c) the Federal Character principle, as a constitutional principle for the equitable allocation of resources and political offices among the constituting units of the Federation; (d) Gender Affirmative Action; and (e) the National Agency for Prohibition of Traffic in Persons' sustained efforts in combating human trafficking.

Collaborative initiatives with various stakeholders on human trafficking have resulted in the design, implementation and monitoring of programmes to rescue, rehabilitate and reintegrate victims of human trafficking. In line with international standards, careful plans have been developed for reception, sheltering, and counselling of each trafficked person, including a tracing mechanism for reuniting victims with their families, skills acquisition programmes and start up grants/loans. The National Agency for Prohibition of Traffic in

²⁶⁹ UNITED NATIONS General Assembly HUMAN RIGHTS COUNCIL Working Group on the Universal Periodic Review Fourth session Geneva, 2-13 February 2009 NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A) OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 Nigeria, 5 January 2009
http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/NG/A_HRC_WG6_4_NGA_1_E.pdf, accessed 10 January 2013

Persons has established shelters in many parts of the country, in some cases with the support of the International Organization for Migration and UNICEF.²⁷⁰

In August 2009 the *International Migration Programme (MIGRANT)*, the mainstream unit responsible for labour migration in the ILO, stated that the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act of 2003 prohibits child labour, forced labour, trafficking in slaves, pornography, drug trafficking, and forced or compulsory recruitment into armed conflict,

"Nigeria ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (2000) on 28 June 2001. A civil society committee, led by the NGO, Women Trafficking and Child Labour Eradication Foundation (WOTCLEF), was set up to draft an anti-human trafficking bill in order to implement the Protocol. The bill was subsequently presented to the National Assembly. The President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo approved to convert the bill into the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, on 14 July 2003. This Law fulfils Nigeria's international obligations under the Protocol.

The law prohibits child labour, forced labour, trafficking in slaves, pornography, drug trafficking, and forced or compulsory recruitment into armed conflict. It also provides a legal framework for the protection of the rights of victims of trafficking, protects the identity of victims and their right to press charges against traffickers, as well as provides access to health and social services. Foreign nationals who are victims of trafficking are granted a temporary resident permit."²⁷¹

In August 2009 the *International Migration Programme (MIGRANT)*, the mainstream unit responsible for labour migration in the International Labour Organisation, also stated that Section 1 (1) of the Act establishes a multi-dimensional crime fighting instrument known as the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP),

"Section 1 (1) of the Act establishes a multi-dimensional crime fighting instrument known as the National Agency for Prohibition of Traffic in Persons and Other Related Matters (NAPTIP). The law was subsequently amended by Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act, in 2005, in order to convert some of the enforcement powers of the Agency into practical actions. Accordingly, NAPTIP comprises four specialized units: Investigation, Prosecution, Counselling and Rehabilitation and Public Enlightenment.

The current law (Section 4) vests in NAPTIP wide-ranging functions, including:

- a. Coordinate and reinforce all national, regional and international regulations and agreements on trafficking in persons and related offences;
- b. Adopt measures to protect and assist victims, including provision of witness protection programmes and rehabilitation;
- c. Facilitate cooperation and dialogue the different stakeholders (Government agencies, social partners, and international organizations);

²⁷⁰ UNITED NATIONS General Assembly HUMAN RIGHTS COUNCIL Working Group on the Universal Periodic Review Fourth session Geneva, 2-13 February 2009 NATIONAL REPORT SUBMITTED IN ACCORDANCE WITH PARAGRAPH 15 (A) OF THE ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1 Nigeria, 5 January 2009
http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/NG/A_HRC_WG6_4_NGA_1_E.pdf, accessed 10 January 2013

²⁷¹ International Migration Programme (MIGRANT), International Labour Organisation, August 2009, http://www.ilo.org/dyn/migpractice/migmain.showPractice?p_lang=en&p_practice_id=40, accessed 10 January 2013

- d. Strengthen investigate and prosecution of traffickers and enhance the effectiveness of law enforcement agents;
- e. Promote international cooperation and coordination on anti-trafficking measures.

As part of its mandate, NAPTIP conducts public-awareness campaigns on the dangers of trafficking, particularly focusing on child labour and trafficking. Anti-trafficking clubs in secondary schools conduct awareness-raising events for youth on precautions to take before accepting job offers to work in other countries. Nigeria As the result of bilateral agreements with transit and destination countries, NAPTIP has rescued and returned children to Benin and Gabon. The 2003 Nigerian Child Rights Act protects and promotes the rights of children."²⁷²

In 2009 a compilation prepared by the Office of the High Commissioner for Human Rights for the *Working Group on the Universal Periodic Review of the fourth session of the United Nations Human Rights Council* stated that despite the measures taken to combat trafficking in women and children, trafficking remained a serious problem,

"While CEDAW, CERD and CRC acknowledged the measures taken to combat trafficking in women and children, CEDAW and CERD were concerned that trafficking remains a serious problem. CRC remained concerned at the significant number of children working as domestic servants, in plantations, in the mining and quarrying sector, and as beggars on the streets. CRC was also gravely concerned by the reports of forced child labour. While acknowledging efforts made, it regretted that the outcomes of such efforts have been poor. CRC was deeply concerned that the number of children who fall victim to sexual exploitation was on the increase. It noted with concern the increase of reports of sexual assaults and rape of young girls, especially in the North. CRC recommended that Nigeria seek technical assistance from among others: UNFPA and UNICEF with regard to adolescent health problems; UNICEF and WHO with regard to violence, abuse, neglect, killing, torture and extortion of women and children; and with regard to drug abuse by children; UNICEF with regard to prevention and control HIV/AIDS; and UNICEF and UNESCO with regard to the right to education. CRC recommended that Nigeria continue its cooperation with, inter alia, UNICEF and IOM with regard to trafficking in women and children."²⁷³

In 2012 an issue paper for the *United Nations Office of Drugs and Crime (UNDOC)* stated that Nigeria's 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act criminalises trafficking in persons,

"Article 64 of Nigeria's 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act states that: "Trafficking" includes all acts and attempted acts involved in the recruitment, transportation within or across Nigerian borders, purchases, sale, transfer, receipt or harbouring of a person involving the use of deception, coercion or debt bondage for the purpose of placing or holding the person whether for or not in involuntary servitude (domestic, sexual or reproductive) in force or bonded labour, or in slavery- like conditions. Article 19 of the same act also criminalizes enticing a child or a person of unsound mind out of the country without lawful consent, as well as the use of deception or compulsion "to induce any person to go from any place". No purpose is stipulated in relation to both offences although they appear to be used in

²⁷² International Migration Programme (MIGRANT), International Labour Organisation, August 2009, http://www.ilo.org/dyn/migpractice/migmmain.showPractice?p_lang=en&p_practice_id=40, accessed 10 January 2013

²⁷³ UNITED NATIONS, General Assembly HUMAN RIGHTS COUNCIL Working Group on the Universal Periodic Review Fourth session Geneva, 2-13 February 2009 COMPILATION 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 Nigeria, 5 January 2009, http://lib.ohchr.org/HRBodies/UPR/Documents/Session4/NG/A_HRC_WG6_4_NGA_2_E.pdf, accessed 10 January 2013

combination with Article 16, concerning foreign travel of a person for the purpose of prostituting that person."²⁷⁴

In 2012 an issue paper for the *United Nations Office of Drugs and Crime (UNDOC)* also stated that under the current legislation only deception, coercion and debt bondage are provided for as “means” of trafficking whereas “abuse of a position of vulnerability” is not, but that the legal framework around trafficking is currently under review,

"For present purposes, it is relevant to note that only deception, coercion and debt bondage are provided for as “means” of trafficking in Nigerian legislation. The legal framework around trafficking is currently under review. The absence of APOV in legislation means that there are no cases available that explicitly consider the use of this means. However, a review of available cases did provide some general insights into how the “means” element of the definition is understood and applied by the courts – as well as into situations where the availability of “abuse of a position of vulnerability” in legislation could have made a difference to prosecutions.

Generally, judgments do not appear to consider carefully or distinguish between the means used in a particular situation. However, where deception is advanced as the relevant “means” in cases of trafficking for sexual exploitation abroad, the Courts appear reticent to convict a suspect where the victim knew that he or she would be working in prostitution. However, one practitioner expressed the view that courts are always willing to convict when the elements of section 16 and other relevant sections are proven. Judgments also appear to imply that the taking of “juju” oaths is a coercive means resulting in victims feeling that they have no real or acceptable alternative to submit to the exploitation, though it is not necessarily categorized as “deceit”, “threat” or other particular type of coercion."²⁷⁵

In 2012, the *USDOS Trafficking in Persons Report* stated that the government of Nigeria does not fully comply with minimum standards for the elimination of trafficking but is making a significant effort to do so, and that the percentage of investigations of suspected trafficking offenses that resulted in court proceedings increased slightly in 2011,

"The Government of Nigeria does not fully comply with the minimum standards for the elimination of trafficking, but is making significant effort to do so. During the reporting period, the government did not demonstrate sufficient progress in its anti-trafficking law enforcement efforts. Roughly a third of convicted traffickers received fines in lieu of prison time, and despite identifying 386 labor trafficking victims the government prosecuted only two forced labor cases. [] However, NAPTIP did execute its first joint law enforcement exercise with the Government of Mali which led to the arrest of trafficking perpetrators and to the rescue of Nigerian trafficking victims.

[] The Government of Nigeria did not demonstrate adequate progress in its anti-trafficking law enforcement efforts during the year. After a severe reduction in prosecutions in 2010, the percentage of investigations of suspected trafficking offenses that resulted in court proceedings increased slightly in 2011; however the number of cases prosecuted remained low compared to the large numbers of trafficking investigations. Furthermore, sentencing of offenders was inadequate and, despite large numbers of identified forced labor victims, the government continued to neglect the prosecution of labour trafficking crimes. The 2003 Trafficking in Persons Law Enforcement and Administration Act, amended in 2005 to increase penalties for trafficking offenders, prohibits all forms of human trafficking. The law prescribed penalties of five years' imprisonment or a fine not to exceed the equivalent of \$645 or both for labor trafficking offenses; these are sufficiently stringent, but the law allows convicted offenders to pay a fine in lieu of prison time for labor trafficking or attempted

²⁷⁴ Trafficking in women and children: A hidden health and social problem in Nigeria S. Abdulraheem and A. R. Oladipo, *International Journal of Sociology and Anthropology* Vol. 2(3), pp. 034-039, March 2010, <http://www.academicjournals.org/ijasa>, accessed 2 December 2012

²⁷⁵ United Nations Office of Drugs and Crime (UNDOC), Issue Paper, ABUSE OF A POSITION OF VULNERABILITY AND OTHER “MEANS” WITHIN THE DEFINITION OF TRAFFICKING IN PERSONS, http://www.unodc.org/documents/human-trafficking/2012/UNODC_2012_Issue_Paper_-_Abuse_of_a_Position_of_Vulnerability.pdf, accessed 2 December 2012

trafficking offenses, which is a penalty that is not proportionate to the crime committed. The law prescribes penalties of 10 to 15 years' imprisonment for sex trafficking offenses and a fine of the equivalent of \$1,250, or both. For sentences that include only a fine, penalties are not sufficiently stringent."²⁷⁶

In 2012, the *USDOS Trafficking in Persons Report* also stated that under articles within the 2003 Trafficking in Persons Law Enforcement and Administration Act, 15 trafficking cases had been prosecuted, and 23 traffickers convicted,

"NAPTIP initiated 279 new investigations during the reporting period, prosecuted 15 trafficking cases, and convicted 23 traffickers. Despite identifying almost 400 forced labor victims, NAPTIP only prosecuted two forced labor cases, in comparison with 13 forced prostitution cases. All cases were tried under articles within the 2003 Trafficking in Persons Law Enforcement and Administration Act. Sentences ranged from six months' to 14 years' imprisonment and fines ranged from the equivalent of \$63 to \$316 – below the maximum fines to the equivalent of \$645 to \$1,250. Of the 23 offenders convicted, eight received a jail sentence with the option of a fine in lieu of time served, 13 offenders received jail time with no option of a fine, and two received both jail time and a fine. NAPTIP officials held workshops with federal and state judges to educate them on the trafficking in person's law, the particular challenges faced in prosecuting this crime, and on the need to apply stricter penalties in trafficking cases. NAPTIP proposed draft legislation to the national assembly that would eliminate the option of handing down only a fine in trafficking convictions.

The national assembly has yet to pass these amendments into law and judges continued to use fines in lieu of prison sentences. At the conclusion of the reporting period, 118 trafficking cases remained pending. NAPTIP's funding levels have remained static for the past few years and the limited number of prosecutions indicates the Government of Nigeria needs to prioritize increased funding to the agency. Although NAPTIP demonstrated an ability to obtain convictions from the prosecutions it initiated, a small number of investigations conducted during the year resulted in prosecutions, suggesting a need to enhance the investigation and prosecution skills of relevant officials. NAPTIP funded the training of 90 senior NAPTIP officials at the Nigerian Defense Intelligence School in Karu in March and July 2011, where they received training in basic security and intelligence skills necessary for any law enforcement officer. Throughout the reporting period, the government reported collaborating with law enforcement agencies in Germany, the United Kingdom, Greece, Sweden, France, Slovakia, Belgium, The Netherlands, and Italy on trafficking investigations involving Nigerian nationals. In some cases this cooperation led to the successful prosecution of a suspect in the host country; however, specific details on these cases was unavailable. The government did not initiate any investigations, pursue prosecutions, or obtain convictions of government officials for involvement in trafficking-related corruption during the reporting period, although such corruption was known to have occurred."²⁷⁷

In February 2010 a research paper for the *International Journal of Sociology and Anthropology* stated that while there are some national and international legal instruments in Nigeria which can be used to address certain aspects of human trafficking there is a continuing need for its implementation and for further legislation,

"There are some national and international legal instruments in Nigeria which can be used to address certain aspects of human trafficking such as child labor and sexual offences. In 2003, Nigeria passed the child rights act which comprehensively deals with the issue of child trafficking. Moreover, Nigeria ratified the UN Protocol to prevent, suppress and punish trafficking in persons, especially women and children in 2001 and passed a national law against trafficking in 2003 entitled "Trafficking in Persons (Prohibition) Law Enforcement

²⁷⁶ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

²⁷⁷ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

and Administration Act 2003". Nigeria is one of the few African countries to have passed such a law. However, many challenges remain. There is a continuing need for the further ratification and implementation of international legislation along with the use of national legal tools currently available to fight against trafficking in human beings."²⁷⁸

4. Access to support

In October 2006 the consideration of the report submitted by the Nigerian government to the *United Nations Committee on the Elimination of Discrimination against Women* stated that transit shelters for child victims of exploitation and abuse established in Kano and Akwa-Ibom States,

"The programme to combat child trafficking in Nigeria, which is part of the anti-child trafficking project under the UNICEF/FGN Programme of Cooperation 2002 – 2007, was under implementation during the reporting period. The objectives of the programme are to support the establishment of two transit centers for trafficked children in Kano and Akwa-Ibom States the programmes are to provide an immediate protective environment with safety, shelter, security, food, clothing, health services and income generating activities for victims of human trafficking. The project is funded to establish a functional mechanism for trained officers and care givers in providing standard services to victims of human trafficking, rehabilitation and family reunification.

[] • Transit shelters for child victims of exploitation and abuse established in Kano and Akwa-Ibom States, enhancing availability of child friendly services; counseling, psychosocial support, rehabilitation and reintegration support for victim's families and care givers.

- Income generating equipment procured and micro credit scheme established for victims of trafficking and their families in targeted States.
- Information technology equipment and recreational, educational and vocational materials procured for centers.
- Anti-child trafficking network comprising relevant government agencies and ministries, law enforcement units, civil society, and community leaders were established at national and sub-national levels in 22 endemic States of Nigeria. Impact is increased awareness, rescue, rehabilitation and reintegration of victims of child trafficking in these States."²⁷⁹

In October 2006 the consideration of the report submitted by the Nigerian government to the *United Nations Committee on the Elimination of Discrimination against Women* also stated that anti-child trafficking working groups and networks established at the State and zonal levels had fostered closer collaboration between law enforcement agencies, NGOs, CBOs and state ministries,

"[] anti-child trafficking working groups and networks were set up in four zones of the federation. The networks established at the State and zonal levels fostered closer collaboration between law enforcement agencies, NGOs, CBOs and state ministries on reporting incidences, rescue, repatriation, and reintegration of victims of internal and external trafficking. Information about trafficking routes is routinely shared among members of the network to enhance investigations and prosecution efforts. This is done through regular interactions among members, monthly meetings of the State working groups and the quarterly meetings of the zonal working groups. In addition, the ministries of women affairs and NGOs now coordinate repatriation and rehabilitation of victims in collaboration

²⁷⁸ Trafficking in women and children: A hidden health and social problem in Nigeria S. Abdulraheem and A. R. Oladipo, *International Journal of Sociology and Anthropology* Vol. 2(3), pp. 034-039, March 2010, <http://www.academicjournals.org/ijasa>, accessed 2 December 2012

²⁷⁹ United Nations, Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Nigeria, 5 October 2006, http://www.iwraw-ap.org/resources/pdf/41_official_documents/nigeriaNGA6.pdf, accessed 10 January 2013

with the law enforcement agencies. Thus, victims of trafficking are now diverted from police custody to improved rehabilitation centres.

- NAPTIP is currently managing the shelter facilities in Lagos and Benin that were handed over by IOM, for purposes of counseling and rehabilitation of victims of trafficking.
- Seven transit shelters have been established in Kano, Edo, Akwa Ibom, Abuja, Enugu and Sokoto and Lagos States for the purpose of rehabilitation of victims of trafficking
- Setting up of two coordinating groups and an Anti-Trafficking Network by NAPTIP, with the support of the United States Department of State and UNICEF facilitate synergy and convergence on combating Child Trafficking in Nigeria.
- Pilot project of the Edo State Ministry of Education in collaboration with the IOM, was carried out to introduce issues of trafficking in persons and HIV/AIDS into the high school curricula.²⁸⁰

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja stated that NAPTIP has seven shelters in operation in Lagos, Abuja, Uyo, Kano, Sokoto, Benin City and Enugu,

“According to De Cataldo (IOM) NAPTIP has access and is working toward the establishment of seven shelters in Abuja, Lagos, Kano, Edo, Enugu, Sokoto and Akwa Ibom states. The active shelters have first aid capacity, a visiting medical doctor and referral capacity to hospitals. Oguejiofor (NAPTIP Abuja Headquarters) stated that NAPTIP has seven shelters in operation in Nigeria. The shelters are located in:

State/city	Capacity
Lagos	120
Abuja	50
Uyo	50
Kano	50
Sokoto	50
Benin City	50
Enugu	50

Morka (NAPTIP Lagos Zonal Office) explained that NAPTIP's Zonal Office in Lagos runs a shelter for victims of trafficking including a medical clinic. The shelter has a capacity of 120 beds and this number can be increased to 200 beds, if necessary. Since 2004, 631 victims have passed through the shelter, out of which 562 were women. 53 victims are currently in the shelter. [] Barrister Abiodun (NAPTIP Benin Zonal Office) explained that the present NAPTIP shelter in Benin City is not permanent, as the tenancy of the shelter will come to an end by 2008. It was emphasized that there is a need for the Zone to have its own shelter. Ndaguba (NAPTIP Abuja Headquarters) explained that NAPTIP's shelter in Abuja can accommodate approximately 50 victims of trafficking and at the moment of writing this report 30 victims have their residence in the Abuja shelter.

[] Mrs. Umaru (WOTCLEF) informed that WOTCLEF has a shelter for victims of trafficking and the NGO has in the past received financial support from different partners including UNICEF ILO/PATWA and the World Bank. It was added that WOTCLEF offers support to victims of trafficking in terms of skills training such as leather working, sewing and other handcrafts. WOTCLEF advises victims of the opportunities for micro credits and small-scale loans that exist either via other NGOs or from local banks. Furthermore, WOTCLEF provides for education of minors and even up to university level in some cases.²⁸¹

²⁸⁰ United Nations, Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Nigeria, 5 October 2006, http://www.iwraw-ap.org/resources/pdf/41_official_documents/nigeriaNGA6.pdf, accessed 10 January 2013

²⁸¹ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available at: <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja stated that victims stay for an average six months, but some may stay even longer before they can be reunited with their families,

"Mrs. Umaru (WOTCLEF) explained that in Abuja both WOTCLEF and NAPTIP each have a shelter for victims of trafficking and victims can receive assistance and counselling in both shelters. Furthermore, NACTAL is about to open a new shelter in Abeokuta, Ogun State. [] The delegation was informed that at present WOTCLEF's home accommodates 14 victims of trafficking, some of which are returned victims from abroad. Altogether the home can accommodate not more than 30 at a time, but to do so WOTCLEF would need additional funding. All victims in the home receive legal counselling and lawyers frequently visit the home to assist the victims. A majority of the minors are in the home on a voluntarily basis. On average, the victims stay for a period up to six months, but some may stay even longer before it become possible to have them reunited with their families. Some of the victims are attending primary and secondary schools by the assistance of WOTCLEF.

[] COSUDOW's shelter can accommodate 18 women. There is also a room for any physically challenged person who might come back. Rev. Sister Florence (COSUDOW) noted that the shelter was single-handedly built by the Catholic Bishop's Conference of Italy and furnished by Missio, Achaen, Germany and the Religious Foundation against Trafficking in Women in Den Bosch, the Netherlands. Caritas Italiana donated the fund for the purchase of the land upon which the shelter is built. It was added that there is a convent within the shelter. [] Roland Chigozie (Idia Renaissance) explained that Idia Renaissance refers victims of trafficking who approach the organisation to NAPTIP's shelter in Benin City, but Idia Renaissance offer counselling and vocational training in its own centre. So far, Idia Renaissance has rehabilitated over 240 victims of human trafficking. This year (2007) Idia Renaissance has rehabilitated 30 girls and women referred by NAPTIP and five victims are currently been rehabilitated; the centre currently houses two of them because their families have rejected them. Idia Renaissance and IOM formerly ran this shelter jointly.²⁸²

In August 2012 the *International Organization for Migration (IOM)* reported that Nigerian NGO, the African Women Empowerment Group (AWEG) had established a shelter for victims of trafficking but that at the time of the report's writing it was not being used,

"Sheltering: AWEG has set up a shelter for trafficked persons in partnership with faith based organizations but do not presently have people in the shelter."²⁸³

In 2012, the *USDOS Trafficking in Persons Report* stated that The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) did not increase its funding for protective services and its victim shelters,

"The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), established by the 2003 Anti-Trafficking in Persons Law to coordinate and facilitate the government's anti-trafficking agenda, did not increase its funding for protective services and its victim shelters offered limited reintegration services and were not always well maintained. Despite documentation of a staggering number of Nigerians trafficking victims identified in countries around the world, the government inconsistently employed measures to provide services to repatriated victims.

Despite the growing number of Nigerian trafficking victims identified abroad, the government has yet to implement formal procedures for the repatriation and reintegration of Nigerian victims. Victims in NAPTIP's shelters were offered counselling, legal services, and

²⁸² Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available from <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

²⁸³ International Organization for Migration, Country Fact Sheet, Nigeria, August 2012, http://www.bamf.de/SharedDocs/MILo-DB/EN/Rueckkehrfoerderung/Laenderinformationen/Informationsblaetter/cfs-nigeria-download-englisch.pdf?__blob=publicationFile, accessed 5 February 2012

basic medical treatment, and victims who required specialized care received treatment from hospitals and clinics through existing agreements with these institutions. Some shelter staff, however, lacked previous training or professional experience in treating the trauma of trafficking victims, and the government did not provide such specialized training to staff members during the reporting period. Victims were allowed to stay in NAPTIP shelters for up to six weeks – a limit which was extended by up to four additional weeks in extenuating circumstances – during which time they received informal education or vocational training; after this time, those who needed long-term care were referred to a network of NGOs that could provide additional services, though few long-term options were available for adult victims."²⁸⁴

In 2012, the *USDOS Trafficking in Persons Report* also stated that government officials adhered to the explicit provision of the 2003 Trafficking in Persons Law Enforcement and Administration Act, which ensures that trafficking victims are not penalized for unlawful acts committed as a result of being trafficked,

"Victims were not allowed to leave the shelters without a chaperone, a practice that is known to risk re-traumatization of trafficking victims. Government officials adhered to the explicit provision of the 2003 Trafficking in Persons Law Enforcement and Administration Act, which ensures that trafficking victims are not penalized for unlawful acts committed as a result of being trafficked. Officials encouraged victims to assist in the investigation and prosecution of trafficking cases, and NAPTIP reported that 29 victims served as witnesses or gave evidence during trial in 2011. All victims were eligible to receive funds from the victims' trust fund, which was financed primarily through confiscated assets of convicted traffickers. During the reporting period the equivalent of \$21,500 was disbursed to 45 victims, although not necessarily in equal amounts and for purposes ranging from medical costs to school tuition. The government provided a limited legal alternative to the removal of foreign victims to countries where they face hardship or retribution; short term residency that could not be extended."²⁸⁵

In 2012 the *International Organization for Migration (IOM)* stated that its mission is implementing a counter-trafficking project in collaboration with the National Agency for the Prohibition of Traffic Persons in Nigeria, other government, NGO and UN partners,

"The mission in collaboration with the National Agency for the Prohibition of Traffic Persons in Nigeria, other government, NGO and UN partners is implementing a counter-trafficking project that focus on implementation of the national plan of action, sensitization of relevant stakeholders on the National policy for the Protection of Trafficked Persons in Nigeria, its operationalisation, the sustained development of integrated referral service delivery systems of social protection, socio-economic reintegration for victims of trafficking in persons as well as visible primary prevention services in endemic source areas in Edo State and Lagos State.

The mission is supporting the implementation of the activities of a joint counter-trafficking project developed under the framework of the UN.GIFT (United Nations Global Initiative to Fight Human Trafficking) by the United Nations Office on Drugs and Crime (UNODC), the International Organization for Migration (IOM) and an NGO, EXIT. The overall objective of the proposed action is to stem irregular migration by preventing and combating trafficking in human beings between Nigeria and selected European countries"²⁸⁶

²⁸⁴ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

²⁸⁵ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

²⁸⁶ International Organization for Migration, Where We Work, Nigeria, July 2011, <http://www.iom.int/cms/en/sites/iom/home/where-we-work/africa-and-the-middle-east/central-and-west-africa/nigeria.html>, accessed 28 July 2012

5. State willingness and ability to provide effective protection

In October 2006 the consideration of the report submitted by the Nigerian government to the *United Nations Committee on the Elimination of Discrimination against Women* stated that additional progress recorded by the Nigerian government and agencies such as NAPTIP, non-governmental organizations and development partners have been made at four levels, policy, bilateral cooperation, shelter and programmes,

“Additional progress recorded by the Nigerian government and agencies such as NAPTIP, non-governmental organizations and development partners have been made at four levels, policy, bilateral cooperation, shelter and programmes. These include:

- The adoption of the ECOWAS Declaration Against Trafficking and the ECOWAS Initial Plan of Action Against Trafficking has improved the level of international collaboration amongst the countries the West African sub-region CEDAW/C/NGA/606-68784 55
- NAPTIP has produced a National Policy on Counseling and Rehabilitation and its implementation Strategy which has led to a more efficient counseling and rehabilitation services for victims of trafficking.
- The situation analysis and assessment of child trafficking trends in eleven endemic States in 2004 was completed in order to enhance prevention, planning and programming on trafficking issues. The assessment of the situation on child trafficking in Borno, Yobe, Jigawa, Adamawa, Taraba and Kano States was also conducted to provide an update on the magnitude, sources, transit routes, perpetrators and destinations of children trafficked in these States.
CEDAW/C/NGA/6 56 06-68784
- The establishment of the anti - trafficking network in 22 States of Nigeria, where trafficking is endemic, has resulted in better awareness creation of people at the grassroots to stem the problem of trafficking from source, and has led to intervention of trafficked victims and successful prosecution of traffickers
- The establishment of seven Youth Resource Centres to provide health, skill - learning, legal support and information to young people in Edo, Delta, Kano, Akwa Ibom, Sokoto, Ebonyi and Imo States.
- Sensitization programmes to discourage human trafficking are held on a regular basis in different communities, market places, schools and tertiary institutions and in various parts of the country particularly in endemic areas like Benin in Edo State, Danko in Niger State, Edu in Kwara State, Oshogbo in Osun State, Kafanchan in Plateau State and in Kaduna State.

Strong partnerships have been developed both at national and state levels with the Police, Immigration and Nigerian Customs Service to address the problem of human trafficking through checking illegal movement of children and women across borders. Consequently, an annual report, fact sheets and Victims Support Manual have been published and circulated widely. The Nigeria Immigration Service (NIS) and other border control agencies, including the Nigeria Customs Service (NCS), have intensified operations at the borders to check the illegal movement or transfer of children and women. The Immigration Service recently established a specialized human trafficking department. The Nigeria Police Force also has a unit that deals with local and international trafficking in persons. The existing collaborative efforts have yielded tremendous gains for the war against trafficking. Areas of collaboration have also been extended to training of judicial officers, including judges, lawyers, prosecutors, immigration officers and policemen.

[] The impact of Nigeria’s cooperation with countries of destination has resulted in an increase in the level of arrest and prosecution of those involved in women and child trafficking and other forms of sexual exploitation. Development partners and international

agencies and NGOs have given material and technical support to NAPTIP to assist in the rescue, rehabilitation and social reintegration of trafficked persons.”²⁸⁷

In October 2006 the consideration of the report submitted by the Nigerian government to the *United Nations Committee on the Elimination of Discrimination against Women* stated that on-going efforts at enforcing anti-trafficking laws by government and NGOs included a Monitoring Centre in NAPTIP's Abuja office and state Working Groups made up of government operatives were established in 22 states,

“By May 2006 the following achievements have been recorded:

- More than 64 cases were investigated out of which 18 cases were filed in court. Seven convictions with jail terms of 2 – 7years for trafficking offences.
- 520 locally and internationally trafficked women were rescued, sheltered and counseled.
- With the assistance of the Italian government and the International Labour Organization/Prevention of Trafficking in West Africa (ILO/PATWA), a Monitoring Centre was established in NAPTIP's Abuja office and equipped with a V-SAT (internet facility). This has greatly improved documentation, reporting and communication with partners in and outside the country on child trafficking
- With the support of the US State Narcotics Department and UNICEF, State Working Groups made up of government operatives were established in 22 states • The expansion of the initiative to include a network of CSOs on Trafficking in Persons (TIP) through WOTCLEF and with the support of SIDA and UK National Commission, facilitated by UNICEF
- Establishment of WOTCLEF clubs in secondary schools and NYSC formations all over the federation to sensitize students and graduates of tertiary institutions on the ills of human trafficking.
- Hotlines have been created by NAPTIP to enable individuals report situations of trafficking or abuse of children and women
- The Federal Ministry of Information and National Orientation in collaboration with the ILO-IPEC implemented the following activities to support the fight against child trafficking and Labor in Nigeria 1. Awareness creation and sensitization workshop for faith based organizations in Nigeria to initiate consistent propagation of elimination of child labor and trafficking, and production and airing of radio jingles on the prevention of human trafficking. 2. Production and distribution of IEC materials, posters and bill boards to create awareness and impact the level of human trafficking in the country.

[] Bilateral Cooperation

- The Federal government's Cooperation Agreement with IOM on the fight against women/child trafficking, provision of counseling, rehabilitation and capacity building further provides for a Performance Monitoring Plan to monitor progress in counseling and rehabilitation, prevention and criminal justice.
- Cooperation Agreements with the French, Netherlands, British and Italian governments have led to increased research and the provision of technical assistance to Nigeria in the area of capacity building (training and equipment supply) and funding.
- Cooperation Agreement between Nigeria and Benin Republic, has led to improved processes of repatriation and reintegration of victims of trafficking in between the two countries.

²⁸⁷ United Nations, Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Nigeria, 5 October 2006, http://www.iwraw-ap.org/resources/pdf/41_official_documents/nigeriaNGA6.pdf, accessed 10 January 2013

- The signing of a multi-lateral Cooperation Agreement to combat human trafficking was signed in 2005 between Nigeria, Niger, Benin, Togo, Burkina Faso, Cote d'Ivoire and Sierra Leone.²⁸⁸

In 2012, the *USDOS Trafficking in Persons Report* stated that the government of made limited efforts to protect trafficking victims during the year, despite the government's considerable resources,

"The Government of Nigeria made limited efforts to protect trafficking victims during the year, despite the government's considerable resources. NAPTIP maintained a database of trafficking victims identified by the government and NGOs and reported a total of 949 victims identified within the country in 2011, including 386 victims of forced labor, 563 victims of sex trafficking, and 467 children. The government paid a monthly stipend of the equivalent of \$2,500 to a local NGO and provided in-kind donations and services to NGOs and other organizations that afforded protective services to trafficking victims. It reported spending about one fifth of its operational budget, or the equivalent of \$671,000, on victim protection during 2011. NAPTIP continued to operate eight shelters with the total capacity for 210 victims at a time; this constitutes a 50 percent decrease in capacity from 2010. NAPTIP claimed this reduction was intended to provide more comfortable accommodations for victims. Given NAPTIP's ongoing reported difficulty in adequately staffing and caring for victims in shelters, this reduction of beds is worrisome, especially because the number of identified Nigerian trafficking victims continues to increase. During the reporting period, NAPTIP completed the relocation of its primary and largest shelter to a higher-capacity facility devoted solely to trafficking victims.

In November 2011, senior NAPTIP officials conducted a joint raid with Malian officials in order to rescue previously identified Nigerian sex trafficking victims in Bamako-based brothels. While screening mechanisms in Bamako remained limited, upon arrival in Nigeria victims were referred to local NAPTIP shelters for care; most victims chose to return to their homes after a brief stay in shelters. Within Nigeria, government officials continued to lack systematic procedures for identifying victims among vulnerable populations, such as women in prostitution. Authorities outside of NAPTIP – such as police and immigration officers assigned to other units – were not well-trained to identify victims. In one particular case, and for unknown reasons, Nigerian officials did not assist prosecutors, representing a Nigerian victim in a foreign country, in locating a Nigerian trafficker who was in Nigeria during the case proceedings. Nigerian diplomats in a neighboring West African country referred most of the Nigerian trafficking victims identified in that country to local NGOs rather than arranging for their repatriation to NAPTIP shelters in Nigeria."²⁸⁹

In 2012, the *USDOS Trafficking in Persons Report* stated that the government maintained modest efforts to prevent human trafficking and that NAPTIP's Public Enlightenment Unit continued to conduct national and local programming through radio and print media in all regions of the country,

"[] The Government of Nigeria sustained modest efforts to prevent human trafficking through campaigns to raise awareness and educate the public about the dangers of trafficking. NAPTIP's Public Enlightenment Unit continued to conduct national and local programming through radio and print media in all regions of the country to raise awareness about trafficking, including warning about the use of fraudulent recruitment for jobs abroad. The objective of these and several related programs was to sensitize vulnerable people, sharpen public awareness of trends and tricks traffickers used to lure victims, warn parents,

²⁸⁸ United Nations, Committee on the Elimination of Discrimination against Women, Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women, Sixth periodic report of States parties, Nigeria, 5 October 2006, http://www.iwraw-ap.org/resources/pdf/41_official_documents/nigeriaNGA6.pdf, accessed 10 January 2013

²⁸⁹ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

and encourage community members to participate in efforts to prevent trafficking. In December 2011, NAPTIP and the Dutch national police agency signed a memorandum of understanding to use a “train-the-trainers” format to build the capacity of NAPTIP in combating trafficking. The government took no discernible steps to decrease the demand for forced labor and, in fact, cut its labor inspection force from 500 to 50. Additionally, labor inspectors at headquarters lacked any vehicles with which to monitor field conditions. In efforts to reduce participation in child sex tourism, the government arrested Nigerian nationals for child sex tourism in the Philippines during the reporting period. The government, with foreign donor support, provided anti-trafficking training to Nigerian troops prior to their deployment abroad on international peacekeeping missions.”²⁹⁰

In January 2013, the Abuja-based daily newspaper *Leadership*, stated that the Child Welfare Orientation Network had launched a campaign against child trafficking by exposing how human traffickers operate,

“Human trafficking is a menace that eats up a society, although a lot has been put into eradicating the scourge, it is estimated that traffickers are more organised in this crime thereby making the fight a serious challenge. Speaking during the organisation’s campaign against child trafficking on how human traffickers operate, a legal practitioner and the National Coordinator, Child Welfare Orientation Network, Mr. Lucky Chukwuemeka Durueke stated that traffickers usually make promises of better life, employment and education to people. According to him, these promises are fake as they are only ploys to recruit children and girls whom they introduce into prostitution and child slavery. He cautioned parents against strangers with good promises of better lives for their children.

“The year is ending and usually there are holidays. People from all walks of life come home with various purposes. However, there is a need to be careful at this time as I consider it a dangerous time as human traffickers consider this the best time to recruit children by promising to take them to where life is easy, they deceive parents by giving them offers that are never realisable but the bottom-line is that lots of children are trafficked within this time to January. Thus this campaign is to really sensitise them in this regard.”²⁹¹

In April 2012 the global collaborative research database on women's rights under law the *International Models Project for Women’s Rights (IMPOWR)* stated that the corruption “at every level” of Nigerian society helped to facilitate trafficking,

“Nigeria is also plagued by corruption at every level of society, corruption goes hand-in-hand to facilitate trafficking. The level of corruption in Nigeria is high. A 2009 report by the United States Department of State noted that corruption in Nigeria “was massive, widespread, and pervasive at all levels of government and throughout the security forces.”¹³ It is widely known that judges can be bribed easily, and that judicial officials frequently solicit bribes from litigants for favorable outcomes.¹⁴ Similarly, police are viewed as the most corrupt sector in society.¹⁵ Many trafficking victims have reported that law enforcement officials have demanded a bribe prior to pursuing the alleged offender.¹⁶ Knowledge that some law enforcement officers are acting in concert with traffickers discourages all victims from reporting the crime.”

Bribes taken by corrupt security, immigration agents, embassy and airline officials facilitate trafficking. That corruption is pervasive among government officials and within the travel sector is supported by undercover operations and corroborating testimony from victims. In 2007, a sting operation carried out at airports in Nigeria, France, Belgium, Italy, Spain, United Kingdom, Ireland and Netherlands resulted in the arrest of 56 Nigerians, including top immigration officials for assisting in trafficking. But for government corruption, traffickers

²⁹⁰ USDOS Trafficking in Persons Report 2012, Nigeria, <http://www.state.gov/documents/organization/192597.pdf>, accessed 20 November 2012

²⁹¹ *Leadership*, Combating Human Trafficking Through Effective Strategies, 06 January /2013 http://www.leadership.ng/nga/articles/44247/2013/01/06/combating_human_trafficking_through_effective_strategies.html, accessed 8 January 2013

would not be able to procure fake passports, to cross borders, or to buy their way out of harsh sentences with the relative ease with which they do now."²⁹²

On 27 September 2011 *The United States Department of Labor (USDOL)* 2010 Report, Findings on the Worst Forms of Child Labor, stated that the government has a national policy on protection and assistance to trafficked persons in Nigeria, which provides for services to trafficking victims such as protection and rehabilitation,

"The Government of Nigeria has a 2008 National Plan of Action on Trafficking in Persons, which provides government entities and NGOs a coordination framework for research, protection, prevention and prosecution. Along with this plan, the Government has a national policy on protection and assistance to trafficked persons in Nigeria, which provides for services to trafficking victims such as protection and rehabilitation. Policies concerning the trafficking of children for exploitative labor were strengthened during the reporting period by the adoption of the ECOWAS [Economic Community of West African States] Regional Policy on Protection and Assistance to Victims of Trafficking in Persons in West Africa, which includes a focus on specific sectors, such as child begging."²⁹³

In December 2012, the Abuja-based daily newspaper *Leadership*, stated that the National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) had confirmed the evacuation of 50 trafficked girls from Ghana and Cote d' Ivoire,

"Mrs Beartice Jedy-Agba, Executive Secretary, National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP), on Wednesday, confirmed the evacuation of 50 trafficked girls from neighbouring countries. Addressing newsmen in Abuja, Mrs Lily Oguejiofor, who represented the executive secretary, said the girls were working as 'sex slaves' before they were evacuated from Ghana and Cote d' Ivoire. According to her, a breakdown showed that seven of the girls were rescued from Cote d' Ivoire, 40 from Ghana and three suspects acting as slave masters were arrested.

[] Jedy-Agba said that the suspects had confessed to the crime and would be prosecuted to serve as deterrent to others. [] She said that NAPTIP had commenced preliminary debriefing of the victims, counselling and medical screening before they would be rehabilitated back into society. The secretary noted that human trafficking was based on deceit, adding that most of the girls, who were involved, were promised better income if they travelled abroad."²⁹⁴

In December 2012, the Abuja-based daily newspaper *Leadership*, also stated that Beartice Jedy-Agba, Executive Secretary, National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) noted that the challenges of human trafficking will require a heightened level of commitment and operation on the part of all Nigerians, the different tiers of government and development partners,

"[] Jedy-Agba also noted that if the problem of good governance, unemployment and poverty were tackled, people would not be deceived and end up as trafficked victims. "The challenges of human trafficking will require a heightened level of commitment and operation on the part of all Nigerians, the different tiers of government and development partners. "The three tiers of government must take a holistic and coordinated rational approach to address predisposing factors such as poverty, unemployment, collapse of family values and the unchallenged erosion of our cultural values," she said. She said that the agency still faced challenges of funding, and that what the agency got was not sufficient to fully carry out their operations. Mr Orakwue Arinze, an Assistant Director, Public Relations, said that

²⁹² International Models Project for Women's Rights (IMPOWR) Room for Improvement: Nigeria's Approach to Trafficking, Meleena M. Bowers, 9 April 2012, <http://impowr.org/journal/room-improvement-nigeria%E2%80%99s-approach-trafficking>, accessed 29 November 2012

²⁹³ The US Department of Labor's Bureau of International Labor Affairs 2010 Findings on the Worst Forms of Child Labor, 30 September 2011, <http://www.dol.gov/ilab/programs/ocft/PDF/2010TDA.pdf> accessed 1 December 2012

²⁹⁴ *Leadership*, NAPTIP Rescues 50 Trafficked Victims From Ghana, Code D' Ivoire, 5 December 2012, http://www.leadership.ng/nga/articles/41819/2012/12/05/naptip_rescues_50_trafficked_victims_ghana_code_d_ivoire.html, accessed 7 January 2013

the agency had put in place measures to make sure Nigeria regained its tier one, status. []
"Stakeholders conference are organised to institute polices to help combat trafficking, more shelters are being provided and more investigators are being trained," Arinze said. He said a lot of awareness was being created through jingles to sensitise people on the evils of human trafficking, especially during this period."²⁹⁵

In December 2012, the Abuja-based daily newspaper *Leadership*, also stated that the National Agency for the Prohibition of Traffic In Persons (NAPTIP) on Monday said there was the need for constant community dialogue to discourage human trafficking,

"The National Agency for the Prohibition of Traffic In Persons and other Related Matters (NAPTIP) on Monday said there was the need for constant community dialogue to discourage human trafficking. Mrs Beatrice Jedy-Agba, the Executive Director of the agency said this in Benin at a sensitisation workshop. Jedy-Agba, who was represented by Mrs Ladun Aiyegbusi, the Director, Public Enlightenment, NAPTIP, said government should put in place qualitative education for children to check them from falling prey to human traffickers.

Jedy-Agba said that, "government is urged to make qualitative education accessible to all children and to vigorously pursue the realisation of a democratic society with effective poverty alleviation scheme." "Local councils are also urged to complement efforts of the Edo Government through effective oversight of identified environment of exploitations in their locality," she said.

Jedy-Agba singled out Edo as a veritable ground for the recruitment of young females for sexual exploitation, adding that community dialogue must be encouraged to discourage the worrisome trend. "May I say that the responsibility of tackling this menace, which is gradually eroding our communities is a collective one. "There is the need, therefore, to take a coordinated approach to address poverty, illiteracy, ignorance, unemployment and the gradual erosion of our cultural and ethical values. "It is worrisome that Edo State has been identified as a source state for the recruitment of young females for sexual exploitation," she said. Jedy-Agba said that human traffickers now went deep into villages, targeting unsuspecting families to source their victims, who did not realise the dangers of human trafficking and its attendant consequences."²⁹⁶

6. Societal attitudes towards victims of trafficking

In April 2011 UK newspaper *The Independent* stated that women who are trafficked are stigmatised and rejected by their families if they return home without having made money,

"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."²⁹⁷

²⁹⁵Leadership, NAPTIP Rescues 50 Trafficked Victims From Ghana, Code D' Ivoire, 5 December 2012, http://www.leadership.ng/nga/articles/41819/2012/12/05/naptip_rescues_50_trafficked_victims_ghana_code_d_ivoire.html, accessed 7 January 2013

²⁹⁶Leadership, NAPTIP Calls For Community Dialogue To Discourage Trafficking, 10 December 2012, http://www.leadership.ng/nga/articles/42201/2012/12/10/naptip_calls_community_dialogue_discourage_trafficking.html, accessed 7 January 2013

²⁹⁷The Independent, The curse of 'juju' that drives sex slaves to Europe, Jenny Kleeman, 7 April 2011, <http://www.independent.co.uk/news/world/europe/the-curse-of-juju-that-drives-sex-slaves-to-europe-2264337.html>, accessed 21 November 2012

In 2011 a research paper by *Franca Attoh* PhD for the University of Lagos stated that women were viewed as commodities by their male relatives and repatriated victims were often derided by family members for not succeeding,

"[] women are viewed by male members of their families as commodities to be traded at will. [] a study of Nigerian women trafficked to Italy showed that repatriated victims were often derided by family members for not succeeding and told to find their way back to Europe. The study showed that parents were positively disposed towards trafficking as long as money was sent back to the families.

[] In the context of Benin City, the family impels young women into trafficking situations through deceit and in certain instances outright coercion. Family heads decide who gets trafficked and negotiate with traffickers and syndicates on behalf of those to be trafficked. This situation reinforces the marginalization of women. That in patriarchal societies that women are not only commodified but become chattels of their families. This mindset not only engenders trafficking but equally encourages and supports the re-trafficking of those trafficked but deported."²⁹⁸

In November 2012 the online news platform *Voice of America* stated that many victims of sex trafficking face disapproval if they return home without money,

"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. Okoduwa says the same traditional priests that administered the oaths have the power to release sex trafficking victims from the spell, or convince the girls they are released, which has the same practical result.

"What I do is help intervening, mediate between the girl and the man. I talk sense into them and the man says, 'Okay, from today you are free.' They make some incantation and say 'today you are free,'" explained Okoduwa. 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."²⁹⁹

In April 2012 the global collaborative research database on women's rights under law, *International Models Project for Women's Rights (IMPOWR)*, stated that there is a lack of empathy towards trafficking victims and ignorance about enslavement,

²⁹⁸ Chattels of their Families: Trafficking of Young Women as Gender Violence, Franca Attoh PhD, Department of Sociology, University of Lagos, Akoka- Yaba,, Lagos, http://www.codesria.org/IMG/pdf/Franca_Attoh.pdf, accessed 29 November 2012

²⁹⁹ Voice of America, Nigerian Sex Trafficking Victims Abandoned, Heather Murdock, November 26, 2012, <http://www.voanews.com/content/nigerian-sex-trafficking-victims-freed-abandoned/1553080.html>, accessed 2 December 2012

"Despite an aggressive education campaign, the public is largely ignorant about the dangers of human trafficking. Awareness programs have failed, in part, because campaigns have not targeted the populations most at risk or addressed the needs of the local communities. Furthermore, many Nigerians do not understand human trafficking and thus fail to grasp that victims of trafficking are coerced into sexual slavery. As a result, there is a lack of empathy among the general population as to the plight of sexual slavery victims. Even educated professionals hold shockingly prejudicial views towards trafficked sex workers. A female Nigerian lawyer described human trafficking as: "We talk about human trafficking when we have grown up ladies, who we call adults who should know what is right and what is wrong and they decide to go into prostitution." This view is indicative of the general opinion that trafficked women working as prostitutes are immoral women and have a choice. This belief stands in stark contrast to reality. The stigma associated with being a victim of sexual slavery has severe negative consequences for the successful rehabilitation of a trafficked person."³⁰⁰

In April 2012 the *International Models Project for Women's Rights (IMPOWR)* also stated that a there is a link between forced prostitution and the acceptance of domestic violence in Nigeria as a result of the social acceptance and legal institutionalization of domestic violence against women,

"Traditional community attitudes towards women are evidenced in the prevalence and social acceptance of violence against women in Nigerian society. Surprisingly, it is permissible under section 55 of the Penal Code, the law governing Northern states, for a husband to physically discipline his wife as long he does not cause "grievous harm" to her. Incredibly, roughly 65% of women and 61% of men believe it is appropriate for a husband to beat his wife under certain conditions, including if the wife burns food or does not cook it on time. Sexual slavery is a form of violence against women. Therefore, it is unsurprising to find a link between forced prostitution and the acceptance of domestic violence in Nigeria as a result of the social acceptance and legal institutionalization of domestic violence against women."³⁰¹

In February 2010 a research paper for the *International Journal of Sociology and Anthropology* stated that victims of trafficking were stereotyped and isolated as 'bad' persons in their communities on their return to Nigeria,

"The study showed that victims of trafficking were stereotyped and isolated as 'bad' persons in their communities, when they [] returned to Nigeria. The study findings showed the relevance to sensitize students to the role that family members and peers play in coercing or to force students into being trafficked. [] primary care givers exploit and abuse their children by coercing them into being trafficked. Such knowledge is more likely to empower them into being trafficked as a strategy to alleviate their low status."³⁰²

7. Linkages between trafficking and witchcraft

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja stated that a *ju-ju* priest may try to collect the debt at the home of the victim's family,

"Ndaguba (NAPTIP Abuja Headquarters) added that should a victim escape or disappear before the debt has been paid and the oath revoked, it is possible that a *ju-ju* priest, or an agent would try to collect the debt at the home of the victim's family. It was emphasized that

³⁰⁰ International Models Project for Women's Rights (IMPOWR) Room for Improvement: Nigeria's Approach to Trafficking, Meleena M. Bowers, 9 April 2012, <http://impowr.org/journal/room-improvement-nigeria%E2%80%99s-approach-trafficking>, accessed 29 November 2012

³⁰¹ International Models Project for Women's Rights (IMPOWR) Room for Improvement: Nigeria's Approach to Trafficking, Meleena M. Bowers, 9 April 2012, <http://impowr.org/journal/room-improvement-nigeria%E2%80%99s-approach-trafficking>, accessed 29 November 2012

³⁰² Trafficking in women and children: A hidden health and social problem in Nigeria S. Abdulraheem and A. R. Oladipo, *International Journal of Sociology and Anthropology* Vol. 2(3), pp. 034-039, March 2010, <http://www.academicjournals.org/ijisa>, accessed 2 December 2012

up to 90 % of the families affected would not call on the police or go to court, but they will do their utmost to pay the debt even though this kind of debt is illegal. Some families may even sell their land and property in order to repay the debt. There are also cases in which families have disowned their daughter because she is perceived to have brought the debt on the family. However, there are no known cases where such families have been killed or exposed their daughter to serious physical violence. Should NAPTIP be aware of such cases, the agency would do all it can to assist the victim and her family in order to reconcile and reunite the family, and to avoid re-recruitment taking place."³⁰³

In July 2011 the *British Broadcasting Corporation (BBC)* stated that a man had been convicted of trafficking two Nigerian girls who had been controlled by Juju magic rituals,

"A man has been convicted of trafficking two Nigerian girls who had been controlled by Juju magic rituals - the first case of its kind in Europe. Anthony Harrison, 32, imprisoned both girls - aged 14 and 16 - at his east London home before attempting to traffic them to Spain and Greece as prostitutes. It took police two years to persuade them to speak openly about their ordeal, such was the fear created by the ritual. One victim fully believed she would die after appearing in court. The girls came from small villages in Edo, Nigeria, and were sold into prostitution with the help of the local Juju priest.

[] Juju, sometimes known as voodoo or magic, is a significant part of West African culture which is particularly prevalent in the Edo state of Nigeria, alongside other religions such as Christianity. Dr Hermione Harris from the School of Oriental and African Studies explained Juju involved the manipulation of spiritual powers and was feared because of the harm this could bring. "If someone's ill, they die or there's some misfortune in the family, it is thought someone is working against them, they're using the power of Juju to put a curse on them," she said. Associated with Juju are rituals which could be the invention of an individual practitioner who can make a lot of money when people go to them with their problems. Dr Harris, who appeared as an expert witness at the trial, said: "The rituals they underwent, which were particularly terrifying, were to instill a maximum amount of terror and imprint on these two very vulnerable young women that they mustn't step out of line or give any information about their experiences."³⁰⁴

In April 2011 UK newspaper *The Independent* stated that Nigeria's human traffickers use juju as a form of "ritualised extortion" to trap thousands of women into a life of sex slavery,

"There are 100,000 trafficked Nigerians in Europe, and 80 per cent come from Edo – a southern state that is home to only three per cent of Nigeria's population. It is the trafficking capital of Africa, and home of the traditional West African religion they call juju. [] Rita says she has no choice but to carry on working. Before she left Nigeria, she swore an oath of loyalty to her traffickers in a traditional religious ritual [] She promised to pay back the cost of her transportation to Europe and offered up her soul as collateral for the debt. When she arrived in Italy, she was told she owed her traffickers €50,000 (£44,000), as well as extortionate living costs, including €300 a month in "rent" for the right to solicit from her particular patch. "I can't escape this unless I pay," she says. "Africans have very strong charms that can destroy someone in the twinkle of an eye."

Nigeria's human traffickers are using black magic to trap thousands of women like Rita into a life of sex slavery in Europe. [] It is a form of ritualised extortion that allows Nigerian women to be both perpetrators and victims of the exploitation. [] Juju has been practised in West Africa for centuries, and it would be hard to find anyone in Edo who is prepared to say they don't fear it. Believers say invisible spirits govern the earth and control every aspect of

³⁰³ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available at: <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

³⁰⁴ BBC, Trafficked girls controlled by Juju magic rituals by Sarah Bell, 7 July 2011, <http://www.bbc.co.uk/news/uk-14044205>, accessed 29 November 2012

human existence, and nothing can be hidden from their scrutiny. The spirits can be called on to protect people, but they can also destroy them.[] It is the most determined and driven who fall prey to Nigeria's traffickers – those without dreams to exploit are left alone. No matter how strong these women might be, the juju oath leaves them manipulated, abused and utterly trapped. Without faith in ancient, traditional beliefs, this modern form of slavery would not exist. And without a thriving market for their services, no Nigerian woman would be trafficked to Europe in the first place."³⁰⁵

In October 2012 the UK based NGO *ECPAT (End Child Prostitution and Trafficking) UK* reported that the victims of British man Osezua Osolase, found guilty of trafficking for sexual exploitation, were subject to juju ceremonies in Nigeria,

"Osezua Osolase, 42, of Gravesend, was today sentenced to 20 years in prison after a jury at Canterbury Crown Court found him guilty of trafficking for sexual exploitation, one count of rape and one count of sexual activity with a child. Osolase preyed on the vulnerable girls in Nigeria, promising them modelling careers, education and a better life. However, the teenagers were trafficked to the UK before being forced into prostitution in Europe facing a life of fear and sexual violence. His victims, orphans aged 14, 16 and 17, were subject to juju ceremonies in Nigeria, a traditional West African practice that was exploited in order to gain control of the girls. The terrified children were cut with razors, had head and pubic hair removed, and told to swear an oath of silence."³⁰⁶

In October 2012, the Abuja-based daily newspaper *Leadership* stated that one of Osolase's victims had described the Juju ceremony performed on her in Nigeria and stated that she was then told to swear an oath of silence,

"Osolase was found guilty of five counts of trafficking, one of rape and one of sexual activity with a child. The jury was told in a six-week trial which ended on Friday that West African "juju rituals" were used to instill terror into Osolase's three vulnerable victims, one aged just 14. The judge said the recycling worker, who has HIV, put his victims "in fear" to force their obedience and secure their silence. [] One of the girls described the Juju ceremony performed on her in Nigeria. During the ritual, samples of blood were extracted from the girl, and her hair, head and pubic were also cut. She was then told to swear an oath of silence."³⁰⁷

In October 2012 the UK NGO *ECPAT (End Child Prostitution and Trafficking) UK* reported that it had come across many cases in which juju is used to buy the silence of children,

"ECPAT UK has come across many cases in which juju is used to buy the silence of children, to terrify them into not disclosing what has happened to them for fear of death or injury to themselves or their families. [] Colin Walker, Deputy Director of ECPAT UK, said: "We welcome the dedication of police in bringing this case to court and shining a light on the horror and reality of child trafficking in the UK today. These children were subject to terror, abuse and will live with the scars of what he did to them for the rest of their lives".

[] Juju expert and former Met Police detective Andy Desmond, who delivers training with ECPAT UK on juju and witchcraft, said: "Juju is such a powerful spiritual belief that has been hijacked by the traffickers to control their victims. Although this court case is over and the trafficker has been sent to jail, the victims will strongly believe that that are still tied to

³⁰⁵ The Independent, The curse of 'juju' that drives sex slaves to Europe, Jenny Kleeman, 7 April 2011, <http://www.independent.co.uk/news/world/europe/the-curse-of-juju-that-drives-sex-slaves-to-europe-2264337.html>, accessed 21 November 2012

³⁰⁶ ECPAT UK, Victims' courage helps to convict trafficker over Nigerian child sex ring, 29 October 2012 <http://www.ecpat.org.uk/media/victims%E2%80%99-courage-helps-convict-trafficker-over-nigerian-child-sex-ring>, accessed 28 November 2012

³⁰⁷ Leadership, Human Trafficking: Nigerian Man Bags 20-Year-Jail Term In UK, 31 October 2012, http://www.leadership.ng/nga/articles/38836/2012/10/31/human_trafficking_nigerian_man_bags_20yearjail_term_uk.html, accessed 06 January 2013

their contract with the demi-gods who they were forced to swear an oath to. For them, it will take many years to recover or feel safe from the juju."³⁰⁸

In September 2012 an article in the online magazine *Think Africa Press* stated that witchcraft provides a convenient way to traffic and mentally dominate victims,

"In parts of Africa, witchcraft is becoming increasingly linked to a modern form of slavery: human trafficking. Through ritual "oaths of protection", witchcraft provides a convenient way to traffic and mentally dominate victims, who are easily silenced with the threat that any disobedience will be punished by the spiritual world. This has left the phenomenon hard to detect. [] A detective from London's Metropolitan Police Human Trafficking Team at New Scotland Yard, Andrew Desmond was responsible for the first successful prosecution of a Nigerian organised crime network. [] Africa's regional trafficking hub is Nigeria. Its police force has not been very eagle-eyed in its crackdown on trafficking. [] Desmond explains: "The human traffickers of Edo and Delta States of Nigeria have hijacked the cultural beliefs in *Juju* to blackmail their victims to satisfy the greed for money for those involved, including traditional priests paid to carry out the ceremonies. The strong belief in the spirits makes this a powerful weapon for modern day slave traders."

[] These deeply-held spiritual beliefs, which facilitate the Juju oath, cause huge problems for law enforcement officials who want victims to testify against their traffickers.[] Symptoms of post-traumatic stress disorder (PTSD) incurred by a trafficking victim will often seem to them to confirm that the spirit world is inflicting retribution upon them."³⁰⁹

In September 2012 the article for *Think Africa Press* also stated that the relationship between witchcraft and trafficking is economic and that it should not become the sole focus in the fight against human trafficking,

"[] The bond between witchcraft and human trafficking is not spiritual but economic. Structural factors have created a system of inequality, in which the vulnerable have to fight against multiple risk factors in order to maintain the most basic level of human dignity. Many reports cite the lack of social protection to help families in poverty, a lack of access to education for vulnerable children, corruption, the influence of senior religious and political figures, and culturally entrenched gender norms are all at play. It is important to recognise that witchcraft should not become the sole focus in the fight against human trafficking. It remains a fundamental problem with the distribution of wealth and needs to be challenged as such."³¹⁰

In April 2011 an article on the website of the US news agency *CNN* stated that there are death threats against those who attempt to intervene in the juju practice in any way,

"It took me six years to gather the necessary contacts to safely explore the juju culture of Edo State. There are death threats against those who attempt to intervene in the juju practice in any way. A young victim of trafficking I met twice in Copenhagen, named Promise, told me, "The juju priest took my womb from me. If I say anything, I can never get my womb back." No outsiders I know have been able to witness an actual juju ritual, but a few brave Nigerian trafficking victims have described the rituals to me in detail. The priest takes some of the young girls' pubic hair, nail clippings and menstrual blood, then officiates a ceremony in which she promises to repay her debt, never to escape, never to talk to the police and never to reveal any details of the juju ritual. A container holding the girls' hair, blood and clippings is sold to the madam who purchases the girl after transport to Europe,

³⁰⁸ ECPAT UK, Victims' courage helps to convict trafficker over Nigerian child sex ring, 29 October 2012 <http://www.ecpat.org.uk/media/victims%E2%80%99-courage-helps-convict-trafficker-over-nigerian-child-sex-ring>, accessed 28 November 2012

³⁰⁹ Think Africa Press, A Bewitching Economy: Witchcraft and Human Trafficking by Elizabeth Willmott-Harrop, 17 September 2012, <http://thinkafricapress.com/society/african-witchcraft-contemporary-slavery-human-trafficking-nigeria>, accessed 27 November 2012

³¹⁰ Think Africa Press, A Bewitching Economy: Witchcraft and Human Trafficking by Elizabeth Willmott-Harrop, 17 September 2012, <http://thinkafricapress.com/society/african-witchcraft-contemporary-slavery-human-trafficking-nigeria>, accessed 27 November 2012

thereby transferring spiritual control to her. Despite the perceived risks, Promise started to speak against her juju priest, and she offered to help me research the issue further.

“My family can help you learn about juju,” Promise told me, “But please tell my sisters not to come here. Both of them have taken the juju oath. Please don’t let them suffer like me. [] I managed to meet a few juju priests. I also met the head priest of the entire Edo State. It was a deeply nerve-wracking experience. Outside of his shrine, the head priest displays dozens of framed pictures of disfigured followers who have broken their oaths, claiming the power of his curses caused their disfigurement. The head priest’s followers were filled with absolute fear, and that is exactly why Nigerians from this area - like Promise, and perhaps her sisters - are being trafficked by the thousands, generating millions of dollars for their exploiters, who are able to maintain complete control of their victims through the juju oaths – body, mind and soul.”³¹¹

8. Treatment of victims of trafficking who have been returned to Nigeria

In September 2012 an article for the science news website *Science Nordic* described the findings of a PhD thesis 'Point of Departure – Life after Human Trafficking in Western Europe' by Sine Plambech, scheduled to be completed in 2013 stated that Nigerian women who have been trafficked to Europe are met with very high expectations from their families when they return to Africa,

"Upon their return from Europe, Nigerian victims of sex trafficking suddenly end up being responsible for taking care of their relatives, because it's assumed that they have made lots of money up there. [] 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.

“The returning women are given additional breadwinner duties, and this creates a need to earn extra money for food. It's hard to get work, so there's no fixed monthly salary,” says Sine Plambech, a PhD student at the Danish Institute for International Studies (DIIS). “Some try to sell home-baked bread. Others try to start up small businesses, where they sell water or phone cards. Their days are often uneventful because there are no jobs for them.” [] Over the course of a year, Plambech has been on two field trips Benin City, which is home to some 90 percent of all Nigerian sex workers. Here she followed 20 women, aged 19-35, all of whom had returned from a European country: Italy, Spain, Britain, Russia or Denmark. All these women were met with positive expectations from their relatives. These expectations are fuelled by the common view in Benin City that people who have been in the West deserve respect.”³¹²

In September 2012 an article for the science news website *Science Nordic* also stated that the families of women who have returned to Nigeria after being trafficked to Europe often want them to return to Europe in order to try and earn more money,

"[] Some of the women have had truly horrible experiences in Europe. But they also earned money, which they could send back home to support their families and children. This often

³¹¹ The CNN Freedom Project, 'Juju oaths' ensnare trafficking victims mind, body and soul, 1 April 2011, <http://thecnnfreedomproject.blogs.cnn.com/2011/04/01/juju-oaths-ensnare-trafficking-victims-mind-body-and-soul/>, accessed 06 January 2013

³¹² Science Nordic, Victims of sex trafficking return home to great expectations, 13 September 2012 <http://sciencenordic.com/victims-sex-trafficking-return-home-great-expectations>, accessed 5 January 2013

acts as a compensation for the terrible experiences they've had as sex workers. As a result of this, there have been locals who have travelled to Europe – and returned home with great wealth. [] These success stories have served as an inspiration for many young women in the city's poor neighbourhoods. The girls are, however, usually disappointed when they come to the West. In Europe, life as an undocumented migrant – along with the work on the streets – is much harder than they had imagined.

But that's something the women are reluctant to talk about: "Since the negative stories are generally not told in Benin City because they are associated with shame, it's assumed that the women will come back with financial resources," explains the anthropologist. "As a result, the weakest family members are usually sent to these women. One of the women I have followed had to take care of nine family members when she returned home."

[] The women's conversations with their mothers are generally restricted to everyday issues. Very little is said about their experiences in Europe. "That's something they're trying to put behind them. It's probably natural to assume that the mothers would prevent their daughters from going back to Europe. But in my experience that's not the case," says the anthropologist. "Rather, they seem to think that their daughters missed an opportunity because they were sent back to Nigeria. Many mothers actually asked me if I could help their daughters back to Europe – despite their horrible experiences there." [] The great responsibility imposed by the women's families is very burdensome for them. As a consequence, many of them – after a shorter or longer stay in Nigeria – try to return to Europe, where there's money to be made. "They hope that their experiences from their first stay in Europe can keep them away from prostitution. But once they've passed the age of 30, they typically don't go back," she says. "At this age they feel they've given their dream a chance. Instead, they retire from their migrant lives and try to establish themselves in Nigeria."³¹³

In April 2011 an article on the website of the American news agency *CNN* stated that trafficked women who had been subjected to "juju oaths" by their traffickers tried to return to their madams until their debts were repaid when deported back to Nigeria,

"These women told me some of the most harrowing tales of trafficking I have ever heard. Some trudged through the desert for weeks to the North African coast, where they crossed dangerous waters in rafts to Europe. Others were flown directly from Lagos to Milan, Copenhagen or London. All of them suffered extremes of rape, torture and abuse that are impossible to imagine.

A few aspects of these ordeals immediately caught my attention. Each one of the women was fiercely committed to repaying debts to their madams of up to 50,000 euros. When rescued, they often refused assistance. When asked to testify in trials, some went into fits and trances in the witness box. When deported back to Nigeria, most desperately tried to return to their madams until their debts were repaid. They went to these lengths because of "juju oaths" they took before leaving Nigeria. The level of control achieved by these oaths was greater than anything I have seen in any other human trafficking context."³¹⁴

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja stated that the shelter in Lagos is the reception point for victims who are returned from abroad,

"Morka (NAPTIP Lagos Zonal Office) explained that the shelter in Lagos is the reception point for victims who are returned from abroad. In the shelter, the victims first of all receive

³¹³ Science Nordic, Victims of sex trafficking return home to great expectations, 13 September 2012 <http://sciencenordic.com/victims-sex-trafficking-return-home-great-expectations>, accessed 5 January 2013

³¹⁴ The CNN Freedom, 'Juju oaths' ensnare trafficking victims mind, body and soul, 1 April 2011, <http://thecnnfreedomproject.blogs.cnn.com/2011/04/01/juju-oaths-ensnare-trafficking-victims-mind-body-and-soul/>, accessed 5 January 2013

counselling and medical treatment if needed. No one in the shelter is tested for HIV unless they agree to this and most victims are not tested for HIV. If the victim does not want to stay in the shelter, NAPTIP makes a registration of who the victim is and where her family is residing. The victims who prefer to stay in the shelter are offered vocational training and NAPTIP encourages them to assist in identifying the traffickers who trafficked them. Minors stay in the shelter with the knowledge and acceptance of their parents. Most of the victims are in the age between 15 and 25 years.

According to Morka (NAPTIP Lagos Zonal Office), the security in the shelter is extremely good as both the police and State Security Service (SSS) are based close to it. It was added that some of the returned victims had been accommodated in the shelter for up to three months. All victims in the shelter are staying there voluntarily.

[] Mrs. Umaru (WOTCLEF) stressed that NAPTIP would be able to assist any victim that is being returned. It was also emphasized that any victim of trafficking who is ready to cooperate would be assisted in Nigeria with the following:

- Security and protection arrangements, if necessary for instance if the victim has testified against the trafficker
- Counselling regarding her oath and assistance to understand that ju-ju is not a real thing
- Family reunification
- Rehabilitation and reintegration
- Avoiding being re-trafficked

It was emphasized by Olateru-Olagbegi (WOCON) that the problem is not that victims are not offered protection by NAPTIP if in need but that some victims actually leave their shelter before they can be certain to be out of any danger. Many victims simply do not wish to stay but wish to go home or they believe that staying at a NAPTIP shelter, i.e. a shelter, which is run by a governmental agency, might imply that they will harassed. Olateru-Olagbegi (WOCON) emphasized that harassment or any other violations of the victims' rights does not take place in NAPTIP's shelters but of course NAPTIP would like to get information about the traffickers from the victims in order to investigate and prosecute the traffickers."³¹⁵

In April 2008 a report by the *Danish Immigration Service's* fact-finding mission to Lagos, Benin City and Abuja also stated that some victims who return to Nigeria may end up as traffickers themselves, and are often among the most vindictive and brutal,

"Jane Osagie (IRRRAG) explained that some victims return voluntarily to Nigeria after the debt to the trafficker has been paid. Some of these might even end up as traffickers themselves, and they are often among the most vindictive and brutal traffickers.

Rev. Sister Florence (COSUDOW) explained that some victims of trafficking might be released after the debt has been paid but this is not very common. Instead, many are re-sold to another Madam or trafficker. Some of these may even establish themselves as Madams abroad, should they succeed in being granted a residence permit in a foreign country, or they may become traffickers in Nigeria. Rev. Sister Florence (COSUDOW) stated that whether the debt to the trafficker has been paid or not is much more relevant to the victim's security situation than if the victim has given evidence in court case. However, even if the debt has not been paid, the victim will always be able to seek and obtain protection from reprisals by traffickers in Nigeria."³¹⁶

³¹⁵ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available at: <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

³¹⁶ Danish Immigration Service, Protection of victims of trafficking in Nigeria, April 2008, available at: <http://www.unhcr.org/refworld/docid/485f6b882.html>, accessed 11 January 2013

C. Children (girls and boys)

1. Sexual and Gender Based Violence and children

1.1 Child-specific legal framework

Article 17 of the current Nigerian constitution, enacted on 29 May 1999, states that the State shall direct its policy towards ensuring that children and "young persons" are protected against any exploitation whatsoever, and against moral and material neglect,

"17. [] (3) The State shall direct its policy towards ensuring that-

- (a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment;
- (b) conditions of work are just and humane, and that there are adequate facilities for leisure and for social, religious and cultural life;
- (c) the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused;
- (d) there are adequate medical and health facilities for all persons;
- (e) there is equal pay for equal work without discrimination on account of sex, or on any other ground whatsoever;
- (f) children, young persons and the age are protected against any exploitation whatsoever, and against moral and material neglect;"³¹⁷

Article 34 of the current Nigerian constitution, enacted on 29 May 1999, states that no person shall be subject to torture or to inhuman or degrading treatment or held in slavery or servitude,

"34. (1) Every individual is entitled to respect for the dignity of his person, and accordingly -

- (a) no person shall be subject to torture or to inhuman or degrading treatment;
- (b) no person shall be held in slavery or servitude; and

[] 35. (1) Every person shall be entitled to his personal liberty and no person shall be deprived of such liberty save in the following cases and in accordance with a procedure permitted by law -

- [] (d) in the case of a person who has not attained the age of eighteen years for the purpose of his education or welfare"³¹⁸

Chapter 21 of the current Nigerian Criminal Code, brought into force in 1990, prohibits "unnatural offences" including indecent treatment of boys under fourteen and states that "unlawful carnal knowledge" of a girl under the age of thirteen years is a felony punishable by imprisonment for life,

"214. Any person who-(1) has carnal knowledge of any person against the order of nature [] is guilty of a felony, and is liable to imprisonment for fourteen years.

216. Any person who unlawfully and indecently deals with a boy under the age of fourteen years is guilty of a felony, and is liable to imprisonment for seven years.

[] 218. Any person who has unlawful carnal knowledge of a girl under the age of thirteen years is guilty of a felony, and is liable to imprisonment for life, with or without caning.

³¹⁷ Nigerian Constitution, 1999, available at <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> , accessed 20 January 2013

³¹⁸ Nigerian Constitution, 1999, available at <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm> , accessed 20 January 2013

Any person who attempts to have unlawful carnal knowledge of a girl under the age of thirteen years -is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning.

[] 219. Any person who, being the owner or occupier of any premises, or having, or acting, or assisting in the management or control of any premises, induces or knowingly permits any girl of such age as is in this section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully carnally known by any man, whether a particular man or not, is guilty of an offence.

If the girl is of or above thirteen and under sixteen years of age, he is guilty of a misdemeanour and is liable to imprisonment for two years, with or without caning.

If the girl is under the age of thirteen years, he is guilty of felony, and is liable to imprisonment for life, with or without caning.

[] 221. Any person who-(1) has or attempts to have unlawful carnal knowledge of a girl being of or above thirteen years and under sixteen years of age [] is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without caning.

222. Any person who unlawfully and indecently deals with a girl under the age of sixteen years is guilty of a misdemeanour, and is liable to imprisonment for two years, with or without caning.

If the girl is under the age of thirteen years, he is guilty of a felony and is liable to imprisonment for three years, with or without caning.

[] 222A. (1) Whoever, having the custody, charge or care of a girl under the age of sixteen years, causes or encourages the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon, such a girl, shall be liable to imprisonment for two years.

(2) For the purposes of this section, a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.³¹⁹

Chapter 21 of the current Nigerian Criminal Code, brought into force in 1990, also prohibits procuring a woman or girl "to become a common prostitute" and detaining a woman or girl against her will in order to her being unlawfully carnally known by any man,

"[] 223. Any person who-(1) procures a girl or woman who is under the age of eighteen years to have unlawful carnal connection with any other person or persons, either in Nigeria or elsewhere; or

(2) procures a woman or girl to become a common prostitute, either in Nigeria, or elsewhere; or -

(3) procures a woman or girl to leave Nigeria with intent that she may become an inmate of a brothel elsewhere; or

(4) procures a woman or girl to leave her usual place of abode in Nigeria, with intent that she may, for the purposes of prostitution, become an inmate of a brothel, either in Nigeria or elsewhere; is guilty of a misdemeanour, and is liable to imprisonment for two years. A person cannot be convicted of any of the offences defined in this section upon the uncorroborated testimony of one witness.

³¹⁹ Nigerian Criminal Code, Chapter 21 "Offences Against Morality", available at <http://www.nigeria-law.org/Criminal%20Code%20Act-PartIII-IV.htm#Chapter 21>, accessed 20 January 2013

[] 224. Any person who- (1) by threats or intimidation of any kind procures a woman or girl, to have unlawful carnal connection with a man, either in Nigeria or elsewhere; or
(2) by any false pretence procures a woman or girl to have unlawful carnal connection with a man, either in Nigeria or elsewhere; or
(3) administers to a woman or girl, or causes a woman or girl to take, any drug or other thing with intent to stupefy or overpower her in order to enable any man, whether a particular man or not, to have unlawful carnal knowledge of her;[] is guilty of a misdemeanour, and is liable to imprisonment for two years.

[] 226. Any person who- (1) detains a woman or girl against her will in or upon any premises in order to her being unlawfully carnally known by any man, whether a particular man or not; or

(2) detains a woman or girl against her will in a brothel; is guilty of a misdemeanour, and is liable to imprisonment for two years.

[] 227. Any person who conspires with another to induce any woman or girl, by means of any false pretence or other fraudulent means, to permit any man to have unlawful carnal knowledge of her is guilty of a felony, and is liable to imprisonment for three years."³²⁰

Chapter 30 of the current Nigerian Criminal Code, brought into force in 1990, prohibits abduction of girls under sixteen without parental consent and states that "any person who commits the offence of rape is liable to imprisonment for life",

"Chapter 30; Assaults on Females: Abduction

357. Any person who has unlawful carnal knowledge of a woman or girl, without her consent, or with her consent, if the consent is obtained by force or by means of threats or intimidation of any kind, or by fear of harm, or by means of false and fraudulent representation as to the nature of the act, or, in the case of a married woman, by personating her husband, is guilty of an offence which is called rape.

358. Any person who commits the offence of rape is liable to imprisonment for life, with or without caning.

359. Any person who attempts to commit the offence of rape is guilty of a felony, and is liable to imprisonment for fourteen years, with or without caning.

360. Any person who unlawfully and indecently assaults a woman or girl is guilty of a misdemeanour, and is liable to imprisonment for two years.

361. Any person who, with intent to marry or carnally know a female of any age, or to cause her to be married, or carnally known by any other person, takes her away, or detains her, against her will, is guilty of a felony, and is liable to imprisonment for seven years.

362. Any person who unlawfully takes an unmarried girl under the age of sixteen years out of the custody or protection of her father or mother or other person having the lawful care or charge of her, and against the will of such father or mother or other person, is guilty of a misdemeanour, and is liable to imprisonment for two years.

363. In the case of proceedings in respect of an offence under the preceding section-
(a) it is immaterial that the offender believed the girl to be of or above the age of sixteen years;
(b) it is immaterial that the girl was taken with her own consent or at her own suggestion."³²¹

³²⁰ Nigerian Criminal Code, Chapter 21 "Offences Against Morality", available at <http://www.nigeria-law.org/Criminal%20Code%20Act-PartIII-IV.htm#Chapter 21> accessed 20 January 2013

³²¹ Nigerian Criminal Code, Chapter 30 " Assaults on Females: Abduction" available at <http://www.nigeria-law.org/Criminal%20Code%20Act-PartIII-IV.htm#Chapter 21> accessed 20 January 2013

In June 2010, the consideration of reports submitted by states parties to the fifty-fourth session of the *Committee on the Rights of the Child* stated that policies and strategies aiming at strengthening the implementation of the Convention had been ado[pted] and legislation enacting the Child Rights Act (CRA) (2003) had been adopted in 24 states of the federation,

"3. The Committee welcomes the positive developments related to the implementation of the Convention, such as:

- (a) The adoption of legislation enacting the Child Rights Act (CRA) (2003) in 24 states of the federation;
- (b) The Trafficking in Persons (Prohibition) Law Enforcement and Administration (Amendment) Act of 2005;
- (c) The adoption of policies and strategies aiming at strengthening the implementation of the Convention, including:
 - (i) The National Plan of Action on CRC/CRA (2009-2015) of 2008;
 - (ii) The National Action Plan for the Promotion and Protection of Human Rights in Nigeria (2009-2013)
 - (iii) The National Child Policy and National Child Health Policy of 2007;
 - (iv) The National Plan of Action on Orphans and Vulnerable Children (2006-2010) of 2007;
 - (v) The National Policy and Guidelines for the Establishment and Monitoring of Child Care Centres in Nigeria;
 - (vi) The National Policy on Adolescent Health of 2006 and the Integrated Maternal, Newborn and Child Health (IMNCH) Strategy of 2007;
 - (vii) The Action Plan developed by the National Population Commission for a permanent and sustainable birth registration system.

4. The Committee also welcomes the accession by the State Party to the following instruments:

- (a) The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on 27 July 2009;
- (b) The International Convention for the Protection of All Persons from Enforced Disappearances on 27 July 2009;
- (c) The Optional Protocol to the Convention against Torture on 27 July 2009;
- (d) The Convention on the Prevention and Punishment of the Crime of Genocide on 27 July 2009.³²²

In June 2010, the consideration of reports submitted by states parties to the fifty-fourth session of the *Committee on the Rights of the Child* also stated that most northern states have not yet domesticated the Child Rights Act and there were reports that some states had passed legislation containing a definition of the child not in compliance with that of the Convention,

"[] 7. The Committee welcomes the ongoing constitutional review in the State party and, in this context, the proposal to place the Child Rights Act (CRA) in the concurrent list of legislation which would make it automatically applicable in all states of the federation. The Committee remains concerned, however, that most northern states of the State party have not yet domesticated the CRA and about reports that some states that have passed such legislation have adopted a definition of the child which is not in compliance with that of the Convention. Furthermore, the Committee regrets that a comprehensive review on the compatibility of the existing statutory, religious (sharia) and customary laws with the Convention and the Child Rights Act has not been carried out.

8. The Committee strongly recommends that the State party ensure that the Child Rights Act be included in the concurrent list of legislation in the context of the ongoing constitutional review. The Committee recommends that a comprehensive review of existing legislation and positive law be undertaken to ensure that all laws at federal and state levels,

³²² United Nations, Committee on the Rights of the Child Fifty-fourth session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding observations: Nigeria, 21 June 2010, <http://www2.ohchr.org/english/bodies/crc/crcs54.htm>, accessed 20 January 2013

including religious and customary law, are in full compliance with the Convention, as recommended also by the Special Rapporteur on freedom of

[] 39. The Committee urges the State party:

(a) To expedite the adoption of the bill to outlaw torture by the National Assembly and to consider the incorporation of the absolute prohibition of torture in the Constitution;

(b) To take all necessary measures to ensure that no persons under the age of 18 are subject to torture or other forms of inhuman, degrading or cruel treatment or punishment as guaranteed by article 37 (a) of the Convention, including by ensuring independent monitoring of places of detention and by undertaking comprehensive training programmes for security and police personnel, especially for the special police units established to deal with children in conflict with the law;

(c) To establish an effective complaints and data collection system concerning complaints on torture or other forms of ill-treatment of children deprived of their liberty and that all allegations of torture or other forms of ill-treatment are promptly and properly investigated and that perpetrators are prosecuted."³²³

In May 2012 an article for Lagos-based daily newspaper *Vanguard* stated that although the Child Rights Law intended to domesticate the Convention on the Rights of the Child was passed at the federal level, it is only effective if the State Assembly enacts it,

"In 2003, Nigeria adopted the Child Rights Law. It is to domesticate the Convention on the Rights of the Child. Although this law was passed at the federal level, it is only effective if the State Assembly enacts it. Till date, only 16 out of the country's 36 States have passed the Act. Intense advocacy continues for the remaining states. This explains that the landmark in achievement of the legislative arm of government has not yet translated into improved legal protection throughout the federation."³²⁴

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that the Child Rights Act came into law in 2003, but has only been adopted in 16 of the 36 States,

"The National Assembly passed the Child Rights Act (CRA) into law in 2003 to promote and protect the rights of the child. The Act specifically responds to the situation of the girl child and her vulnerability to violence, sexual abuse, early/forced marriage and other forms of sexual exploitation. This Act has however been adopted in only 16 states (Abia, Anambra, Bayelsa, Ebonyi, Edo, Ekiti, Imo, Jigawa, Kwara, Lagos, Nasarawa, Ogun, Ondo, Oyo, Plateau, and Taraba) out of the 36 states of the federation. Osun and Rivers states legislatures have passed the law but still waiting for the Governors to assent. Most of the states in the north of Nigeria have refused to adopt the Act on the grounds of culture and religion. In the states that have passed the CRA into law, implementation and enforcement of the law remains a challenge. The implication of this is that the girl child in Nigeria is still vulnerable to violation of rights, betrothal, marriage, and her entire sexuality."³²⁵

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported that the interpretation of the Child Rights Act differs between states,

³²³ United Nations, Committee on the Rights of the Child Fifty-fourth session, Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding observations: Nigeria, 21 June 2010, <http://www2.ohchr.org/english/bodies/crc/crcs54.htm>, accessed 20 January 2013

³²⁴ Vanguard, Child abuse: The story of the Nigerian child, 26 May 2012 <http://www.vanguardngr.com/2012/05/child-abuse-the-story-of-the-nigerian-child/>, accessed 20 January 2013

³²⁵ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

“Nigeria as a country has adopted the Child Rights Bill and urged the adoption at State levels, however while the adoption is slow the interpretation also differs in many of the states. Basically the CRC pretends to protect the Nigerian child from abuse and to state the rights a child has under the Nigerian law which include right to shelter, right to education, right to basic amenities of life including food but how these are implemented is the problem.”³²⁶

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that the minimum age for consensual sex is 18 years and that child prostitution is prohibited, however provisions against child pornography were not implemented in all states,

“There is no statutory rape law. Child prostitution is prohibited, with penalties of up to seven years’ imprisonment for the adult involved. The minimum age of consensual sex is 18. The Child Rights Act, which provides penalties for pornography, was not implemented in all states.”³²⁷

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that the general minimum age for employment is 14, but children under 15 could be employed under specific conditions,

“The law sets a general minimum age for employment of 14 years. Young persons under age 15 may be employed only on a daily basis, must receive the day’s wages at the end of each workday, and must be able to return each night to their parents’ or guardian’s residence; however, under the Labor Act these regulations do not apply to domestic service. The law also provides exceptions for light work in agriculture and horticulture if the employer is a family member. No young person under the age of 16 may work underground, in machine work, or on a public holiday. No young person may be employed in any job that is injurious to health, dangerous, or immoral. For industrial work and work on vessels where a family member is not employed, the minimum work age is 15 years, which is consistent with the age for completing educational requirements. The law states that children may not be employed in agricultural or domestic work for more than eight hours per day. Apprenticeship of youths above the age of 12 is allowed under specific conditions.”³²⁸

1.2 Prevalence

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that child abuse was common and that the government did not take significant measures to combat it. The *USDOS* reported sexual assaults and rapes of young girls, particularly in the north,

“Child abuse remained common throughout the country. The government criticized child abuse and neglect but did not undertake significant measures to combat it. Human rights groups reported sexual assaults and rapes of young girls, especially in the north.”³²⁹

In an undated article *UNICEF* reported that violence against children is often not reported as it is regarded as normal and occurs within the family, at school and on the streets. *UNICEF* reported concerns that there is a high level of acceptance of domestic violence amongst law enforcement officers and court personnel,

“Physical and psychological violence against children occur both in schools and within families – not to mention violence that affect children living on the streets or exploited by

³²⁶ CORI Interview with Oyefunso Orenuga and Oyeyeyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children’s Health, conducted via written correspondence, 12 July 2011, transcript available on request

³²⁷ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³²⁸ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³²⁹ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

adults. Although educational institutions should have the capacity to train and socialise children without exposing them to violence, corporal punishment is still considered as a positive educational tool.

Reliable data on violence against children in Nigeria is scarce because violence is often not reported as it occurs mostly within the context where it is regarded as 'normal' such as within the family circle or behind the privacy of homes. The predominant cultural belief is that children must be submissive to elders therefore behaviour not in conformity with this is punished. The Committee on the Rights of the Child noted with concern that there is a generally high level of acceptance of domestic violence even amongst law enforcement officers and court personnel.³³⁰

In a July 2011 interview with CORI the *Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health* reported that issues considered to constitute child abuse differ in Nigeria from the west,

"In our society the parents of a child have the sole responsibility for the child. In some sections what the Western world sees as child abuse is not regarded as such in Nigeria for instance child hawking and use of children as house helps. However Nigeria has taken seriously the issue of Child trafficking in whatever forms especially for prostitution, forced marriage etc and we have had to report one or two cases to government bodies set up for the purpose of eliminating child trafficking in the country."³³¹

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that in 2010 the acting president stated that there were 17.5 million vulnerable children including 7.3 million orphans. The *USDOS* cited UNICEF as stating that 25 percent of children had poor access to healthcare and infrequent school attendance,

"In June 2010 then acting president Jonathan stated that the country had 17.5 million vulnerable children, including 7.3 million orphans. According to 2009 UN statistics, 1.2 million children became orphans due to HIV/AIDS. UNICEF noted that 25 percent of children in the country, including orphans, suffered from inadequate nutrition, poor access to health care, and infrequent school attendance."³³²

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that many children were made homeless by poverty, hunger, parental violence and community violence and lived on the streets,

"Many children remained homeless and lived on the streets. The government did not have any statistics on their numbers. Major factors causing children to turn to the streets included instability in the home, poverty, hunger, abuse and violence by parents, and displacement caused by clashes in the community."³³³

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that many of the 9.5 million 'almajirai' children, sent by their parents to study and live with Islamic teachers were forced to beg or work manual jobs to earn money which was taken by their teachers, many of these children were not provided with adequate shelter or food,

³³⁰ UNICEF, Violence against children, undated, http://www.unicef.org/nigeria/children_1936.html, accessed 30 November 2012

³³¹ CORI Interview with Oyefunso Orenuga and Oyeneyin Adenike, Inter African Committee on Harmful Traditional Practices Affecting Women and Children's Health, conducted via written correspondence, 12 July 2011, see appendix for full text transcription

³³² United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³³³ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

"In December 2010 the Ministerial Committee on Madrasah Education reported that 9.5 million children worked as "almajirai," or children whose parents sent them from their rural homes to urban areas with the expectation that they would study and live with Islamic teachers. Instead of receiving an education, however, many almajirai became child beggars and were forced to work manual jobs or beg for money that was then turned over to their teacher. The religious leaders often did not provide the almajirai with sufficient shelter or food, and many of these children effectively became homeless."³³⁴

In May 2012 an article for Lagos-based daily newspaper *Vanguard* stated that children are abused physically, mentally, sexually, psychologically and morally on daily basis,

"Statistics show that about eight million children of school age are out of school in Nigeria. [] Children are abused physically, mentally, sexually, psychologically and morally on daily basis. [] This is a sad story told by a girl who lived on the same street as another until her death. "Shola was subjected into slavery. She started hawking sachet water to support the family. Shola must execute her chores which included washing of the clothes and dishes, cleaning the home and cooking at the end of her day's sales. Life was miserable as the Ajobi children also tried to make her unhappy, but beyond these painful experiences, Shola was sometimes beaten up for flimsy reasons.

The man of the house worsened Shola's case as he severally raped her. The last straw that broke the camels back was when she returned one evening from another day of sale only to meet the man of the house all alone. As usual, he wanted to have his way with her but this time she fought back. She was beaten to the pulp. The woman of the house who didn't know what had transpired came into the house and saw her on the floor in tattered clothes crying bitterly and also pounced on her. Shola couldn't take it any more and so she ran away from the house that night and was waylaid by a gang of hoodlums who raped her to death. She was only thirteen years of age."³³⁵

In August 2010 an interview in the *Nigerian Tribune* with Mr Kehinde Adeniyi Akinyemi, the president of Child Growth Concern Initiative (CGCI), a non-governmental organisation established for the eradication of child abuse in Nigeria, stated that incidences of child abuse were increasing,

"Child abuse has been on the increase in Nigeria, and this is due to many factors, ranging from poverty to loss of values in our society. [] Over 23 million Nigerian children of school age are out of school; left with no future except in crime. [] Some kids are seen hawking table water in motor parks; you can imagine what will happen to a girl-child hawking goods in motor parks in the midst of criminals that hibernate there. Many of such girls have been raped and maimed. In some cases, we have some parents abusing their children physically by subjecting them to punishments which could maim or deform them. Child sexual and emotional assaults are similar. [] A mother who usually sends her daughter to a concubine or man-friend, there will be a day the man would sleep with the girl; she may even imitate the act from her mother and hand it over to her children later in life, thus widening the circle of immorality. It has happened before, cases like that abound around us.

[] As it is, the major effect of abuse on any child is that his/her future will be bleak. He/she does not have a bright future, because of the possibility that he/she will live with the horrible experience for life, except something drastic is done. The society is also affected by this menace, because most of these young derelicts graduate to become armed robbers and kidnappers of tomorrow. You can imagine what those kids at some of the filling stations and motor parks particularly will become in future. Those dare-devil criminals we have around us today were young delinquents of yesterday. It is a cycle, and will continue unbroken until

³³⁴ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³³⁵ Vanguard, Child abuse: The story of the Nigerian child, 26 May 2012, <http://www.vanguardngr.com/2012/05/child-abuse-the-story-of-the-nigerian-child/>, accessed 18 January 2012

government, civil society groups, parents, schools and religious institutions hold the bull by the horns to curb this untoward act in our society. [] Our concern is to ensure that the society becomes a better place for all. We have started fighting it by engaging in advocacy programmes as well as sensitising people about the danger of the menace. We also collaborate with government at all levels and other relevant organisations to proffer solutions to the problem. We believe the task of eradicating the menace is enormous and cannot be achieved by a single body alone, this explains our resolve to work with any relevant organisations that share in our vision of getting kids off the streets and ultimately put an end to cases of child abuse in Nigeria."³³⁶

In August 2010 an article published on online news and information destination *The Nigerian Voice*, entitled "The concept of Child Abuse; and Child's Rights protection in Nigeria, being the title of a paper presented to International Human Rights Summit, Geneva, Switzerland, by Hon. Aiyamenkhue Edokpolo, SSA to Edo State Governor" stated that children's rights; and child abuse are in most cases grossly misplaced and 'selectively' handled by governmental agencies,

"In Nigeria, the twin concepts of Children's Rights; and Child Abuse are in most cases grossly misplaced and 'selectively' handled by governmental agencies charged with such mandates, largely as a result of political interferences. This is so, because, we have it on good authority that there are reported and unreported cases of children's rights violations which are not investigated; and sometimes when they are reported to security agencies, they are mishandled or compromise; sometimes, when they are thoroughly investigated, at the stage of filling the cases in court, powerful economic and political figures steps-in to obstruct the cause of justice.

Even those that are charged to court are not given the full bite of the laws; unless those that enjoys the steady coverage of the press, in terms of nuisances that are given administrative bites of law. Most often than not, the most victimized set of children are the orphans, who live at the mercy of their adopted-parents or orphanage homes. The Orphanage home as practiced in Nigeria does not subscribe to the internationally acceptable principles in their treatment or management of orphans placed by concerned members of the public and governmental institutions in their custody. [] Governmental agencies, by my opinion do not monitor or access the conditions of these home, thereby providing a fertile ground for managers of orphanage homes to perpetuate corruption and window-dressing.

[] There exist several maxims or idioms which pronounces serious and unpardonable humiliation on anyone who undermined the right of the child, these includes "aikhue omodan ne ekpen gbe re"- no matter how bad a child is, he or she must not be sacrificed at the altar of a lion; "oruonkpa ibi omon"- the child is sacred to the entire community or society to the extent that he or she was not given birth to by the immediate family but by the entire community; "aigbe omo gi ne idigue"- no matter the offence a child has committed, he or she must be pardoned immediately he or she knee's down.

[] In Nigeria, it is "not yet uhuru" because we have it on records that in some very rural areas, there are prevalence of child abuses and human rights violations in large scale, with little or no hope for justice. In Edo State, the State Governor has placed no one in doubt on his resolve to frontally address the incidences of Child Abuse. As a matter of policy, the main aim of banning street trading in the State Capital, was to check the menaces in the metropolis; reported cases of Child Abuse attracts the burning interest of our Government, and I am sure that with proactive collaboration, a lot will be achieved in this regard."³³⁷

³³⁶ Nigerian Tribune, Child Abuse: Nigeria is sitting on a keg of gun powder, 13 August 2010 <http://www.tribune.com.ng/index.php/her-say/9630-child-abuse-nigeria-is-sitting-on-a-keg-of-gun-powder>, accessed 18 January 2013

³³⁷ The Nigerian Voice, The concept of Child Abuse; and Child's Rights protection in Nigeria, being the title of a paper presented to International Human Rights Summit, Geneva, Switzerland, by Hon. Aiyamenkhue Edokpolo, SSA to Edo State Governor, 28 August 2010, <http://www.thenigerianvoice.com/nvnews/33295/1/the-concept-of-child-abuse-and-childs-rights-prote.html>, accessed 18 January 2013

2. **Child labour**

In September 2012 the United States Department of Labor report *2011 Findings on the Worst Forms of Child Labor* stated that Nigeria made a minimal advancement in efforts to eliminate the worst forms of child labour,

"In 2011, Nigeria made a minimal advancement in efforts to eliminate the worst forms of child labor. In early 2012, the Government supported the development of curriculum through the Almajiri Education Program to increase the capacity of school teachers and managers who serve the almajiri (children involved in religious begging). Additionally, the Government, with support from the ILO/PEC, updated a draft National Policy and National Plan of Action on the worst forms of child labor. However, neither of the drafts have been adopted and made official policy. The general lack of adequate legislation and social protection programs to address the extent of the worst forms of child labor impeded the country's overall progress toward reducing exploitative child labor. Children in Nigeria continue to engage in the worst forms of child labor, particularly in dangerous activities in agriculture and domestic service. [] Commercial sexual exploitation of children, especially girls, also occurs in some Nigerian cities port cities and in refugee camps. [] Although evidence is limited, there are reports that children may work in artisanal gold mining, particularly in Zamfara State. Children working in artisanal gold mining are exposed to extremely toxic chemicals, including lead and mercury."³³⁸

In September 2012 the United States Department of Labor report *2011 Findings on the Worst Forms of Child Labor* stated that the minimum age of employment is 12 years of age,

"[] No new child labor laws were enacted during the reporting period. The Government of Nigeria has the authority to establish labor standards, though legislative power to protect children is reserved for its states. The Federal Labor Act sets a minimum age of employment at 12 and is currently in force in all 36 states of Nigeria. However, the Act establishes an exception to its minimum age law, permitting children of any age to do light work in domestic service, or work alongside a family member in agriculture or horticulture. The Federal 2003 Child Rights Act, which codifies the rights of all children in Nigeria, supersedes the Labor Act. However, each state is required to implement the provisions of the Child Rights Act in its territory. In total, 24 of the 36 states have adopted the Child Rights Act, all of which adopted the Act prior to the reporting period. The Child Rights Act also prohibits the worst forms of child labor, including the forced labor of children and the use of children for prostitution and armed conflict. In addition, it prohibits the use of children in street-hawking and begging. The Child Rights Act imposes strict penalties for abuses and creates family courts."³³⁹

In June 2010 Nigerian newspaper the *Nigerian Tribune* also stated that in Nigeria, there is no legal minimum age for starting work, and that most children who work do so to help pay for their school fees and daily up keep,

"In Nigeria, there is no legal minimum age for starting work, while ILO recommends that children should be in school until the age of 14. [] Also, the United Nations Children Funds (UNICEF), in its 2006 report on Child Labour in Nigeria, reveals that a staggering 15 million children under the age of 14 were working across Nigeria and that many were exposed to long hours of work in dangerous and unhealthy environments. These children, according to the report carried too much responsibility for their age.

³³⁸ United States Department of Labor, 2011 Findings on the Worst Forms of Child Labor - Nigeria, 26 September 2012, available from <http://www.unhcr.org/refworld/docid/5065941ed.html>, accessed 20 January 2013

³³⁹ United States Department of Labor, 2011 Findings on the Worst Forms of Child Labor - Nigeria, 26 September 2012, available from <http://www.unhcr.org/refworld/docid/5065941ed.html>, accessed 20 January 2013

The report said, "Generally, working children have no time, money or energy to go to school. About six million working children in Nigeria, equally split between boys and girls, do not attend school at all, while one million children are forced to drop out due to poverty or because of parents' demand to contribute to the family income. "Over eight million children manage, at least partly, to stay in school and work in their spare time to pay education fees. Due to high demands at work, these children often skip classes. Missing out on education makes it impossible to break the cycle of poverty and exploitation and prevents children from having a better life and a safer future."

In the area of legislation, the Labour Act of 1974 prohibits the employment of children under the age of 15 in commerce and industry and restricts labour performed by children to home-based agricultural or domestic work. It stipulates that children may not be employed in agricultural or domestic work for more than eight hours per day, while children under the age of 12 cannot be required to lift or carry loads that are harmful to their physical development. The Labour Act also prohibits forced labour. In Nigeria, the Inspectorate Department of the Ministry of Labour and Productivity is responsible for enforcing legal provisions relating to conditions of work and protection of workers. Ironically, there are very few inspectors for the entire country, thus making it difficult for them to fulfil their tasks."³⁴⁰

In May 2012 an article for Lagos- based daily newspaper *Vanguard* stated that school age children are sent out for labour,

"Some who are of school age are on the streets hawking. Most of them live on the streets and become hoodlums tomorrow. Others are sent out for prostitution, child labour even at an early age. Some of these children are even used for rituals nowadays. [] Oghenetega is lucky to be alive and to tell his story, because he too would have died if not for the kind gesture of a good Nigerian family. [] Oghenetega's troubles began when he lost his parents. No one was willing to look after him, but eventually one of his elder brothers transferred him to their uncle. The uncle was abusive and would not pay Oghenetega's school fees. The uncle found a job for him at a local restaurant, even though he was only a child. He worked there for two months before his brother took him to stay with a friend of his step mother. Life seemed enjoyable at first as he went to school like other children but soon, she stopped him from going to school. Oghenetega returned to the restaurant where he had once worked but the situation was worse than before. In February, 2008, he started living on the streets of Warri, Delta State.

He was forced to start distributing marijuana, something he wouldn't have known and done if he was in a home and school. He started keeping ammunitions for armed robbers and would have been dead if not for the kind intervention of a good man and his wife who witnessed a robbery by the child and his adult gang and noticed he was forced to get into a building to provide access for the gang. Oghenetega was only 11 years old."³⁴¹

In September 2012 the United States Department of Labor report *2011 Findings on the Worst Forms of Child Labor* also stated that child labor laws in Nigeria are often inconsistent and lead to gaps in the legal framework that may limit their effectiveness,

"[] Child labor laws in Nigeria are often inconsistent. Different definitions and age requirements in the Child Rights Act and the Labor Act lead to gaps in Nigeria's legal framework that may limit their effectiveness in addressing the worst forms of child labor. While the Child Rights Act appears to apply appropriate penalties for violating the hazardous labor provisions, the Labor Act may not be applying penalties stiff enough to deter violations. [] Neither Nigeria's Labor Act nor its Child Rights Act lays out a

³⁴⁰ Nigerian Tribune, Implications of child labour in Nigeria, 16 June 2010, <http://www.tribune.com.ng/index.php/labour-today/6872-implications-of-child-labour-in-nigeria>, accessed 20 January 2013

³⁴¹ Vanguard, Child abuse: The story of the Nigerian child, 26 May 2012, <http://www.vanguardngr.com/2012/05/child-abuse-the-story-of-the-nigerian-child/>, accessed 18 January 2012

comprehensive list of hazardous activities prohibited to children; nor do they establish a clear minimum age for hazardous work.

The Constitution of Nigeria prohibits forced labor, slavery and servitude. The 2003 Trafficking in Persons (Prohibition) Law Enforcement and Administration Act applies throughout Nigeria and prohibits prostitution, pornography, drug trafficking and trafficking for the purpose of forced or compulsory recruitment into armed conflict. Nigerian law punishes such offenses with fines and imprisonment. However, some of the states that apply Shari'a (the moral code and religious law of Islam) treat children as offenders rather than victims. For example, the Shari'a Penal Code of the Zamfara State defines an offender as anyone who "does any obscene or indecent act in a private or public place, or acts or conducts himself/herself in an indecent manner." Treating child victims of commercial sexual exploitation as offenders runs counter to internationally accepted standards for the treatment of such children. A draft Nigeria Child Labor Policy and related draft National Action Plan were prepared in 2005-2006 but never adopted. In 2011, the Government of Nigeria, with support from the ILO-IPEC, updated a draft National Policy and National Plan of Action on the worst forms of child labor; however, neither has been adopted by the Executive Council, and therefore neither is operational."³⁴²

In 2012 a *UNICEF* report stated that child labour remained a major source of concern in Nigeria, in spite of legislative measures,

"Child labour remains a major source of concern in Nigeria, in spite of legislative measures. [] The high level of diverse and tedious jobs that children execute in dangerous circumstances is particularly worrying. These jobs include being street vendors, beggars, car washers or watchers and shoe shiners. Others work as apprentice mechanics, hairdressers and bus conductors while a large number work as domestic servants and farm hands. Girls start working at an earlier age than boys, particularly in the rural areas. They also suffer the triple burden of housework, school work and work out of home whether paid or unpaid. One of the most common practices is the use of children as child domestics – especially girls.

Major causes of child labour are widespread poverty, rapid urbanisation, breakdown in extended family affiliations, high school drop out rates, and lack of enforcement of legal instruments meant to protect children. Traditionally, children have worked with their families, but today children are forced to work for their own and their family's survival. The money earned by child family members has become a significant part of poor families' income. These children who work suffer from fatigue, irregular attendance at school, lack of comprehension and motivation, improper socialisation, exposure to risk of sexual abuse, high likelihood of being involved in crime."³⁴³

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that child labour was widespread,

"Despite the law, children were not adequately protected due to weak or nonexistent enforcement. During the year the Ministry of Labor and Productivity issued no citations nor collected any fines against employers of child labor. Child labor was widespread, and the Ministry of Labor and the NAPTIP estimated that more than 15 million children participated in child labor.

The worst forms of child labor identified in the country included commercial agriculture and hazardous farm work; street hawking; exploitive cottage industries; hazardous mechanical workshops; exploitive and hazardous domestic work; commercial fishing; exploitive and hazardous pastoral and herding activities; construction; transportation; mining and

³⁴² United States Department of Labor, 2011 Findings on the Worst Forms of Child Labor - Nigeria, 26 September 2012, available at: <http://www.unhcr.org/refworld/docid/5065941ed.html>, accessed 20 January 2013

³⁴³ UNICEF, Nigeria, The Children: Child Labour, 2012, http://www.unicef.org/nigeria/children_1935.html, accessed 19 January 2013

quarrying; prostitution and pornography; forced and compulsory labor and debt bondage; forced participation in violence, criminal activity, and ethnic, religious, and political conflicts; and involvement in drug peddling.”³⁴⁴

In its country report on human rights practices covering the events of 2011, the USDOS reported that boys were subjected to bonded labour on farms, in restaurants, granite mines, small business and as street peddlers and beggars, girls worked involuntarily as domestic servants, street peddlers and sex workers,

“Many children worked as beggars, street peddlers, bus conductors, and domestic servants in urban areas. The government estimated that as many as 9.5 million children were engaged in street begging in the northern part of the country. Children also worked in the agricultural sector and in mines. Boys worked as bondage laborers on farms, in restaurants, for small businesses, in granite mines, and as street peddlers and beggars. Girls worked involuntarily as domestic servants, street peddlers, and commercial sex workers.”³⁴⁵

In its country report on human rights practices covering the events of 2011, the USDOS reported that child victims of labour exploitation or their guardians rarely made complaints due to fear and stigmatisation, bodies responsible for enforcing child labour laws lacked the staffing and resources to conduct inspections and tackle labour issues,

"In an effort to withdraw children from the worst forms of child labor, the Ministry of Labor established and upgraded skills acquisition and vocational training centers in Kaduna, Ibadan, Enugu, and Lagos; four other centers were being developed. New centers in Calabar, Bauchi, and Warri were completed. NGO-run or state-run vocational training centers were also in operation.

The Ministry of Labor dealt specifically with child labor problems and operated an inspections department to enforce legal provisions on conditions of work and protection of workers. From January to November the ministry reported 12,040 labor inspections by 441 officers. Although the inspectorate employed nearly 500 inspectors for all business sectors, there were fewer than 50 factory inspectors for the entire country. Victims or their guardians rarely made complaints due to intimidation and fear of losing their jobs. Labor inspections mostly occurred randomly but occasionally occurred when there was suspicion, rather than actual complaints of, illegal activity. The ministry conducted inspections mostly in the formal business sector, where the incidence of child labor was not reported to be a significant problem. A visit to the Nassawara State labor officer found staffing and resources well below the level needed for the task, and little capacity to address labor law issues in the large informal sector. The NAPTIP has some responsibility for enforcing child labor laws, although it primarily rehabilitates trafficking and child labor victims.

The government's child labor policy focused on intervention, advocacy, sensitization, legislation, withdrawal of children from potentially harmful labor situations, and rehabilitation and education of children following withdrawal. The Labor Ministry is responsible for enforcing labor laws. The ministry reported that no training programs were held in 2010 due to budget constraints. The federal government passed the Child Rights Act in 2003, but it required state-level ratification for full implementation. Twenty-four states, plus the FCT, have passed the act. The remaining states are in the north, where sharia is in effect. UNICEF continued to advocate passage and enforcement in all other states.

³⁴⁴ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁴⁵ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

Private and government initiatives to eliminate child labor continued but remained mostly ineffective. The government gradually implemented the ILO/International Program for the Elimination of Child Labor (ILO/IPEC) Sustainable Tree Crop Program in the cocoa and other agricultural subsectors. A component of the ILO/IPEC project sensitized farmers to issues relating to hazardous child labor and child trafficking for labor exploitation. Akwa Ibom, Ondo, Cross River, and Abia states participated in the program during the year. In October the government launched an ILO/IPEC project to reduce child labor and trafficking in stone quarries in Ogun State.³⁴⁶

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that children worked in several industries,

“Children worked in agriculture, artisanal building stone and gravel mining, artisanal gold mining, petty trading, fishing, and domestic labor.”³⁴⁷

In its country report on human rights practices covering the events of 2011, the *USDOS* cited UNICEF as stating that children were encouraged to participate in ethnic conflicts and were forced into criminal activity,

“UNICEF reported that children were sometimes encouraged to participate in ethnic conflicts, but forced involvement was difficult to prove. Children were forced into criminal activity, and poverty induced children to engage in crime and violent activities.”³⁴⁸

In November 2010 an article for Lagos-based daily newspaper *Vanguard* stated that the high frequency of trafficking in persons and child labour had become an embarrassment to the nation,

“The Nigerian Immigration Service has decried the reactivation of slavery and slave trade through human trafficking and child labour with international networks where Nigerians have been traffickers and victims as well. As a result of the high frequency of trafficking in persons and child labour, the service said the practice has caused the stigmatisation of Nigerians in world view and has become a huge embarrassment to the nation. The service praised the legal commitment of the country in establishing the National Agency for the Prohibition of Traffic in Person and other Related Matters as well as ratifying the flurry of legal frameworks for the combat against traffic in person and the child rights Act.

It, however, regretted that its hands were tied by the “legal and administrative limitations as well as inadequacies as veritable partners “of the sole body set up to combat the crime because the Immigration Acts of 1963 and other legal documents have not adequately accommodated the security challenges of trafficking persons and child labour. Disclosing the development in a communique in Port Harcourt, Rivers State, after the Immigration Stakeholders’ Conference, it said “the situation has thus intensified the call by the NIS for among other things, the establishment of immigration courts to take care of these security presentations. Further, the service said there was “the need to make all the country’s 147 approved land border control posts operational, in order to checkmate irregular migration, human trafficking and trans-border crimes.

The communique reeled out scores of constraints “mitigating against the performance of the NIS, including inadequate funding, lack of opportunities for the personnel to administer visa in many of Nigeria’s diplomatic missions abroad. There is also the present challenge of the service to reduce the influx of irregular immigrants, most of whom are of the Asian extradition into the country by way of quota trafficking. Also, the need to fully computerize

³⁴⁶ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁴⁷ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁴⁸ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

NIS with regards to the expatriate quota administration". Participants agreed that "there is need for attitudinal change on the part of security operatives, particularly immigration officers which will enhance the rights and dignity of Nigerians and indeed all immigration publics in a democratic environment."³⁴⁹

In June 2010 Nigerian newspaper the *Nigerian Tribune* stated that efforts made to tackle child labour were not backed by necessary data to measure its nature and extent and identify areas where action is required,

"In Nigeria, little efforts are being made by both government and organisations to prevent or eliminate the worst form of child labour as the country is deeply rooted in poverty and cultural attitudes of the people. These efforts, in most cases, are not backed by necessary data, which are needed to make it possible for national authorities and the international community to measure the nature and perhaps the extent of child labour in the country and identify areas where action is required to tackle it.

In Nigeria, like many other African countries, ILO policies are often flawed and violated, even though many countries of the world have developed statistical monitoring and information systems on child labour, often with the support of ILO's Statistical Information and Monitoring Programme on Child Labour (SIMPOC). As a member state, Nigeria signed a memorandum of understanding with the ILO in 2000 for cooperation in implementing the International Protocol for Elimination of Child Labour and a national programme on the elimination of child labour was created, accordingly. A monitoring system – the Statistical Information and Monitoring Programme on Child Labour-was eventually set up to gather data on child labour practices in Nigeria. It is being managed by the Federal Office of Statistics (FOS)."³⁵⁰

In May 2012 an article for Lagos- based daily newspaper *Vanguard* stated that a Local Government Chairman in Apapa urged parents to prevent their children from hawking goods by the roadside,

"Apapa Local Government Chairman, Mr. Ayodeji Joseph, has admonished parents to desist from child abuse by preventing their children from hawking goods by the roadside, thereby exposing them to danger. The local government boss was speaking to parents and children from the council's primary and post-primary schools during the Children's Day celebration at the council premises.

According to Mr. Joseph, "parents should desist from child abuse, a situation where a child is made to hawk goods by the roadside, thereby exposing them to danger, is wickedness on the part of such parents. "It is the responsibility of the parents to fend for their children until they get to adulthood or are independent. They are to be given education, shelter, clothing, feeding and other essentials of life. These are a part of their fundamental human rights."³⁵¹

3. Early marriage

In August 2004 the international NGO *The Population Council* stated that Nigeria has some of the highest rates of early marriage in the world and also a high incidence of domestic violence,

³⁴⁹ Vanguard, Human trafficking, child labour equivalent to slavery, says NIS, 28 November 2010, <http://www.vanguardngr.com/2010/11/human-trafficking-child-labour-equivalent-to-slavery-says-nis/>, accessed 20 January 2013

³⁵⁰ Nigerian Tribune, Implications of child labour in Nigeria, 16 June 2010, <http://www.tribune.com.ng/index.php/labour-today/6872-implications-of-child-labour-in-nigeria>, accessed 20 January 2013

³⁵¹ Vanguard, LG boss warns parents on child labour, 30 May 2012, <http://www.vanguardngr.com/2012/05/lg-boss-warns-parents-on-child-labour/>, accessed 20 January 2013

"Nigeria, particularly northern Nigeria, has some of the highest rates of early marriage in the world. The Child Rights Act, passed in 2003, raised the minimum age of marriage to 18 for girls. However, federal law may be implemented differently at the state level, and to date, only a few of the country's 36 states have begun developing provisions to execute the law. To further complicate matters, Nigeria has three different legal systems operating simultaneously—civil, customary, and Islamic—and state and federal governments have control only over marriages that take place within the civil system.

Domestic violence is a widespread problem; some studies report that up to 81 percent of all married women admit experiencing some form of verbal or physical abuse by their husbands. [] A high prevalence of child marriage exists nationwide, 20 percent of girls were married by age 15, and 40 percent were married by age 18. Child marriage is extremely prevalent in some regions; in the Northwest region, 48 percent of girls were married by age 15, and 78 percent were married by age 18. [] Large spousal age differences are common and may limit married girls' autonomy and decision making ability. The younger a bride is, the greater the age difference between her and her spouse. In Nigeria, the mean age difference between spouses is 12.0 years if the wife marries before age 15, compared to 8.5 years if the wife marries at or after age 20. [] In the northern regions, where child marriage is common, virtually all sexual activity among girls occurs within the context of marriage. Married girls have limited ability to negotiate condom use. Among girls who do not want to get pregnant, 41 percent of married girls had unprotected sex in the previous week, compared to only 0.4 percent of unmarried girls."³⁵²

In 2011 a report by the Nigerian NGO *Action Health Incorporated (AHI)* stated that young women in the North East and the North West marry about four years earlier than their Southern counterparts also begin childbearing at much earlier ages,

"The tradition of early marriage persists in Northern Nigeria [] young women in the core North (the North East and the North West) marry (for the first time) about four years earlier than their Southern counterparts. [] the median age at marriage -among young women in the age group 20-25- hovers around 16 years in the core Northern zones compared with the national median age of about 20 years. Northern women also begin childbearing at much earlier ages. [] nationwide, about 30 percent of teenagers aged 15-19 had begun childbearing in sharp contrast to 39 percent and 44.6 percent of teenagers aged 15-19 in the North East and in the North West respectively.

Remarkable changes are occurring in the median age at first marriage and in women's educational attainment in Northern Nigeria. The median age at first marriage has risen and there is an increasing tendency for young women to attain higher levels of education after marriage. [] A comparison of median age at first marriage of women aged 45-49 with the median age at first marriage of women aged 20-24 and 25-29 shows that women are marrying at later ages in every geopolitical zone of Nigeria. In the core Northern zones, North East and North West, younger women aged 20-24 have median ages closer to 16 years (15.9 in the North East and 15.7 in the North West) as compared with the situation among older women aged 45-49 (married 20 to 25 years previously) whose median age at marriage was closer to 15 years (15.5 in the North East and 14.6 in the North West). These data signify an increase of a whole year in the median age at first marriage among girls in northern Nigeria. The comparable nationwide data are median age at first marriage of 19.8 years among young women aged 20-24 and median age at first marriage of 17.3 years among older women aged 45-49 signifying an increase of 2.5 years. While the increase in median age at marriage is lower in the north than nationwide, the important fact is that the North has recorded a significant increase of 1 year."³⁵³

³⁵² The Population Council, CHILD MARRIAGE BRIEFING NIGERIA, August 2004, <http://www.populationcouncil.org/pdfs/briefingsheets/NIGERIA.pdf>, accessed 18 January 2013

³⁵³ Action Health Incorporated, 2011 "Insights into Early Marriage and Girls' Education in Northern Nigeria", AHI, Lagos, Nigeria, <http://www.ungei.org/resources/files/innovators.pdf>, accessed 19 January 2013

In 2012 the *Journal of Politics and Law* published an article by Ine Nnadi of the Faculty of law at Imo State University which stated that very young girls are married off by their parents to older men, in one case a husband amputated the legs of his 9 year old wife to stop her attempts to run away,

"A serious problem of violation of women in Nigeria is child marriage. Very little girls are sent off to men old enough to be their fathers and grandfathers in marriage, and their consent is hardly sought. In most parts of the country, there is no law that streamlines the right age for marriage and the ones that are there, are usually overlooked. Mention must be made here of the intervention of Bauchi State in this regard where child marriage is prevalent. The State enacted a law banning child marriages after the pathetic case of Hauwa Abubakar, a 9 year old girl who was married off to one Mallam Shehu Garuba Kiruwa a 40 year old cattle dealer. This case is instructive here (UN Report, 2001). Her father being indebted to the husband forcefully gave Hauwa as wife to Shehu at the tender age of 9. She ran away from the husband's house on two occasions and was forcefully brought back to his house, on the third occasion; when she ran away and was brought back by her parents, the husband pinned her down and chopped off her legs with a poisoned cutlass. The Government of Bauchi State reacted by enacting a decree empowering Government to prosecute any parent who withdraws a child from school for marriage. It is hoped that other States would follow the bold step taken by Bauchi State and enact laws in this regard.

On this issue also, it is worthy to point out that the 1999 Constitution of the Federal Republic of Nigeria has complicated matters on early marriage, by deeming a child, to be an adult in so far as that child is married. This ambit of the constitution gives credence to violence against girl children contrary to Article 16 of the Convention on the Elimination of All Discrimination against Women (CEDAW), which prohibits the betrothal, and marriage of the girl child."³⁵⁴

In May 2012 an article for Lagos-based daily newspaper *Vanguard* stated that early child marriage exposed young girls to Vesico Vagina Fistula (VVF),

Dr Patrick Okolie, an Abuja based, general medical practitioner, has advised parents, who still practice early child marriage, to have a change of heart, as it could endanger the child's whole life. Okolie in Abuja on Tuesday said that early child marriage exposed young girls to Vesico Vagina Fistula (VVF). According to the doctors, VVF is an abnormal fistulous tract extending between the bladder and the vagina that allows the continuous involuntary discharge of urine into the vaginal vault. He said the condition was one of the two common obstetric fistulas that were found in the developing world like Nigeria. "It is generally associated with early age of childbirth and marriage, which is more common in the some states. "The average age of occurrence of VVF in Nigeria, especially in the Northern part of the country, is about 11 years to 15 years of age," he said.

[] "The vesico vagina fistula accounts for high percentage of maternal mortality in Nigeria."It also accounts for over 75 per cent of baby lose and has complications which may be present after delivery, as the husband may not want to associate with the wife," he said. He also said it was responsible for the high rate of divorce in some of these places where young women suffering from vesico vagina fistula were victimised.

He explained that preventing or allowing our female children to reach age of maturity before going into marriage and child birth was one major means of prevention."We all know that the level of poverty is a problem in Nigeria, it does not benefit any one, if your ward or your daughter gets married at early. "And then develops a complication that may affect her for

³⁵⁴ Ine Nnadi, An insight into violence against women as human rights violation in Nigeria: A critique, *Journal of Politics and Law*; Vol 5, No 3, August 2012, <http://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=65&cad=rja&ved=0CEwQFjAEODw&url=http%3A%2F%2Fccsene.t.org%2Fjournal%2Findex.php%2Fjpl%2Farticle%2Fdownload%2F19903%2F13123&ei=Z231UKjDB-Kt0QWNxoDwCw&usq=AFQjCNGSFgKbKtj4D6wdEV7mtDmSXpVREQ&bvm=bv.41018144.d.d2k>, accessed 9 December 2012

the rest of her life," he said. He said it was better to allow our young ones to be fully matured so that they could endure both the physical and psychological challenges of both marriage and child birth."³⁵⁵

In October 2012 the national daily newspaper the *National Mirror* stated that nearly half of Nigerian women become mothers before the age of eighteen, the legal age for marriage stipulated in the Nigeria Constitution,

"Civil Society Action Coalition on Education for All, a civil society organisation committed to socio-economic advocacy, has called for an immediate end to child marriage in the country and other parts of the world. The group made the call at a media briefing on Thursday in Abuja as part of the activities it organised to mark the International Day of the Girl Child. Speaking at the event, Deputy Director of the society, Mrs Ifeoma Monwuba, observed that a girl child was a powerful agent of change for a better world of equal opportunities. According to her, statistics showed that globally, about 36 million girls of school age are not in school and Nigeria accounts for over 6 million of this.

Millions of girl's rights, she said, are violated; and all these prompted United Nations to set aside this day as international day of girl child. Monwuba stressed that the international day of girl child "gives people and organisations the opportunity to raise awareness on different types of discrimination and abuses that many girls around the world suffer."

She also disclosed that nearly half of Nigerian women became mother even before age of 18 which she said was against the legal age for marriage stipulated in the Nigeria Constitution. She pointed out that early marriage "denies a girl child of her childhood rights, limits her opportunities, disturbs her education, makes society discriminate against her, jeopardises her health which leads to premature death of many girl child."³⁵⁶

In October 2012 the Abuja-based newspaper the *Daily Trust* stated that the United Nations has urged the Nigerian government to protect the girl child from early marriage and abuse by enrolling girls in schools,

"The United Nations has urged Nigerian government to protect the girl child from early marriage and abuse by enrolling girls in schools to enable them "build a foundation for a better life for themselves and their families." The UN in Nigeria disclosed this in a statement to mark the International Day of the Girl Child and calls on the federal and states governments to make special efforts to protect the rights of the girl child.

[] The UN Resident Coordinator in Nigeria and UNDP Resident Representative, Mr. Daouda Toure in the statement also noted that "Child marriage has adverse effects for the child and for society as a whole. Child marriage denies a girl of her childhood, disrupts her education, limits her opportunities, increases her risk of violence and abuse, jeopardizes her health and therefore constitutes an obstacle to the achievement of nearly every Millennium Development Goal (MDG) and the development of resilient communities."³⁵⁷

3.1 Abuse & violations of rights linked to underage marriages

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that under the Child Rights Act the marriage of a child under 18 is illegal, but that the Act is not universally applicable in Nigeria,

³⁵⁵ Vanguard, Nigeria: Physician Warns Parents On Early Child Marriage, 27 November 2012, <http://allafrica.com/stories/201211280661.html>, accessed 19 January

³⁵⁶ National Mirror, Group campaigns against child marriage, 13 October 2012, <http://nationalmirroronline.net/new/group-campaigns-against-child-marriage/>, accessed 19 January 2013

³⁵⁷ The Daily Trust Nigeria: End Child Marriage Through Education, UN Urges, 12 October 2012, <http://allafrica.com/stories/201210130476.html>, 19 January 2013

“Generally, the 3 systems of laws do not stipulate the minimum age of marriage until recently when the Child Rights Act (CRA) S.21 prohibits and provides penalty for the marriage and betrothal of a child under the age of 18, but the CRA is not applicable throughout Nigeria. It is applicable only in Abuja the federal capital territory and in the sixteen states of the federation where the law has been enacted. The situation is further compounded by the provisions of S.29(4)(b) of the Constitution, which provides that any woman who is married is deemed to be of full age. Although this provision applies to a citizen of Nigeria of full age who wishes to renounce her Nigerian Citizenship but the implication of this Constitutional provision is that it can be erroneously used to justify child marriage and may also be invoked to render the provisions of S.21 of the CRA inconsistent with the Constitution if not properly contextualised.”³⁵⁸

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that provisions in the Constitution could be misinterpreted to justify child marriage,

“Section 29(4)(b) of the Constitution states that “any woman who is married shall be deemed to be of full age.” But this provision must be read along with Section 29(1) of the Constitution, which applies to any citizen of Nigeria of full age who wants to renounce his/her citizenship. The context of deemed age of maturity for any woman can easily be misconstrued if not properly contextualised. The provision can be abused to encourage child marriage as a girl who is under 18 and given out in marriage is deemed to be of full age. The provision may also be invoked to render Section 21 of the Child Rights Act, which prohibits marriage and betrothal of a child under the age of 18, inconsistent with the provisions of the Constitution.”³⁵⁹

Article 29 of the Constitution of the Federal Republic of Nigeria, regarding the capacity to denounce citizenship, states that any woman who is marriage shall be deemed to be of full age,

“29. (1) Any citizen of Nigeria of full age who wishes to renounce his Nigerian citizenship shall make a declaration in the prescribed manner for the renunciation.

(2) The President shall cause the declaration made under subsection (1) of this section to be registered and upon such registration, the person who made the declaration shall cease to be a citizen of Nigeria.

(3) The President may withhold the registration of any declaration made under subsection (1) of this section if-

(a) the declaration is made during any war in which Nigeria is physically involved; or

(b) in his opinion, it is otherwise contrary to public policy.

(4) For the purposes of subsection (1) of this section.

(a) "full age" means the age of eighteen years and above;

(b) any woman who is married shall be deemed to be of full age.”³⁶⁰

³⁵⁸ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

³⁵⁹ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

³⁶⁰ Constitution of the Federal Republic of Nigeria, 1999, available at: <http://www.unhcr.org/refworld/docid/44e344fa.html>, accessed 29 November 2012

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that under the Child Rights Act the minimum age for marriage is 18 years, but that most states did not adopt the act,

“The Child Rights Act, as passed by the National Assembly, stipulates a minimum age of 18 years for marriage. Most states, especially northern states, did not adopt the act, and those states did not uphold the federal official minimum age for marriage.”³⁶¹

3.2 Social discrimination

In 2012 a *British Council* report stated that in the North more than half of women are married by the age of 16 and are expected to have a child within the first year of marriage,

"Over half of all women in the North are married by the age of 16 and are expected to bear a child within the first year of marriage."³⁶²

In 2012 a *British Council* report also stated that poverty increases the likelihood of early marriage,

"Girls from poorer families are more likely to marry young and have worse health outcomes."³⁶³

In November 2009 the international NGO *The Population Council* stated that their research revealed that the vast majority of child marriages in northern Nigeria were arranged by families and that "sexual debut" was often unwanted and traumatic for young brides,

"In northern Nigeria, 45 percent of girls are married by age 15, and 73 percent are married by age 18. To understand more about child marriage in this region and learn about the experience from girls themselves, Council researchers performed secondary data analysis of a nationally representative survey (the Demographic and Health Survey) and conducted in-depth interviews with girls and young women in the region. This research revealed that the vast majority of child marriages were arranged by families. The spouses of these child brides were considerably older—husbands were an average of 12 years older than their wives; this age difference increased to 18 years for those in polygynous marriages. Men made the vast majority of decisions in the household, regarding not only major life issues such as large purchases, but also more mundane matters such as daily purchases and meals.

Sexual debut was often unwanted and traumatic for these young brides. One girl recalled: "The first time I had sex with my husband, I felt serious pains and was bleeding. I had to tell my auntie and she gave me some medicine. Then I told her that I will never allow him to do that to me again. My auntie told me that if I stop after the first time, the wound will never heal. At that time my husband was a stubborn man and anytime he came to have sex with me, I just started crying. He would tell me that Allah is blessing and rewarding me so I should not be crying. (14-year-old girl, married at age 13)"³⁶⁴

In 2012 a report by *UNICEF* stated that marriage of girls as young as 12 or 10 years is common in some areas,

³⁶¹ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁶² British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

³⁶³ British Council, Gender in Nigeria Report 2012, 2012, <http://www.britishcouncil.org.ng/files/2012/12/GenderReport-full.pdf>, accessed 6 December 2012

³⁶⁴ The Population Council, Addressing Child Marriage in Northern Nigeria, November 2009, http://www.popcouncil.org/projects/97_NigeriaAddressingChldMrrg.asp, accessed 18 January 2013

"The present generation of young people is the largest in the country's history. Coincidentally, the highest rate of HIV infection is constantly recorded among this group. Young people are one of the most vulnerable groups to the disease. As Nigerian adolescents begin to engage in sexual relations at a much earlier age than in the past, cases of HIV/AIDS infection are being reported among pre-teenage youths in schools. [] In response to this situation, the Government has developed the Education Sector Strategic Plan on HIV/AIDS and has included HIV-AIDS in the public school health curriculum.

In many parts of the country, traditional values promoting female submissiveness make adolescent girls more vulnerable because it is difficult for them to refuse sexual relationships. In addition, early marriage for girls remains a common practice in some communities, particularly in the Northern part of Nigeria. In 2005, the median age at marriage for women in Nigeria was 17 with some regional variation. Marriage of girls as young as 12 or 10 years is still common in some areas. This is particularly worrisome given the implications on the child bride. Consequences of child marriage include obstetric fistula, infections, HIV, infertility, limited social support and high infant and maternal morbidity and mortality."³⁶⁵

In October 2012 the Abuja-based newspaper the *Daily Trust* stated that a mother in Ota, Ogun State, is battling to prevent the early, forced marriage of her 12 year old daughter to an 80 year old man,

"[] the report which emerged in September that Aminat Hamisu is battling to prevent the early, forced marriage of her 12 year old daughter to an 80 year old man in Ota, Ogun State, is even more appalling. The man, Malam Ibraheem Mairago, who claims it was revealed to him in a dream that marrying the junior secondary school pupil will multiply his wealth, claims to have already paid a bride price of N50, 000 to the now late father of the minor, Alhaji Hamisu Aliyu, and made promises of further enriching him if the planned marriage sails through.

Circumstances like these have been the lot of the girl child in Nigeria [] Further, the girl child is also forced into street hawking and forced labour; workplace discrimination; and male child preference, leading to ingestion of sex selection feticides which deny millions of girls the right to be born. [] FIDA Chairperson Iyabode Ogunseye set the ball rolling at the Olusegun Obasanjo Hall of the Federal Ministry of Justice, Abuja with her riveting call to the girl child who is being forced into early marriage to say: "No" until at least she is 18.

Highlighting the irony of child marriage practiced in many parts of the country, she asks, "How can a baby be having a baby." This line was re-echoed by Mrs Eki Igbinedion, founder of *Idia Renaissance*, a group which has waged war against girl child trafficking and prostitution in Nigeria particularly, Edo State. While urging the girls to resist any form of exploitation, Igbinedion pleaded with all Non-Governmental Organisation (NGOs) and civil society groups to bury their differences and come together, to achieve a common purpose of getting legislative backing for the Child's Right Act in all the states of the federation. [] There was a consensus among participants that cultural traditions, religion, ignorance and poverty are the crucial factors responsible for the plight of the girl child in Nigeria."³⁶⁶

In October 2012 the NGO *Delta Women* stated that opposition to laws banning the practice is partly due to families living in poverty who cannot afford to care for their daughters, and also having notions of morality and honour with a high value placed on a girl's virginity, and religion,

"Nigeria has some of the highest rates of child marriages in the world. In some areas, particularly the Northwest region, nearly half of the girls in the country are married by the age of 15, often to much older men. [] Despite all these devastating consequences, child marriage still continues to prevail and there is considerable opposition to the law banning

³⁶⁵ UNICEF, Nigeria: The Children, HIV/AIDS, 2012, http://www.unicef.org/nigeria/children_1940.html, accessed 19 January 2013

³⁶⁶ The Daily Trust, Nigeria: Not Till I Am 18, 30 October 2012 <http://allafrica.com/stories/201210300605.html>, accessed 19 January

child marriage, particularly in Northern Nigeria. This is partly due to families living in poverty who cannot afford to care for their daughters; having notions of morality and honour with a high value placed on a girl's virginity, and religion. One cleric states that it is difficult to accept banning of child marriages because it is permissible according to religion.

The way forward is a difficult and challenging path, but a necessary one. A lot can be done to promote later, chosen and legal marriage. Some suggestions include raising awareness of the extent of early marriage and human rights abuse it constitutes; engaging communities through public campaigns, pledges or incentive schemes; and raising awareness for parents, community leaders, and policymakers about the importance and necessity of enrolling girls in schools and completing education."³⁶⁷

In November 2008 the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs, the *Integrated Regional Information Networks (IRIN)* stated that attempts to bar early marriage have come under severe criticism from Islamic clerics, parents and state parliamentarians in northern Nigeria, who say it contravenes cultural and religious norms of the region's people,

"In northern Nigeria it is estimated that more than half of girls are married before age 15, according to Mohammed Aliyu Mashi, head of the General Improvement in Persons Initiative (GIOPINI), a Kano-based NGO that has researched early marriage in the north.

NGOs and residents of the north say long-held cultural values -- and poverty -- dictate the futures of most young girls. Among Nigeria's predominantly Muslim northern states, just one - Jigawa - has passed a law to enforce the UN Child Rights Act, which prohibits child marriage, according to Ahmed Bello of the region's agency for the prohibition of human trafficking. But even in the Jigawa case, the 2007 law does not specify an age, referring only to "puberty" and letting a judge decide. "We substituted the age limit of 18 years in the original draft with 'puberty', which we find acceptable with our people," said Musa Imam, secretary of Jigawa State Judicial Reform Commission, which reviewed the law.

Residents of Jigawa told IRIN they had never heard of the law being enforced since it was passed. "Even if the government decides to enforce the law people will defy it because to us it is better to marry off your daughter and go to jail than to have a grandchild outside marriage," said Hamisu Umar, a resident of Kandi village, 20km outside Dutse, the Jigawa State capital. Judicial expert Imam told IRIN enforcement cannot come immediately. "We are aware that the child rights law is not enforced at the moment and this is deliberate," he said. "We first want to sensitise the people on the existence of the law and its provisions and once we are sure they are fully aware of the law, we can then prosecute non-compliance with the law." Attempts to bar early marriage have come under severe criticism from Islamic clerics, parents and state parliamentarians in northern Nigeria, who say it contravenes cultural and religious norms of the region's people."³⁶⁸

In November 2008 the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs, the *Integrated Regional Information Networks (IRIN)* also stated that attempts to bar early marriage have come under severe criticism from Islamic clerics, parents and state parliamentarians in northern Nigeria, who say it contravenes cultural and religious norms of the region's people,

"Many people in the region cite fear of promiscuity as a reason to have girls marry early, according to NGOs. There is a widely held belief that the longer a girl is unmarried, the higher the risk of her becoming promiscuous. Sex outside marriage is still a taboo, especially in rural communities in northern Nigeria where pregnancy out of wedlock

³⁶⁷ Delta Women, Child Brides: Stolen Lives of Nigeria's Girls, 29 October 2012 <http://deltawomen.blogspot.co.uk/2012/10/child-brides-stolen-lives-of-nigerias.html>, accessed 19 January 2013

³⁶⁸ IRIN, NIGERIA: Early marriage adds to socioeconomic woes, NGOs say, November 2008, <http://www.irinnews.org/Report/81667/NIGERIA-Early-marriage-adds-to-socioeconomic-woes-NGOs-say>, accessed 19 January 2013

remains the worst shame a girl can bring to her family. "We are afraid our girls will become loose and end up being pregnant outside marriage if we don't marry them early," said 84-year-old Usman Bahago of Yammawan Fulani, a village 60km north of Kano. In this farming village, as in surrounding villages, most girls are married by the time they are 14 and in most cases to older men. Older and usually wealthier. Poverty is another major driver of early marriage, Aisha Suleiman, project coordinator with the Kano office of Save the Children-UK, told IRIN. [] Suleiman said in most cases girls are married off to much older men with some means whom the parents believe will secure better living standards for their young daughters and help bail the family out of poverty. But NGOs following children's rights say early marriage only exacerbates socio-economic problems.

"It is a disaster to have 12 million girls of school-going age denied education and instead married off to satiate some inconsiderate person's lust," GIOPINI's Mashi said. "Without education the lives of such girls are reduced to that of dependence and subservience." GIOPINI estimates that 12 million girls aged around 13-14 are married in the region. [] Girls who choose to flee to avoid early marriage and childbearing face another set of problems. Some girls go to drastic lengths to avoid an early marriage, Hafsat Baba, director of ActionAid for seven northern states, told IRIN. "In many instances girls who are unable to cope with their husbands run away and end up as prostitutes... A number of prostitutes will tell you that they were victims of early marriage and ran away because they couldn't live with the husbands forced on them [by their parents]", said Baba, who runs a reproductive health awareness programme in brothels.

[] Many local and international NGOs consider long-held traditions first when working to discourage early marriage. Rather than directly targeting the custom, many try to get at it by championing girls' education. "By emphasising and showing rural parents the benefits of girls' education we are indirectly telling them not to marry their daughters early," Save The Children's Suleiman said. "We have to be tactful in our approach otherwise parents will stay away from us."³⁶⁹

In 2011a report by the Nigerian NGO *Action Health Incorporated (AHI)* stated that the tradition of attainment of higher education for women be postponed until after marriage is an acceptable practice but that the tradition of early marriage is no longer static,

"[] It would appear that the widely-accepted tradition of early marriage often necessitating girls' withdrawal from schools, pre-nuptial arrangements that commit husbands to ensuring continuation of their young brides' education, and the growing desire for higher education among adolescent girls are major reasons why the bulk of girls' education comes after marriage. [] it appears that the tradition of attainment of higher education for women be postponed until after marriage is an acceptable practice. This tradition persists despite governments' policy of free and universal basic education. Indeed, parents and guardians who may be strongly in support of post primary/secondary education for their daughters would insist on marriage first and further education "under the husbands' roof."

In summary, the tradition of early marriage is no longer static . There are signs of change. One innovator summarized the changes that are taking place among women in Northern Nigeria in the following words: "Honestly, in our society especially in the North, women just have very little to say. But recently things are improving with enlightenment campaigns, orientation, women empowerment etc. Women have started understanding that they have role to play in the society. The men also are now realizing the importance of women participation. As you know, Islam has given the right but men always abuse this right."³⁷⁰

³⁶⁹ IRIN, NIGERIA: Early marriage adds to socioeconomic woes, NGOs say, November 2008, <http://www.irinnews.org/Report/81667/NIGERIA-Early-marriage-adds-to-socioeconomic-woes-NGOs-say>, accessed 19 January 2013

³⁷⁰ Action Health Incorporated, 2011 "Insights into Early Marriage and Girls' Education in Northern Nigeria", AHI, Lagos, Nigeria, <http://www.ungei.org/resources/files/innovators.pdf>, accessed 19 January 2013

In 2011 an article for the *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* stated that the caveat that copulation should be delayed until when such girls are mature is often abused and that the recent marriage of a senator of the Federal Republic of Nigeria to a 13-year-old bride consequent upon his divorcing another 15-year-old bride who had a child for him had "generated fiery reactions from several quarters",

"[] Ahmed Sani Yerima, the former Governor of Zamfara State and a Senator recently got married to a 13-year-old Egyptian girl. Ordinarily, polygamy is recognized in Nigeria, but the import of the 50 years old Senator marrying a girl who could be his daughter is not lost on Nigerians. Obviously, this has generated fiery reactions from several quarters. For instance a coalition of Nigerian women's groups, activists and academics signed and delivered a petition to the Senate calling for an investigation into the alleged marriage. They equally petitioned that the Senator is in the habit of having child brides.

Sometimes in 2006 or thereabouts, he married a 15-year-old girl (Hauwau) as his fourth wife. The Senator divorced the said girl when she was 17 and nursing his child so that he could marry another wife. They urged the Senate to suspend him.

In his response, the Senator claimed he had done nothing wrong and would not respect any law that contradicted his religious beliefs.³⁷¹ He further said, "history tells us that Prophet Mohammed did marry a young girl as well. Therefore, I have not contravened any law. Even if she is 13 as it is being falsely peddled about."

The Senator was invited by the officials of the National Agency for Prohibition of Trafficking in Persons and Other Related matters (NAPTIP) for questioning over his marriage to a minor. The Senator maintained he had not contravened any law and tendered his marriage certificate to the girl in a Sharia court. He was released based on self recognition and asked to report back to the Agency. It appeared the dust is settled on the issue because not much is read about it in the papers nowadays."³⁷¹

In November 2008 US online news curator *Newser* stated that legislation banning child marriage faced serious resistance from Muslim leaders,

"In northern Nigeria, almost half the girls are married by age 15, and a law outlawing child marriage faces serious resistance from Muslim leaders, [] We have no choice," says one teen who was brutally raped by her husband. As a result, fistula—a hole torn between the vagina and bladder or rectum during childbirth—and maternal death are common. Young girls are the most frequent sufferers. Many are incontinent and sent away from their homes. "The woman ends up crippled for life: medically, socially, mentally, and emotionally," says a doctor who repairs the condition. Half of the country's states have adopted a 2003 law banning marriage under age 18, but the Muslim north resists. "In the Koran there is no specific age of marriage," says a cleric."³⁷²

2.3 Effectiveness of state protection

In 2008 the *Nigerian NGO CEDAW Coalition* shadow report stated that no prosecutions for child marriage had been made,

"Meanwhile, child marriage is still rampant in Nigeria and is one of the major causes of the high school drop out rate for girls. In states where the CRA has been enacted into law, no

³⁷¹ Nnamdi Azikiwe University Journal of International Law and Jurisprudence, Vol 2, 2011, Iyabode, O, Child Bride and Child Sex: Combating Child Marriages in Nigeria, <http://www.ajol.info/index.php/naujilj/article/viewFile/82389/72544>, accessed 19 January 2013

³⁷² Newser, Nigeria Struggles to Protect Child Brides, 28 November 2008, <http://www.newser.com/story/43860/nigeria-struggles-to-protect-child-brides.html>, accessed 19 January 2013

one has been prosecuted for child marriage even though it is still being practiced. There is a wide gap between enactment and enforcement of laws."³⁷³

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that the government did not take steps to prevent the sale of young girls into marriage,

The government did not take significant steps to stop traditional practices harmful to children, such as sales of young girls into marriage. According to credible reports, there were incidents of poor families selling their daughters into marriage to supplement their incomes. Families sometimes forced young girls into marriage as early as puberty, regardless of age, to prevent "indecent" associated with premarital sex or for other cultural and religious reasons."³⁷⁴

In November 2012 Nigerian newspaper the *Daily Independent* published a paper presented by lawyer Carol Ajie at the 2012 International Bar Association (IBA) Annual Conference held in Dublin, Ireland on October 2, 2012, which stated that Senator Yerima was the first to promulgate Sharia'h law in Zamfara State and thereby promoted its resurgence in Northern Nigeria,

"In April 2010, a coalition of Nigerian civil society and gender rights activists petitioned to the Senate calling for action against Yerima over his marriage to the 13 year old Egyptian girl. The Senate requested the coalition to take the matter to court, suggesting that its member Senator Yerima and others like him had not violated its code of ethics. Also the Attorney General of the Federation, Bello Adoke SAN refused all requests to prosecute him and hold Ahmed Yerima liable for his wrongs. [] Human rights groups were vociferous in condemning the patently illegal act of "criminal marriage", especially as it violated domestic and International laws.

[] Senator Yerima married a minor, an Egyptian child in Abuja; there was domestic and Int'l condemnation and U.S Secretary of State, Senator Hillary Clinton rebuked him for child slavery. Senator Yerima, was 50 years old at the time and before being a Senator, was the Governor of Zamfara State. In 2000, Gov. Yerima was the first to promulgate Sharia'h law in Zamfara State and thereby promoted its resurgence in Northern Nigeria;

[] Yerima was found to have violated several laws notably:- Sections 21, 22 (1&2) and 23 (a-d) of the Child's Right Act 2003, which is operational in the FCT Abuja and Sections 12(a&b), 13(1&2), 14 (1) and 17(a&b) of the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003. [] The Executive Secretary of NAPTIP, Mr Egede recommended to the Attorney General of the Federation (AGF), Mohammed Bello Adoke, SAN to prosecute Yerima, in exercise of the AG's constitutional powers under s.174 of the 1999 Constitution to institute and undertake criminal proceedings against any person who has violated an Act of the National Assembly such as the Child's Right Act (CRA) 2003."³⁷⁵

In May 2010 an article for the US news broadcaster *Fox News* stated that child protection laws are not enacted in all Nigerian states and child brides have been married off in Muslim communities after their first period,

"The marriage took place at one of the Nigerian capital's most recognizable landmarks, under the golden dome of the National Mosque in front of an audience of the elite. But the

³⁷³ The Nigeria CEDAW NGO Coalition Shadow Report, Submitted to the 41st Session of the United Nations Committee on the Elimination of all Forms of Discrimination against Women holding at the United Nations Plaza New York, between June 30 – July 18 2008, <http://www.baobabwomen.org/Shadow%20report.pdf>, accessed 15 November 2012

³⁷⁴ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁷⁵ The Daily Independent, Overcoming challenges of Senator Yerima's child marriage in Nigeria (2), 1 November 2012 <http://dailyindependentnig.com/2012/11/overcoming-challenges-of-senator-yerimas-child-marriage-in-nigeria-2/>, accessed 19 January 2013

recent wedding of one of the Muslim leaders who brought Shariah law to Africa's most populous nation is under scrutiny as human rights groups say he married a 13-year-old Egyptian girl. As authorities investigate Senator Ahmad Sani Yerima, the marriage is drawing fresh questions about the role of religion in a country of 150 million people split between Christians and Muslims.

Under child protection laws enforceable in Abuja, Nigeria's capital, a woman must be 18 before being able to consent to marriage. However, those laws aren't enacted in all of Nigeria's 36 states and activists say child brides have been married off in Muslim communities after their first period. It also isn't the first time Yerima has apparently married a child bride. The right commission alleged that he married a 15-year-old girl, only to divorce her at 17 as she nurses his child. "The senator is in the habit of marrying minors and has gained notoriety in enticing girls to marry him," the commission said. Yerima himself appears unrepentant in recent interviews, though he has declined to say how old his new wife is. "As a Muslim, as I always say, I consider God's law and that of his prophet above any other law," Yerima told the BBC's Hausa language radio service. "I will not respect any law that contradicts that and whoever wants to sanction me for that is free to do that."

[] But those who have brought the allegations against Yerima are struggling not to make it a religious debate in a nation where killings over faith still happen. The Senate is investigating Yerima over allegedly breaking the law, while other agencies are examining whether he illegally brought the child bride into the country. "He's breached the law. It's not about faith," said Iheoma Obibi, executive director of Alliances for Africa, a human rights group. "In the campaign with the sisters from the north, we've been very careful not to address this in the religious situation."³⁷⁶

In October 2012 Nigerian newspaper *Punch* stated that Nigerian stakeholders advocated an urgent end to teenage marriage in the country on the inaugural International Day of the Girl-Child, the theme of which was 'Ending Child Marriage',

"Nigerian girls on Thursday joined their colleagues in the world to celebrate the maiden International Day of the Girl-Child with stakeholders advocating urgent end to teenage marriage in the country. Before now, girls in some part of the world particularly from the northern part of Nigeria are forced into early marriage thus truncating their search for education and better life in future. But worried by this trend the United Nations in the maiden edition of the International Day of the Girl Child, chose 'Ending Child Marriage' as the theme of the celebration.

[] In Nigeria, a non-governmental organisation, Beyond the Classroom Foundation and HACEY's Health Initiative, gathered over 200 secondary school girls together to celebrate the day at the University of Lagos, Akoka, Lagos under the sub-theme 'Health, Empowerment, and Rights of the Girl Child.' [] The representative of the Lagos State Ministry of Education, Mrs. Eke Musa, urged other non-governmental organisations to support the government in protecting the girl child. She said, "I appreciate the organisers of today's programme. The government alone cannot deal with the issues surrounding the girl child. We all need to join hands together to protect our girls. The society also needs to be aware of the rights of the girl child and girls need to be aware of their rights."³⁷⁷

³⁷⁶ Fox News, Alleged child-bride marriage stuns Nigeria, home to uneasy population split between faiths, 1 May 2010, <http://www.foxnews.com/world/2010/05/01/alleged-child-bride-marriage-stuns-nigeria-home-uneasy-population-split-faiths/>, accessed 19 January

³⁷⁷ Punch, Girl Child Day: Stakeholders seek end to teenage marriage, 19 October 2012, <http://www.punchng.com/education/girl-child-day-stakeholders-seek-end-to-teenage-marriage/>, accessed 19 January 2013

3.4 Access to justice

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that the case of a man who married a 14 year old Egyptian girl under Sharia law was investigated by the national Agency for the Prohibition of Trafficking in Persons but the man was not prosecuted,

In March 2010 Zamfara Senator Sani Ahmed Yerima married a 14-year-old Egyptian girl at the central mosque in Abuja, in violation of the 2003 Child Rights Act adopted by the FCT. He maintained that he was not subject to civil laws, only sharia laws. The National Agency for the Prohibition of Trafficking in Persons (NAPTIP) investigated the case, but authorities did not prosecute Yerima.³⁷⁸

In November 2012 Nigerian newspaper the *Daily Independent* published a paper presented by lawyer Carol Ajie at the 2012 International Bar Association (IBA) Annual Conference held in Dublin, Ireland on October 2, 2012, which also stated that despite international condemnation of Senator Yerima's behaviour, no significant action was taken against him which was seen as tantamount to endorsement,

"[] Mr. Yerima's conduct continued to receive rebuke in and outside the shores of Nigeria. The Inter Parliamentary Union (IPU) actually wrote to the National Assembly (NASS) to take a stand against his illegitimate practice. But we saw nothing significant come out of the ethics committee of the legislative chambers in Nigeria where Yerima gleefully sits to promulgate laws, one of which the CRA, was violated by him. [] The effect of the AGF's inaction against Yerima's misapplication of Islam in enslaving a child, his second in four years, is that it sent signals of endorsement for those in the mold of Yerima across cultural and religious faiths, to now indulge in alarming scales of paedophilia atrocities.

[] In failing and neglecting to prosecute Senator Yerima, when he ought to have acted on NAPTIP's recommendation, and the approval of the human rights community, AGF Adoke SAN said that the CRA was not enacted to protect the Egyptian child in Nigeria; whereas the CRA defines a child as "a person under the age of 18 years". The CRC did not draw a wedge between children as every child is entitled to equal protection by the law. Besides, the liberty and rights of citizens are sacrosanct and not subject to the personal wish of Yerima. [] It is empirical that crimes against women and girls in Nigeria are escalating and AGF's failure and refusal to exercise prosecutory powers conferred by the Nigerian Constitution, for our common good, and in the public interest, appear deep-set."³⁷⁹

In 2011 an article for the *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* also stated that poverty is the basis for such families giving out their teenage daughters, and that uneducated child brides could not have been able to give any consent , "a clear abuse of their person even under Islamic law",

"However, it is indeed saddening that a person occupying such an exalted position could be involved in this dastardly act hiding under the façade of religion. Even more horrifying is that important dignitaries attended the wedding at an Abuja Central Mosque, tacitly giving their approval. The first child bride actually dropped out of school for marriage and with her divorce becomes a 'single child parent'. The second child bride had equally stopped schooling with yet unknown consequences in the event of pregnancy.

Obviously, these child brides would not have been able to give competent and informed consent to the marriage. The Islamic practice is that marriage in minority is invalid without

³⁷⁸ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁷⁹ The Daily Independent, Overcoming challenges of Senator Yerima's child marriage in Nigeria (2), 1 November 2012 <http://dailyindependentnig.com/2012/11/overcoming-challenges-of-senator-yerimas-child-marriage-in-nigeria-2/>, accessed 19 January 2013

the consent and participation of the guardian and the responsibility for such a marriage is vested in persons who apart from being the parent or guardian have a good sense of judgement and consciousness. To guide against possible misapplication, the minor upon attaining the age of majority can also repudiate the marriage. It is disheartening in the case of the Senator that consent which is an essential element of marriage has been vitiated. The first child bride, Hawau was the daughter of his driver. The second child bride is also the daughter of his Egyptian driver. He actually paid \$100,000 dollars as the bride price and financed the transportation of the bride's family to Nigeria for the marriage ceremony. It is hardly disputing that poverty is the basis for such families giving out their teenage daughters. These uneducated child brides could not have been able to give any consent and is a clear abuse of their person even under Islamic law."³⁸⁰

4. Child witchcraft accusations

[See also [Section B. Trafficking, 7. Linkages between trafficking and witchcraft](#)]

In 2012 *Stepping Stones*, a UK-based charity that defends and upholds the rights of children in the Niger Delta stated that a deeply held belief in and fear of child witchcraft cuts across all tiers of society,

"The deeply held belief in and fear of child witchcraft cuts across all tiers of society. This fear stems from the belief that a spiritual spell can be given to a person through food and drink. The soul of the person who eats this spell will then leave the body to be initiated in a gathering of 'witches' and 'wizards'. The initiated person will then have the power to wreak havoc, such as causing diseases like HIV/AIDS, malaria, hepatitis, typhoid, cancer. All problems in life are seen to be the handiwork of these 'witches'. In recent times, it is thought children have become the target for initiation by the elderly 'witches' as it is believed that they are more susceptible to their spells and are quicker in action.

The following have being identified as the major causes of child witchcraft, abandonment and killing:

- Religious profiteering
- Extreme poverty
- Disintegration of the extended family structure
- Ignorance and superstitious beliefs
- Broken marriages"³⁸¹

In 2012 *Stepping Stones*, a UK-based charity that defends and upholds the rights of children in the Niger Delta also stated that both the church and "home movies" play an important role in spreading the belief in child 'witches',

" [] the role of the church, especially some of the new Pentecostals, in spreading the belief in child 'witches' cannot be underestimated. There are numerous so-called pastors in the region who are wrongly branding children as 'witches' mainly for economic self gain and personal recognition. We therefore call for all people of all faiths to stand up and support the fight to protect innocent children from the abuse that is caused due to the belief in child witchcraft.

Stepping Stones Nigeria's research has shown that the belief in child 'witches' in the Niger Delta is linked to the widespread viewing of Nigerian or Nollywood 'home movies'. These movies are widely available in markets and are watched by the vast majority of people in this region. Many of these films promote superstitious beliefs, such as that of child

³⁸⁰ Nnamdi Azikiwe University Journal of International Law and Jurisprudence, Vol 2, 2011, Iyabode, O, Child Bride and Child Sex: Combating Child Marriages in Nigeria, <http://www.ajol.info/index.php/nauijil/article/viewFile/82389/72544>, accessed 19 January 2013

³⁸¹ Stepping Stones Nigeria, Stepping Stones Nigeria's Stance on the Belief in Child 'Witches', 2012, <http://www.steppingstonesnigeria.org/witchcraft.html>, accessed 19 January 2012

witchcraft. By far the most provocative and influential film in this genre is 'End of the Wicked'.

How Suspected Witches are Treated

- Abandoned, isolated, discriminated, ostracised from the community
 - Taken to the forest and slaughtered
- Disgraced publicly and murdered
- Bathed in acid
- Poisoned to death, often with a poisonous local berry (asire)
- Buried alive
- Chained and tortured in churches in order to extract confession"³⁸²

In December 2007 UK newspaper *The Guardian* stated that pastors making a living by providing 'deliverances' (exorcisms) for people beset by witchcraft, have also named children as witches leading them to being beaten, tortured and killed,

"[] pastors make a living by 'deliverances' - exorcisms - for people beset by witchcraft, something seen to cause anything from divorce, disease, accidents or job losses. With so many churches it's a competitive market, but by local standards a lucrative one. But an exploitative situation has now grown into something much more sinister as preachers are turning their attentions to children - naming them as witches. In a maddened state of terror, parents and whole villages turn on the child. They are burnt, poisoned, slashed, chained to trees, buried alive or simply beaten and chased off into the bush.

Some parents scrape together sums needed to pay for a deliverance - sometimes as much as three or four months' salary for the average working man - although the pastor will explain that the witch might return and a second deliverance will be needed. Even if the parent wants to keep the child, their neighbours may attack it in the street. This is not just a few cases. This is becoming commonplace. In Esit Eket, up a nameless, puddled-and-potholed path is a concrete shack stuffed to its fetid rafters with roughly made bunk beds. Here, three to a bed like battery chickens, sleep victims of the besuited Christian pastors and their hours-long, late-night services. Ostracised and abandoned, these are the children a whole community believes fervently are witches."³⁸³

In December 2007 US newspaper *The Guardian* also stated that it is American and Scottish Pentecostal and evangelical missionaries of the past 50 years who have shaped these fanatical beliefs,

"Ikpe-Itauma [] estimates around 5,000 children have been abandoned in this area since 1998 and says many bodies have turned up in the rivers or in the forest. Many more are never found. 'The more children the pastor declares witches, the more famous he gets and the more money he can make,' he says. 'The parents are asked for so much money that they will pay in instalments or perhaps sell their property. This is not what churches should be doing.' Although old tribal beliefs in witch doctors are not so deeply buried in people's memories, and although there had been indigenous Christians in Nigeria since the 19th century, it is American and Scottish Pentecostal and evangelical missionaries of the past 50 years who have shaped these fanatical beliefs. Evil spirits, satanic possessions and miracles can be found aplenty in the Bible, references to killing witches turn up in Exodus, Deuteronomy and Galatians, and literal interpretation of scriptures is a popular crowd-pleaser.

³⁸² Stepping Stones Nigeria, Stepping Stones Nigeria's Stance on the Belief in Child 'Witches', 2012, <http://www.stepsstonesnigeria.org/witchcraft.html>, accessed 19 January 2012

³⁸³ The Guardian, Children are targets of Nigerian witch hunt, 9 December 2007, <http://www.guardian.co.uk/world/2007/dec/09/tracymcveigh.theobserver>, accessed 19 January 2013

Pastor Joe Ita is the preacher at Liberty Gospel Church in nearby Eket. 'We base our faith on the Bible, we are led by the holy spirit and we have a programme of exposing false religion and sorcery.' [] Ita denies charging for exorcisms but acknowledges his congregation is poor and has to work hard to scrape up the donations the church expects. 'To give more than you can afford is blessed. We are the only ones who really know the secrets of witches. Parents don't come here with the intention of abandoning their children, but when a child is a witch then you have to say "what is that there? Not your child." The parents come to us when they see manifestations. But the secret is that, even if you abandon your child, the curse is still upon you, even if you kill your child the curse stays. So you have to come here to be delivered afterwards as well,' he explains patiently. 'We know how they operate. A witch will put a spell on its mother's bra and the mother will get breast cancer. But we cannot attribute all things to witches, they work on inclinations too, so they don't create HIV, but if you are promiscuous then the witch will give you HIV.'³⁸⁴

In May 2010 an article in *The New York Times* stated that Pentecostal preacher Helen Ukpabio, whose critics say her teachings have contributed to the torture or abandonment of thousands of Nigerian children suspected of being witches and warlocks, is suing the state government for infringing on her freedom of religion,

"At home in Nigeria, the Pentecostal preacher Helen Ukpabio draws thousands to her revival meetings. Last August, when she had herself consecrated Christendom's first "lady apostle," Nigerian politicians and Nollywood actors attended the ceremony. Her books and DVDs, which explain how Satan possesses children, are widely known. So well-known, in fact, that Ms. Ukpabio's critics say her teachings have contributed to the torture or abandonment of thousands of Nigerian children — including infants and toddlers — suspected of being witches and warlocks. Her culpability is a central contention of "Saving Africa's Witch Children," a documentary that will make its American debut Wednesday on HBO2.

[] Ms. Ukpabio argued that "Saving Africa's Witch Children" exaggerates or invents the problem of child abandonment. [] She said the children's gruesome scars and wounds, shown in the documentary, are not real — or perhaps they are real, "but there are many ways children can get maimed." And if the injuries are the result of witchcraft accusations against the children, she said, those accusations could not have been made by Pentecostal Christian preachers, but by charlatans.

Since "Saving Africa's Witch Children" was first shown in Britain, in 2008, Mr. Itauma's home state has adopted a law against accusing children of witchcraft. But Ms. Ukpabio went on the offensive by suing the state government, Mr. Foxcroft, Mr. Itauma and Leo Igwe, a Nigerian antisuperstition activist. In the lawsuit, Ms. Ukpabio alleges that the state law infringes on her freedom of religion. She seeks 2 billion naira (about \$13 million) in damages, as well as "an order of perpetual injunction restraining the respondents" from interfering with or otherwise denouncing her church's "right to practice their religion and the Christian religious belief in the existence of God, Jesus Christ, Satan, sin, witchcraft, heaven and hellfire." In other words, in the name of religious freedom, Ms. Ukpabio seeks a gag order on anyone who disagrees with her.³⁸⁵

In May 2010 an article in *The New York Times* also stated that belief in possession is especially common among Pentecostals in Nigeria, where it reinforces native traditions that spirits are real and intervene in human affairs,

"[] "Saving Africa's Witch Children" follows Gary Foxcroft, founder of the charity Stepping Stones Nigeria, as he travels the rural state of Akwa Ibom, rescuing children abused during

³⁸⁴ The Guardian, Children are targets of Nigerian witch hunt, 9 December 2007, <http://www.guardian.co.uk/world/2007/dec/09/tracymcveigh.theobserver>, accessed 19 January 2013

³⁸⁵ New York Times, On a Visit to the U.S., a Nigerian Witch-Hunter Explains Herself, 21 May 2010, http://www.nytimes.com/2010/05/22/us/22beliefs.html?_r=0, accessed 19 January 2013

horrific “exorcisms” — splashed with acid, buried alive, dipped in fire — or abandoned roadside, cast out of their villages because some itinerant preacher called them possessed. Their fellow villagers have often seen DVDs of “End of the Wicked,” Ms. Ukpabio’s bloody 1999 movie purporting to show how the devil captures children’s souls. And some have read her book “Unveiling the Mysteries of Witchcraft,” where she confidently writes that “if a child under the age of 2 screams in the night, cries and is always feverish with deteriorating health, he or she is a servant of Satan.”

[] “Saving Africa’s Witch Children” makes clear that many rural Nigerians do take her film seriously. And in her sermons, Ms. Ukpabio is emphatic that children can be possessed, and that with her God-given “powers of discernment,” she can spot such a child. Belief in possession is especially common among Pentecostals in Nigeria, where it reinforces native traditions that spirits are real and intervene in human affairs. In Nigeria, many preachers not only identify possessed children but charge dearly to perform exorcisms. To redeem their children’s souls — and to keep the child from being killed or banished by neighbors — parents scrimp or borrow to pay the preacher.”³⁸⁶

In August 2010 online newspaper *The Huffington Post* stated that local pastors claim witches are the cause of the nation's widespread illness and poverty,

"In Nigeria, the fear of witchcraft is rooted in centuries of tradition. However, in the past decade, that deeply ingrained superstition has sparked a startling new trend, with scores of Nigerian children now being accused of practicing black magic by their parents. According to reports, local pastors claim witches are the cause of the nation's widespread illness and poverty. The reasons why many Nigerian parents ultimately suspect their children of witchcraft are unknown, though it may be as simple as the child talking in his or her sleep. While pastors offer high-priced "exorcisms," many of the poverty-stricken parents take to abusing, torturing and, in some cases, abandoning their child as a result.

"When a child is accused of being a witch -- that child is hated absolutely by everybody surrounding him so such children are sent out of the home," Sam Ikpe-Itauma, founder of Child's Rights & Rehabilitation Network (CRARN) in Nigeria, told CNN. He estimates that thousands are local children are affected: "A lot of them, they're either killed, abandoned by the parents, tortured in the church or trafficked out of the city."³⁸⁷

4.1. Treatment of children accused of being “witches”

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that children accused of witchcraft were subjected to abuse, kidnapping, torture, child labour and murder,

“Children accused of witchcraft were abused in some states. Children accused of witchcraft suffered kidnapping, torture, and death. According to two local NGOs that operated shelters, Stepping Stones Nigeria (SSN) and the Child Rights and Rehabilitation Network (CRARN), attackers drove nails into children’s heads, cut off fingers, tied children to trees, and abandoned them in the jungle. The state governor, reacting to international press stories of persecution of children accused of witchcraft in Akwa Ibom, issued arrest warrants for the leaders of the SSN and the CRARN for alleged misappropriation of funds and personal gain. The cases remained pending at year’s end, with outstanding warrants for the shelter’s directors.”³⁸⁸

³⁸⁶ New York Times, On a Visit to the U.S., a Nigerian Witch-Hunter Explains Herself, 21 May 2010, http://www.nytimes.com/2010/05/22/us/22beliefs.html?_r=0, accessed 19 January 2013

³⁸⁷ The Huffington Post, Nigerian Children Accused Of Witchcraft By Parents, 27 August 2010, http://www.huffingtonpost.com/2010/08/27/nigerian-children-accused_n_695996.html, accessed 20 January 2013

³⁸⁸ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that a 'bishop' publicly stated he had killed 110 child witches, he was charged with torture and murder in 2008, the case continued at the end of 2011,

Self-proclaimed "bishop" Sunday Williams publicly claimed to have killed 110 child witches and asserted that Akwa Ibom State had as many as 2.3 million witches and wizards among its population of 3.9 million. In 2008 authorities arrested Williams and charged him with torture and murder; authorities arraigned him in 2009, and the case continued at year's end."³⁸⁹

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that children accused of witchcraft were abandoned by their parents and forced to work as child labourers,

"On February 11, the NGO International Humanist and Ethical Union claimed that it rescued two children accused of witchcraft in Uyo, Akwa Ibom State. The NGO found the children living with a single man and working in the market as child laborers after their parents had abandoned them."³⁹⁰

In March 2010 an article for the *International Humanist and Ethical Union* stated that children accused of being witches and wizards are blamed for whatever goes wrong in their families, including death, disease, business failure, accidents or childbirth difficulties,

"Witchcraft on children takes three forms: accusation, confession and persecution.

Children are accused of being witches and wizards. They are blamed for whatever goes wrong in their families. This could be death, disease, business failure, accidents or childbirth difficulties. Children are accused of witchcraft at home by parents and family members; in churches by ignorant and unscrupulous pastors; at shrines by primitive-minded traditional medicine men or witch doctors; or on the streets by mobs and gangs.

Children are forced to confess to being witches and wizards or to have taken part in witchcraft activities by family members or by mobs, in most cases through physical and mental torture. [] Such children are starved, chained, beaten, macheted or even lynched. In churches, pastors subject children alleged to be witches and wizards to torture in the name of exorcism. Witchdoctors force such children to drink potions (poison) or concoctions that can kill them or damage their health. In Akwa Ibom State, superstition about child witchcraft is common and widespread. Most people in this state, as in other parts of Nigeria, believe that children can indeed be witches and wizards or that children can take part in witchcraft activities.

This misconception has caused most people to endorse the persecution of children accused of witchcraft, or at least to be indifferent to child rights abuses that are committed in the name of witchcraft. Most members of the public regard witchcraft accusers, witch persecutors and killers as heroes, not villains or criminals. Recently, the situation in Akwa Ibom has become so bad that it has attracted both local and international outrage. Thousands of children alleged to be witches and wizards have been tortured, driven out of their homes or killed. Some of the child victims rescued by public-spirited individuals have found refuge at a camp, the Child Rights and Rehabilitation Network, in Eket. And it is in response to this very ugly and embarrassing situation that the government of Akwa Ibom State signed into law the Child Rights Act in December 2008."³⁹¹

³⁸⁹ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁹⁰ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

³⁹¹ International Humanist and Ethical Union, Child rights and witchcraft in Nigeria, 10 March 2010, <http://www.iheu.org/child-rights-and-witchcraft-nigeria>, accessed 20 January 2013

In December 2007 UK newspaper *The Guardian* stated that children accused of witchcraft are amongst other things; beaten, forced to eat poisonous berries and doused with petrol or boiling water,

"[] Mary Sudnad, 10, grimaces as her hair is pulled into corn rows by Agnes, 11, but the scalp just above her forehead is bald and blistered. Mary tells her story fast, in staccato, staring fixedly at the ground. 'My youngest brother died. The pastor told my mother it was because I was a witch. Three men came to my house. I didn't know these men. My mother left the house. Left these men. They beat me.' She pushes her fists under her chin to show how her father lay, stretched out on his stomach on the floor of their hut, watching. After the beating there was a trip to the church for 'a deliverance'. A day later there was a walk in the bush with her mother. They picked poisonous 'asiri' berries that were made into a draught and forced down Mary's throat. If that didn't kill her, her mother warned her, then it would be a barbed-wire hanging. Finally her mother threw boiling water and caustic soda over her head and body, and her father dumped his screaming daughter in a field. Drifting in and out of consciousness, she stayed near the house for a long time before finally slinking off into the bush. Mary was seven. She says she still doesn't feel safe. She says: 'My mother doesn't love me.' And, finally, a tear streaks down her beautiful face.

Gerry was picked out by a 'prophetess' at a prayer night and named as a witch. His mother cursed him, his father siphoned petrol from his motorbike tank and spat it over his eight-year-old face. Gerry's facial blistering is as visible as the trauma in his dull eyes. He asks every adult he sees if they will take him home to his parents: 'It's not them, it's the prophetess, I am scared of her.'³⁹²

In December 2007 UK newspaper *The Guardian* also stated that children accused of witchcraft can be flogged, hacked with machetes and have nails driven into their skulls,

"Nwaeka is about 16. She sits by herself in the mud, her eyes rolling, scratching at her stick-thin arms. The other children are surprisingly patient with her. The wound on her head where a nail was driven in looks to be healing well. Nine-year-old Etido had nails, too, five of them across the crown of his downy head. Its hard to tell what damage has been done. Udo, now 12, was beaten and abandoned by his mother. He nearly lost his arm after villagers, finding him foraging for food by the roadside, saw him as a witch and hacked at him with machetes. Magrose is seven. Her mother dug a pit in the wood and tried to bury her alive. Michael was found by a farmer clearing a ditch, starving and unable to stand on legs that had been flogged raw.

Ekemini Abia has the look of someone in a deep state of shock. Both ankles are circled with gruesome wounds and she moves at a painful hobble. Named as a witch, her father and elders from the church tied her to a tree, the rope cutting her to the bone, and left the 13-year-old there alone for more than a week. There are sibling groups such as Prince, four, and Rita, nine. Rita told her mum she had dreamt of a lovely party where there was lots to eat and to drink. The belief is that a witch flies away to the coven at night while the body sleeps, so Rita's sweet dream was proof enough: she was a witch and because she had shared food with her sibling - the way witchcraft is spread - both were abandoned. Victoria, cheeky and funny, aged four, and her seven-year-old sister Helen, a serene little girl. Left by their parents in the shell of an old shack, the girls didn't dare move from where they had been abandoned and ate leaves and grass.³⁹³

In July 2009 a *UNICEF* report stated that accused children suffer the worst forms of deprivation of their rights,

³⁹² The Guardian, Children are targets of Nigerian witch hunt, 9 December 2007, <http://www.guardian.co.uk/world/2007/dec/09/tracymcveigh.theobserver>, accessed 19 January 2013

³⁹³ The Guardian, Children are targets of Nigerian witch hunt, 9 December 2007, <http://www.guardian.co.uk/world/2007/dec/09/tracymcveigh.theobserver>, accessed 19 January 2013

"The 'child witch' phenomenon is based on the notion that children exercise supernatural powers to negatively control people and events. It involves sorcery and magic, and is rooted in traditional beliefs. Accused children suffer the worst forms of deprivation of their rights – including rejection and abandonment by their parents, physical and psychological abuse and, in extreme cases, even death."³⁹⁴

4.2 Access to justice

In November 2012 an article in the American world news site the *Global Post* stated that Akwa Ibom state has introduced legislation that would make accusing children of witchcraft illegal,

"Nigeria's Akwa Ibom state has introduced legislation that would make accusing children of witchcraft illegal,[] In the past, zealous church ministers have ostracized children from their communities by labeling them witches. The children become pariahs, often suffering brutal treatment. In some cases, young children are abandoned.

But the state, and Nigerian groups like the non-governmental organization Child's Right and Rehabilitation Network (CRARN), have given refuge to the so-called "witch children." Speaking to GlobalPost back in January, Sam Itauma of CRARN, said "So many people here believe that children can be possessed by demons that there is rarely any action taken against those who claim to deliver the children in violent exorcisms." But now it appears Nigeria has taken a serious step forward."³⁹⁵

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that a Commission of Enquiry into Witchcraft Accusations and Child Rights Abuses in Akwa Ibom State adjourned in May 2011 but had not made available its findings by the years end,

"In September 2010 media reported that public criticism and efforts by the government, particularly in Akwa Ibom State, had caused a drop in new cases of children abused for alleged witchcraft. In November 2010 the government of Akwa Ibom State set up the Commission of Inquiry into Witchcraft Accusations and Child Rights Abuses. On May 10, the commission adjourned, but its findings were not available by year's end."³⁹⁶

In March 2010 an article for the *International Humanist and Ethical Union* stated that according to Governor Godswill Akpabio, the Child Rights Act prescribes up to 15 years' imprisonment without the option of a fine, or both, for offenders in child stigmatisation, accusation of witchcraft or torture cases,

"According to Governor Godswill Akpabio, the Child Rights Act was passed "to protect children and posterity." According to him it would be "futile to make the gains we have made in terms of development and progress without preparing the next generation for sustaining our legacy." The Child Rights Act protects the growth of perceptual, emotional, intellectual and behavioural capabilities and functioning of Akwa Ibom children under 16 years old. It empowers them to enjoy physical, social and psychological well-being through the enforcement of their physical, mental and emotional freedom from abuse. The implementation of the Child Rights Act will create a conducive atmosphere for the development of the child. It will bring to an end child abuse by penalising abusers. The law guarantees comprehensive government protection for Akwa Ibom State children. It

³⁹⁴ UNICEF, UNICEF and partners bring hope to children accused of 'witchcraft' in Nigeria, 2 July 2009, http://www.unicef.org/infobycountry/nigeria_50153.html, accessed 20 January 2013

³⁹⁵ Global Post, Nigeria introduces law to protect 'witch' children, 1 November 2012, <http://www.globalpost.com/dispatch/news/regions/africa/nigeria/121101/nigeria-introduces-law-protect-witch-children>, accessed 19 January 2013

³⁹⁶ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

strengthens the mechanisms for the defence and protection of children. Specifically, the law prescribes up to 15 years' imprisonment without the option of a fine, or both, for offenders in child stigmatisation, accusation of witchcraft or torture cases. It empowers the government to seal off premises of any organisation used to perpetrate child abuse.

I want to point out that when it comes to stamping out a complex phenomenon like child witchcraft, the government cannot do it alone. The government needs the cooperation of the people and all the citizens of Akwa Ibom to succeed in fully implementing the Child Rights Act. The government needs the people's help in identifying and prosecuting offenders. Child rights abuses in the name of witchcraft have been going on for some time because offenders have not been prosecuted or punished. We need to report to the police all those who stigmatize or label children witches and wizards whether they are our parents or family members, our pastors or traditional medicine men. We need to inform the police of any witch testing, witch screening and witchcraft delivering churches, centres or 'clinics' anywhere in the state. The prosecution of some pastors arrested in connection with child witch stigmatization and persecution in the state is currently stalled because people are not coming forward to testify against them. The child rights law will not be enforced if people are afraid of reporting or testifying against parents, family members, pastors or witch doctors or anyone alleged to have labelled children witches or wizards. The people of Akwa Ibom should rise up to the challenge of helping the government implement this important legislation."³⁹⁷

In January 2011 UK newspaper *The Guardian* stated that religious groups and powerful individuals can wield significant power and influence, especially in local communities, and that some senior police officers and lawmakers share their belief in witchcraft,

"Humanist campaigner Leo Igwe and other rational-minded people in West Africa take a rather dim view of branding children 'witches', and claim that in many cases deliverance is far from the serene and gentle experience it is claimed to be. According to Igwe and charities working in the region, children "are taken to churches where they are subjected to inhumane and degrading torture in the name of 'exorcism'. They are chained, starved, hacked with machetes, lynched or murdered in cold blood." Some are apparently bathed in acid. Criticizing these churches is not a great idea if you value a hassle-free life. In 2009 around 200 of Ukpabio's Liberty followers stormed a meeting of humanists as Igwe prepared to speak, bringing the event to an abrupt and violent end. Fortunately the police were called and intervened, but Liberty immediately sued for \$1.3m dollars, apparently incensed that a meeting critical of their activities was allowed by the authorities to go ahead. The case was swiftly dismissed by Justice P.J. Nneke at the Federal High Court in Calabar. Unfortunately the authorities aren't always on the right side. Religious groups and powerful individuals can wield significant power and influence, especially in local communities, and even senior police officers and lawmakers may share their belief in witchcraft."³⁹⁸

In January 2011 UK newspaper *The Guardian* stated that regional leader Governor Akpabio ordered the arrest of officials working for NGOs like Stepping Stones Nigeria who are fighting child abuse in the region,

"Regional leader Governor Akpabio recently caused alarm when - in spite of apparently taking steps to tackle the child witch issue - he abruptly ordered the arrest of officials working for NGOs like Stepping Stones Nigeria who are fighting child abuse in the region. This was supposedly due to allegations of fraud, but NGOs have been successful in bringing the problem of child abuse to the attention of international media like CNN, and the Governor reacted badly to these reports, declaring them to be "part of the media

³⁹⁷ International Humanist and Ethical Union, Child rights and witchcraft in Nigeria, 10 March 2010, <http://www.ihcu.org/child-rights-and-witchcraft-nigeria>, accessed 20 January 2013

³⁹⁸ The Guardian, The dangerous fight for the 'child witches' of Nigeria, 14 July 2011, <http://www.guardian.co.uk/science/the-lay-scientist/2011/jan/14/1>, accessed 20 January

propaganda against the state" and insisting that he had already resolved the problem. The suspicion of many campaigners is that those bringing attention to the problem may be seen as an inconvenience, an embarrassment, and a challenge to his authority. No evidence of any fraud has been put forward, but Liberty's website contains an example of the sorts of smears and allegations that have been circulating against NGOs in Nigeria:

[] Leo Igwe was due to give evidence to the Akwa-Ibom State Commission of Inquiry into Witchcraft Accusations and Child Rights Abuses today, but found himself arrested and allegedly beaten before being released without charge.[] The arrest comes straight after a series of similar incidents: [] Regular arrests have become a feature of life for Leo and his family for some years, and campaigners regard them as a pattern of harassment related to his campaigning, [] Leo Igwe will continue to fight for the children of Nigeria, while the International Humanist and Ethical Union are putting pressure on regional authorities to try and bring an end to the arrests. Stepping Stones Nigeria have continue their work in the country in spite of the threat of arrest. All three deserve a lot of support."³⁹⁹

4.3. Access to protection and support

In July 2009 a *UNICEF* report stated that various non-governmental organizations provide effective rehabilitation, care and protection for rejected children accused of witchcraft,

"[] Esi-Eket is a beautiful country village in Akwa Ibom State in the South-South zone of Nigeria. Since 2003, when CRARN coordinator Sam Ikpe Itauma rescued three abandoned children, a small block of houses among the lush vegetation have become home and school to about 186 children dubbed 'witches'. CRARN President Sam Ikpe Itauma explained that the centre takes in 10 to 15 new children every week. The children have been abandoned or sent there by their families for 'cleansing'. Some families believe that if children go to the centre, they are cleansed of their powers.

[] UNICEF has helped various non-governmental organizations, as well as CRARN, to provide effective rehabilitation, care and protection for rejected children accused of witchcraft. In addition, it has drawn on a range of social mobilization strategies to build consensus on the evil of the 'child witch' stigma and the need to eradicate it.

UNICEF also helped civil-society organizations lobby for passage of the Child Rights Law. Enacted in 2008, the law criminalized the practice of accusing children of witchcraft and imposed stiff penalties for offenders, several of whom have already been prosecuted and jailed."⁴⁰⁰

In January 2012 the US news site the *Global Post* stated that the Nigerian non-governmental group Child's Right And Rehabilitation Network, has taken in 160 children scorned as "witches",

"More than 100 Nigerian children have been branded as witches by church ministers and have been cast out by their families and shunned by society. Some of the children pariahs have suffered violence from their families and from others. The campaign against the "witches" has been pursued by some zealous preachers associated with small Christian sects that also incorporate some animist Nigerian beliefs.

[] Now, one local group provides refuge for children who have been forced out of their communities. The Nigerian non-governmental group Child's Right And Rehabilitation Network, has taken in 160 children scorned as "witches." "So many people here believe

³⁹⁹ The Guardian, The dangerous fight for the 'child witches' of Nigeria, 14 July 2011, <http://www.guardian.co.uk/science/the-lay-scientist/2011/jan/14/1>, accessed 20 January

⁴⁰⁰ UNICEF, UNICEF and partners bring hope to children accused of 'witchcraft' in Nigeria, 2 July 2009, http://www.unicef.org/infobycountry/nigeria_50153.html, accessed 20 January 2013

that children can be possessed by demons that there is rarely any action taken against those who claim to deliver the children in violent exorcisms," says Sam Itauma, of CRARN. His organization looks after children who have been abandoned or abused after being accused of being witches. As one of a few in the community who supports the ostracized children, he is often verbally and physically attacked.

[] By the time the children are found by the rehabilitation group, they often have come to believe that they are witches — even if they aren't sure what a witch is. "Can you fly at nights? Then fly!" Itauma tries to provoke the new arrivals at the children's home. At the refuge, they are safe and attend school. Many remain traumatized by their experiences. At the center, they make first steps to become integrated back into "normal life," and with luck, they may be reunited with their families and communities. That is the network's aim. "The children belong back to their families," said Itauma, "but as long they are not safe there, we take care of them."⁴⁰¹

In December 2007 UK newspaper *The Guardian* also stated that few people do not believe what the evangelical 'prophets' are preaching and speak out against the brutality,

"Sam Ikpe-Itauma is one of the few people in this area who does not believe what the evangelical 'prophets' are preaching. He opened his house to a few homeless waifs he came across, and now he tries his best to look after 131. 'The neighbours were not happy with me and tell me "you are supporting witches". This project was an accident, I saw children being abandoned and it was very worrying. I started with three children, then every day it increased up to 15, so we had to open this new place,' he says. 'For every maybe five children we see on the streets, we believe one has been killed, although it could be more as neighbours turn a blind eye when a witch child disappears. 'It is good we have this shelter, but it is under constant attack.' As he speaks two villagers walk past, at the end of the yard, pulling scarfs across their eyes to hide the 'witches' from their sight.

[] It is hard to find people to speak out against the brutality. Chief Victor Ikot is one. He not only speaks out against the 'tinpot' churches, but has also done the unthinkable and taken in a witch to his own home. The chief's niece, Mbet, was declared a witch when she was eight. Her mother, Ekaete, made her drink olive oil, then poison berries, then invited local men to beat her with sticks. The pastor padlocked her to a tree but unlocked her when her mother could not find the money for a deliverance. Mbet fled. Mbet, now 11, says she has not seen the woman since, adding: 'My mother is a wicked mother.' The Observer tracked down Mbet's mother to her roadside clothing stall where she nervously fiddled with her mobile phone and told us how her daughter had given her what sounded very much like all the symptoms of malaria. 'I had internal heat,' she says, indicating her stomach. 'It was my daughter who had caused this, she drew all the water from my body. I could do nothing. She was stubborn, very stubborn.' And if her daughter had died in the bush? She shrugged: 'That is God's will. It is in God's hands.'

Chief Victor has no time for his sister-in-law. 'Nowadays when a child becomes stubborn, then everyone calls them witches. But it is usually from the age of 10 down, I have never seen anyone try to throw a macho adult into the street. This child becomes a nuisance, so they give a dog a bad name and they can hang it. 'It is alarming because no household is untouched. But it is the greed of the pastors, driving around in Mercedes, that makes them choose the vulnerable.'⁴⁰²

⁴⁰¹ Global Post, Nigeria's "witch children" find refuge at center, 23 January 2012, <http://www.globalpost.com/dispatch/news/regions/africa/nigeria/120117/nigerias-witch-children-find-refuge-at-center>, accessed 20 January 2013

⁴⁰² The Guardian, Children are targets of Nigerian witch hunt, 9 December 2007, <http://www.guardian.co.uk/world/2007/dec/09/tracymcveigh.theobserver>, accessed 19 January 2013

4.4 Linkages between child witchcraft and trafficking of Nigerian children

[See also [Section B. Trafficking 7. Linkages between trafficking and witchcraft](#)]

In its country report on human rights practices covering the events of 2011, the *USDOS* reported that girls were forced to bare children for sale in trafficking rings and witchcraft rituals,

“In June police raided a hospital in Aba, Abia State, and rescued girls being held to produce babies for sale in witchcraft rituals. The police rescued 32 of the girls, ages 15 to 17. Male babies reportedly sold for up to one million naira (\$6,167) for use in trafficking rings or witchcraft rituals. The owner of the hospital claimed that the hospital served as a shelter for pregnant teenagers. Authorities held him for trial at year’s end.”⁴⁰³

In 2012 *Stepping Stones*, a UK-based charity that advocates the rights of children in the Niger Delta, stated that an increasing number of children in the Niger Delta are being forced to the streets and trafficked as a result of a deeply held belief in child ‘witches’

“An increasing number of children in the Niger Delta are being forced to the streets and trafficked as a result of a deeply held belief in child ‘witches’ and also due to persistent violent conflicts, poverty, abuse, torture, rape, or being orphaned by HIV/AIDS.”⁴⁰⁴

In June 2011 Mushin-based newspaper *The Nation* quoted the Executive Secretary of the National Agency for the Prohibition of Trafficking in Persons and other Related Offences (NAPTIP), Simon Egede as saying that the Federal Government discourages any practice that exposes children to abuse and exploitation as the children become more vulnerable to trafficking,

“In his keynote address, the Executive Secretary, National Agency for the Prohibition of Trafficking in Persons and other Related Offences (NAPTIP), Mr. Simon Egede, [] regretted that even the institutions that have the primary mandate to care for the children, such as schools, parents and the community are the ones victimising them the most.[] Egede also expressed fears that the Millennium Development Goals (MDGs) would not be achieved if the rate of flagrant abuse of children continues to escalate in the country, adding that the Federal Government frowns at any practice that exposes children to abuse and exploitation as the children become more vulnerable to trafficking.”⁴⁰⁵

In 2007 a report on supporting victims of witchcraft abuse and street children in Akwa Ibom State, by *Stepping Stones*, a UK-based charity that advocates for the rights of children in the Niger Delta stated that belief in child witches leads to extremely high rates of child abandonment throughout the region,

““The following have been identified as the primary contributory factors to the belief in child witches, abandonment and killings: religious profiteering, poverty, disintegration of extended family structure, ignorance and superstitious beliefs, broken marriages and dysfunctional families. These factors lead to extremely high rates of child abandonment throughout Akwa Ibom State. There are countless children sleeping in bushes, abandoned buildings or on the street.

[] On the streets these children are particularly vulnerable to child traffickers, ritualists (there have been recorded cases of children being used for body parts in Juju) and rapists. In Oron Local Government area, where the belief in child “witches” is especially deeply

⁴⁰³ United States Department of State, Country report on human rights practices for 2011, Nigeria, <http://www.state.gov/documents/organization/186441.pdf>, accessed 5 December 2012

⁴⁰⁴ Stepping Stones Nigeria, Stepping Stones Nigeria’s Stance on the Belief in Child ‘Witches’, 2012, <http://www.stepsstonesnigeria.org/witchcraft.html>, accessed 19 January 2012

⁴⁰⁵ The Nation, Stakeholders meet to save ‘child-witches’, 29 June 2011, <http://www.thenationonlineng.net/2011/index.php/newsextra/10736-stakeholders-meet-to-save-child-witches.html>, accessed 21 2013

held, there are frequent “disappearances” of abandoned street children. The coastal area acts as a hotbed for child prostitution, with many boats travelling along the Gulf of Guinea using this area as a stopping off point. Many of these children are shipped to the Gabon and Equatorial Guinea to work on plantations.”⁴⁰⁶

In 2007 a report on supporting victims of witchcraft abuse and street children in Akwa Ibom State, by *Stepping Stones*, a UK-based charity that advocates for the rights of children in the Niger Delta stated that research carried out by CRARN volunteers has highlighted cases of traffickers dressing as police officers and falsely arresting children and also of suspected traffickers trying to snatch children from the CRARN children’s shelter,

[] Out of 104 child trafficking victims rescued in the last quarter of 2006, 53 were from Akwa Ibom State. No official statistics currently exist to show how many trafficked children in the UK have come from this region. According to Elizabeth Ekaete the Uyo Zonal Director of NAPTIP, “The child victims are not usually aware that they are being exploited. In most urban cities trafficking, servitude and child labour has been synonymous with the “Akwa Ibom people”. Every year children are being trafficked from this State to other parts of the country for child labour and prostitution

No quantitative research has been carried out into the potential link between the high rates of child abandonment and child trafficking in Akwa Ibom State. However, children living on the streets with no protection are clearly extremely vulnerable to traffickers. Qualitative research carried out by CRARN volunteers has highlighted cases of traffickers dressing as police officers, falsely arresting children and then putting them on a boat to the nearby Gabon where they are forced to work on plantations. There have also been cases of suspected traffickers trying to snatch children from the CRARN children’s shelter.”⁴⁰⁷

In December 2010 *Stepping Stones*, a UK-based charity that advocates for the rights of children in the Niger Delta stated that 81% of documented cases are abandoned as a result of witchcraft accusations,

“A great many children – 81% of documented cases – are abandoned as a result of witchcraft accusations, and usually end up living on the streets without access to food, water, shelter, medical care or education. There is also evidence to show that such children face increased vulnerability to other forms of exploitation such as child trafficking.

[] There is growing evidence of a link between child witchcraft accusations and child trafficking. The National Agency for the Prohibition of Traffic in Persons and Other Related Matters (NAPTIP) has carried out significant work on this issue, and has conducted a number of workshops across Nigeria, supported by funding from the Finnish and Swiss embassies. One of these workshops was held in Uyo, Akwa Ibom State on 28th-29th October 2010 and included input from various stakeholders including Federal and State government, police, judiciary and civil society. Children who have been accused of witchcraft and forced to live on the streets are particularly vulnerable to being trafficked as they are hungry and desperate, and have no-one to protect them.

[] In case 120, a nine year old boy was accused of being a witch by his mother and driven away from home. Whilst living on the streets he was picked up by a man known as ‘Prophet’ and trafficked to work for a fisherman. There are several other reports from street children of being trafficked by this ‘Prophet’. This man is now being prosecuted for child trafficking offences by NAPTIP, after the case was investigated by SSNCEF.”⁴⁰⁸

⁴⁰⁶ Stepping Stones Nigeria , Supporting Victims of Witchcraft Abuse and Street Children in Nigeria, 2007, <http://www.stepsstonesnigeria.org/publications-a-research.html> , accessed 21 January 2013

⁴⁰⁷ Stepping Stones Nigeria , Supporting Victims of Witchcraft Abuse and Street Children in Nigeria, 2007, <http://www.stepsstonesnigeria.org/publications-a-research.html> , accessed 21 January 2013

⁴⁰⁸ Stepping Stones Nigeria , Report on Accusations of Witchcraft Against Children in Akwa Ibom State, Nigeria , December 2010 <http://www.stepsstonesnigeria.org/publications-a-research.html> , accessed 21 January 2013

4. LGBTI-individuals

1. *Legal position of LGBTI persons in Nigeria including criminalization*

Sections 214-215 Chapter 21 of the *Nigerian Criminal Code* of 1990, entitled "Offences Against Morality" state that any person who has "carnal knowledge of any person against the order of nature" is liable to imprisonment for fourteen years,

"Criminal Code Act, Chapter 77, Laws of the Federation of Nigeria 1990

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 215. "Any person who attempts to commit any of the offences defined in the last preceding section is guilty of a felony, and is liable to imprisonment for seven years. The offender cannot be arrested without warrant."⁴⁰⁹

In May 2012 a report by the *International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)* stated that twelve states in Northern Nigeria have adopted Islamic Sharia law under which the maximum penalty for sexual activities between persons of the same sex is death for men, or whipping and/or imprisonment for women,

" [] several Northern Nigerian states have adopted Islamic Sharia laws, criminalising sexual activities between persons of the same sex. 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. These laws differ from the federal law, as most of these prohibit also sexual relations between women. The states which have adopted such laws are: Bauchi (the year 2001), Borno (2000), Gombe (2001), Jigawa (2000), Kaduna (2001), Kano (2000), Katsina (2000), Kebbi (2000), Niger (2000), Sokoto (2000), Yobe (2001) and Zamfara (2000)."⁴¹⁰

In 2012 a report on sexual minorities living in Lagos and Abuja by the Immigration and Refugee Board of Canada stated that according to a representative of The Initiative for Equal Rights (TIER) in correspondence with the Research Directorate, new additions made to the bill criminalize the registration of gay clubs or organisations,

"Article 5 of the *Same Sex Marriage (Prohibition) Bill, 2011* makes the following provisions:

1. Persons who enter into a same sex marriage contract or civil union commit an offence and are each liable on conviction to a term of 14 years imprisonment.
2. Any person who registers, operates or participates in gay clubs, societies and organisation, or directly or indirectly make public show of same sex amorous relationship in Nigeria commit an offence and shall each be liable on conviction to a term of 10 years imprisonment.
3. Any person or group of persons that witness, abet and aids the solemnization of a same sex marriage or civil union, or supports the registration, operation and sustenance of

⁴⁰⁹ Nigerian Federal Criminal Code, Chapter 21 Offences Against Morality, available at <http://www.nigerianlaw.org/Criminal%20Code%20Act-Tables.htm>, accessed 20 November 2012

⁴¹⁰ The International Lesbian, Gay, Bisexual, Trans and Intersex Association, *State-Sponsored Homophobia- Nigeria, May 2012*, http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2012.pdf, accessed 2 December 2012

gay clubs, societies, organisations, processions or meetings in Nigeria commits an offence and shall be liable on conviction to a term of 10 years imprisonment."⁴¹¹

In its country report on human rights practices covering the events of 2011, the *USDOS* stated that the Senate had passed the bill, which would prohibit participating in or witnessing same-sex marriage ceremonies, criminalize public displays of affection between same-sex couples, and criminalize LGBT organizations,

"Consensual same-sex sexual activity is illegal under federal law and punishable by prison sentences of up to 14 years. In the 12 northern states that have adopted sharia, adults convicted of engaging in same-sex sexual activity may be subject to execution by stoning, although no such sentences have been imposed. [] on November 29, the Senate passed the Same Sex Marriage (Prohibition) Bill, 2011, that would prohibit participating in or witnessing same-sex marriage ceremonies, criminalize public displays of affection between same-sex couples, and criminalize LGBT organizations. The bill includes penalties, including a 14-year prison sentence for individuals entering into a same-sex marriage, a 10-year sentence for public displays of same-sex affection, and a 10-year sentence for any individual who registers, operates, or participates in LGBT clubs, societies, organizations, processions, or meetings. The bill also calls for a 10-year sentence for any individual aiding, abetting, or witnessing the solemnization of a same-sex marriage. The House of Representatives conducted a first reading of the bill on December 7 but adjourned for the year before conducting a second and third reading and bringing the bill to a final vote."⁴¹²

In November 2011 *Amnesty International* stated that "Same-Gender Marriage" bill would target people on the basis of their identity, not merely their behaviour, and put a wide range of people at risk of criminal sanctions,

"Amnesty International today reiterated its call on Nigerian authorities to scrap a harsh bill that, if passed into law, would attack basic rights and criminalize relationships between people of the same gender. Nigeria's Senate passed the "Same-Gender Marriage" bill today. It will now go before the House of Representatives for approval, after which it will be sent to the President. By broadly defining "same-sex marriage" as including all same-sex relationships, and targeting people who "witness", "aid" or "abet" such relationships, the bill threatens the human rights of a large number of people. "Nigeria's House of Representatives should show leadership and uphold the rights of all in Nigeria by rejecting this reprehensible bill," said Erwin van der Borgh, director of Amnesty International's Africa Programme. "If passed, this measure would target people on the basis of their identity, not merely their behaviour, and put a wide range of people at risk of criminal sanctions for exercising basic rights and opposing discrimination based purely on a person's actual or presumed sexual orientation or gender identity."⁴¹³

In November 2011 *Amnesty International* also stated that the criminal penalty of up to 14 years' imprisonment for individual in a same-sex relationship in the bill passed by the Senate represented an increase compared to the earlier draft,

"Under the bill passed by the Senate today, an individual in a same-sex relationship could face criminal penalties of up to 14 years' imprisonment, an increase compared to the earlier draft. The bill also seeks to impose up to 10 years' imprisonment and a stiff fine on anyone who "witnesses", "aids" or "abets" same-sex relationships. Amnesty International and other human rights organizations previously outlined a range of concerns over the bill's potential human rights impact. It would place a wide range of people at risk of criminal sanctions,

⁴¹¹ 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, NGA103958.E, available at: <http://www.unhcr.org/refworld/docid/50aa361f2.html>, accessed 1 December 2012

⁴¹² USDOS Human Rights Report 2011, Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 20 November 2012

⁴¹³ Amnesty International. 29 November 2011. Nigeria Urged to Halt Bill Banning Same-sex Relationships., <http://www.amnesty.org/en/news/nigeria-urged-halt-bill-banning-same-sex-relationships-2011-11-29>, accessed 2 December 2012

including human rights defenders and anyone else –including friends, families and colleagues – who stands up for the rights of lesbian, gay, bisexual or transgender people in Nigeria.

Individuals could face imprisonment based on nothing more than their actual or assumed sexual orientation or gender identity, or stemming from allegations about their relationship status or consensual sexual conduct. Amnesty International also raised concerns that the bill would contravene Nigeria's efforts to prevent HIV transmission by driving people already suffering stigma for their identity or consensual sexual behaviour still further underground. "This bill would have a chilling effect on a range of civil society organizations and events while inciting hatred and violence against anyone suspected of practicing same-sex relationships, including lesbian, gay, bisexual, and transgender people," said Erwin van der Borgh. "By aiming to single out and deprive the rights of one group of people, this bill threatens all Nigerians by violating the country's Constitution and international human rights obligations."⁴¹⁴

In its 2012 World Report *Human Rights Watch* stated that legislation similar to the Same Sex Marriage (Prohibition) Bill had been introduced in the National Assembly at least twice before and stalled amid opposition from domestic and international human rights activists,

"Nigeria's federal criminal code punishes consensual homosexual conduct with up to 14 years in prison. In states applying Sharia, consensual homosexual conduct among men is punishable by death (stoning), and by flogging and six months in prison in the case of women. Federal legislation that would criminalize anyone who enters into or assists a "same gender" marriage was introduced in the Senate in July. Similar legislation has been introduced in the National Assembly at least twice before and stalled amid opposition from domestic and international human rights activists."⁴¹⁵

In August 2012 the US online news platform *Global News* stated that the bill had been passed by the House of Representatives in 2011,

"[] President Goodluck Jonathan will soon consider signing legislation — passed by the Nigerian House of Representatives last year — that would restrict "expression, assembly, or organization based on sexual orientation or gender identity," [according to the United States Embassy in Nigeria](#). [] Following the vote, Orazulike staged a protest outside the Nigerian embassy in New York City. When the protest made the international news, he said numerous threats warned him never to come home. At home months later, he was cornered and attacked. "A few guys, who were walking directly opposite me, shouted at me: 'That homosexual!'" he recalled. "One of them hit me on my head and it bled. I had to shave some of my dreads to get it treated."

Orazulike said he thinks international pressure, as well as more important issues like countering an insurgency, will force Nigeria's president to veto the law or just ignore it entirely. House of Representatives Member Adamu Entonu, however, said the bill has strong support from lawmakers and the public. "Nigeria is a secular state but we are highly spiritual in this country," he told *GlobalPost*. "We have the fear of God. We see same-sex marriage as an abomination."⁴¹⁶

However, on 7 May 2012 the Nigerian newspaper *Leadership* stated that Nigeria's House of Representatives had not yet acted to take a vote on the bill,

⁴¹⁴ Amnesty International. 29 November 2011. Nigeria Urged to Halt Bill Banning Same-sex Relationships., <http://www.amnesty.org/en/news/nigeria-urged-halt-bill-banning-same-sex-relationships-2011-11-29>, accessed 2 December 2012

⁴¹⁵ Human Rights Watch World Report 2012, Nigeria, <http://www.hrw.org/world-report-2012/world-report-2012-nigeria>, accessed 20 November 2012

⁴¹⁶ Global Post, Nigeria: Where being openly gay comes at a steep price by Heather Murdock, August 13, 2012, <http://www.globalpost.com/dispatch/news/regions/africa/nigeria/120802/nigeria-gay-rights-goodluck-jonathan-hiv-aids>, accessed 30 November 2012

"On November 29, 2011, Nigeria's Senate overwhelmingly passed a bill banning same sex (or gay) marriages in the country. Aside from expressly prohibiting all forms of marital unions between a man and a man or a woman and another woman in Nigeria, the Same-Sex Marriage Bill passed by the Senate also prescribes a 14-year sentence for anyone convicted of the act of homosexuality. Prior to the Senate's passing of the bill, especially during the public hearings that preceded its eventual vote on the matter, many had spoken in favour of the measure; others condemned it. While those who opposed the bill eventually could not boast of numbers that approached that of people in support, the bill's opponents also managed to have their voices heard prior to its passage.

Most of the bill's opponents were riled by certain provisions in the measure, among which was the prohibition on any public display of amorous same-sex relationship, "directly or indirectly". Perhaps even more galling to those who opposed the bill, the version which eventually passed the Senate nullified all marriage contracts or civil unions entered into between persons of the same sex, by virtue of a legal recognition in that regard by a foreign country. It was hardly surprising, therefore, that just prior to the passage of the bill by the Senate, the governments of certain western countries voiced their opposition to the passage of the bill. While British prime minister David Cameron threatened to withhold his nation's aid from countries perceived as violating the rights of gays, United States president Barack Obama issued an Executive Order specifying that America's material and other aid to other countries would henceforth be reviewed to reflect his administration's policy against actions construed to constitute discrimination against gays, lesbians, bisexuals and transsexuals.

It is somewhat surprising that more than five months after the Same-Sex Marriage Bill was passed by the Senate, Nigeria's House of Representatives has not yet acted to take a vote on the bill, beyond the first reading to which the bill was subjected in the House just a week after being passed by the Senate. We urge the House to expedite and conclude action on the Same Sex Marriage Bill. And, in doing so, we wish it would accept the Senate's version so that the bill could be sent to President Jonathan for his assent without delay. Without prejudice to whatever it ultimately chooses to do, the House should refrain from "killing" the bill by its prolonged silence or simply inaction."⁴¹⁷

In 2012 a report on sexual minorities living in Lagos and Abuja by the *Immigration and Refugee Board of Canada* stated that according to a representative of The Initiative for Equal Rights (TIER) in correspondence with the Research Directorate, *the bill needs to pass a final reading by the House of Representatives and be signed by the President before becoming law,*

"By January 2012, the bill had reportedly passed first reading in the House of Representatives, but it still has to pass a final reading by the House of Representatives and be signed by the President before becoming law."⁴¹⁸

1.1 Lesbian

In 2011, a report by the *International Gay and Lesbian Human Rights Commission (IGLHRC)* stated that while Nigerian laws do not specifically mention female homosexuality they still serve to police same sex activity between women,

"One way that male homosexuality is suppressed is through the law. Under Section 214 of Nigeria's Criminal Code Act, any person who "has carnal knowledge of any person against the order of nature" may be imprisoned for up to fourteen years and under Section 215, anyone who attempts to do so may find themselves imprisoned for up to seven years.

⁴¹⁷ AllAfrica, Nigeria: House of Reps' Silence On Same-Sex Marriage Bill, 7 May 2012, <http://allafrica.com/stories/201205070693.html>, accessed 2 December 2012

⁴¹⁸ 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, NGA103958.E, available at: <http://www.unhcr.org/refworld/docid/50aa361f2.html>, accessed 1 December 2012

Section 217 criminalizes an even broader category of “gross indecency” between males, punishing offenders with up to three years in prison.

While these laws are silent on female homosexuality, they still serve to police same sex activity between women and stifle lesbian and bisexual organizing. Moreover, the laws of Nigeria are not the only means of controlling sexuality, and lesbian and bisexual women must also deal with customary and religious laws that dictate and limit their behavior. In those northern states which have adopted Sharia, both male and female homosexuality have been outlawed, with death as the maximum penalty for male homosexuality and whipping or imprisonment as the maximum penalty for female homosexuality. The strong legal, religious, and social prohibitions of homosexuality empower families, neighbors, and communities to police gender norms among homosexual men and women – and allow practices like extortion and blackmail to flourish.⁴¹⁹

1.2 Gay

Section 217 of Chapter 21 of the *Nigerian Criminal Code* of 1990, entitled "Offences Against Morality" states that any male person who has "commits any act of gross indecency with another male person" is liable to imprisonment for three years,

"Section 217. "Any male person who, whether in public or 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."⁴²⁰

In 2012 a report on sexual minorities living in Lagos and Abuja by the Immigration and Refugee Board of Canada stated that according to a representative of The Initiative for Equal Rights (TIER) there have not yet been any convictions under Article 217 of the Criminal Code,

"A representative of The Initiative for Equal Rights (TIER), a non-governmental organization (NGO) established in 2005 in Lagos State to help prevent HIV and protect human rights for sexual minorities, stated, in correspondence with the Research Directorate, that some people have been charged under Article 217 of the *Criminal Code Act*, but that there have not been any convictions. However, the representative noted that some people who have engaged in same-sex acts have been convicted of "vagrancy, unlawful assembly, criminal conspiracy and vagabondage" under other laws"⁴²¹.

1.3 Bisexual

We were unable to find any information relating specifically to bisexual persons on this issue during the timeframe for this research.

1.4 Trans

In its 2012 Annual Report *Amnesty International* stated that human rights abuses continued against those with "non-conventional gender identity" and that the Same Sex Marriage (Prohibition)

⁴¹⁹ International Gay and Lesbian Human Rights Commission, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*. February 2011, <http://www.iglhrc.org/cgi-bin/iowa/article/publications/reportsandpublications/1328.html>, accessed 29 November 2012

⁴²⁰ Nigerian Federal Criminal Code, Chapter 21 Offences Against Morality, available at <http://www.nigeria-law.org/Criminal%20Code%20Act-Tables.htm>, accessed 20 November 2012

⁴²¹ 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, NGA103958.E, available from <http://www.unhcr.org/refworld/docid/50aa361f2.html>, accessed 1 December 2012

Bill would impose a 10-year prison sentence for anyone who registers an organisation protecting the rights of lesbians, gay men, bisexual and transgender people,

"Human rights abuses continued against people suspected of having same-sex relationships or non-conventional gender identity. In December, the Senate approved a bill which would impose a 14-year prison sentence for same-sex marriages. Any person or groups that "witness, abet and aids the solemnization of a same sex marriage or union" or "supports" gay groups, "processions or meetings", would face a 10-year prison sentence. The same sentence would apply to a "public show of same sex amorous relationship" and anyone who registers gay clubs and organizations protecting the rights of lesbians, gay men, bisexual and transgender people."⁴²²

1.5 Intersex

We were unable to find any information relating specifically to intersex persons on this issue during the timeframe for this research.

2 Implementation of legal provisions

2.1 Lesbian

In 2011, a report by the *International Gay and Lesbian Human Rights Commission (IGLHRC)* stated that police frequently ignore aspects of the law, and open prosecutions against victims when women report being blackmailed on the basis of their sexual orientation,

"For victims of blackmail, making a report to the police and facing the prospect of a public trial risks the very real possibility that their secret will be exposed to a much wider population. Victims risk being fired, expelled from school, or ostracized as a result of the allegations against them, even when these are very clearly being levied as part of a blackmail attempt. The problem is especially acute for populations that are criminalized under the law, for whom the risk of reporting to the police goes beyond shame and the risk of exposure to the wider community and includes the very real prospect of arrest and imprisonment. Notably, many countries have specific provisions stating that whether or not a victim of blackmail is guilty of an allegation contained in a blackmailer's threat – for example, allegations of same-sex activity – is irrelevant to the prosecution of the blackmailer, who should be brought to justice. (See, for example, Section 408(3e) of Nigeria's Criminal Code Act (1990), which states that "It is immaterial whether the person accused or threatened to be accused has or has not committed the offence or act of which he is accused or threatened to be accused." Nonetheless, police frequently ignore these aspects of the law, and open prosecutions against victims who report being blackmailed on the basis of their sexual orientation"⁴²³

2.2 Gay

In April 2010, a collaborative report by *The Observatory for the Protection of Human Rights Defenders*, a joint programme of the *World Organisation Against Torture (OMCT)*, the *International Federation for Human Rights (FIDH)*, and the Irish NGO *Front Line Defenders (the International*

⁴²² Amnesty International Annual Report 2012, Nigeria, <http://www.amnesty.org/en/region/nigeria/report-2012>, accessed 21 November 2012

⁴²³ International Gay and Lesbian Human Rights Commission, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*. February 2011, <http://www.iglhrc.org/cgi-bin/iowa/article/publications/reportsandpublications/1328.html>, accessed 29 November 2012

Foundation for the Protection of Human Rights Defenders) stated that in a recent case two men were threatened with stoning when brought before a Sharia court for sodomy,

"In a recent case, two men were heavily insulted by the public and threatened of stoning while they were brought to a Sharia court for sodomy. In that case, the federal police handed the two men to Sharia authorities because they could not charge them under the penal code."⁴²⁴

In 2012 a report on sexual minorities living in Lagos and Abuja by the Immigration and Refugee Board of Canada stated that an official at the High Commission of Canada in Abuja was unaware of any cases in which Nigerians had been tried, although this did not mean that such incidents had not occurred,

"In correspondence with the Research Directorate, an official at the High Commission of Canada in Abuja, Nigeria, stated that she was unaware of any cases in which Nigerians had been charged with or prosecuted for homosexual acts in 2011, although she clarified that this did not mean that such incidents had not occurred. A representative of The Initiative for Equal Rights (TIER), a non-governmental organization (NGO) established in 2005 in Lagos State to help prevent HIV and protect human rights for sexual minorities, stated, in correspondence with the Research Directorate, that some people have been charged under Article 217 of the *Criminal Code Act*, but that there have not been any convictions. However, the representative noted that some people who have engaged in same-sex acts have been convicted of "vagrancy, unlawful assembly, criminal conspiracy and vagabondage" under other laws."⁴²⁵

In 2011 the *USDOS Human Rights Report* stated that the trial of eighteen men charged with sodomy in 2008 had been adjourned several times and no resolution of the case had yet been reached,

The trial of 18 men, originally charged in 2008 with sodomy and subsequently charged with vagrancy, had been adjourned multiple times. All defendants had posted bail, set at 20,000 naira (\$123), and gained their release. No resolution of the case had been announced by year's end."⁴²⁶

2.3 Bisexual

We were unable to find any information relating specifically to bisexual persons on this issue during the timeframe for this research.

2.4 Trans

In October 2012 the African based organisation *Gender DynamiX*, which focuses solely on the transgender community, published an "essay" on its website by Nigerian transgender writer Stephanie Adaralegbe which stated that the author had been given a jail sentence of three months on charges of "cross dressing and transgenderism",

"Stephanie Adaralegbe describes herself as a prolific writer on the vicissitudinous life of a transgender in a typical third world African Country, Nigeria. She submitted this series of essays as a contribution to our live stories. []

⁴²⁴ *The Observatory for the Protection of Human Rights Defenders*, NIGERIA: Defending Human Rights: Not Everywhere Not Every Right, International Fact-Finding Mission Report, April 2010, available at http://www.omct.org/files/2010/05/20688/nigeria_mission_report.pdf, accessed 20 November 2012

⁴²⁵ 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, NGA103958.E, available at: <http://www.unhcr.org/refworld/docid/50aa361f2.html>, accessed 1 December 2012

⁴²⁶ USDOS Human Rights Report 2011, Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 20 November 2012

"I have been in jail for the past ten weeks serving a jail sentence of three months on charges of cross dressing and transgenderism .I was arrested again in Lagos, while going peacefully on my own at night. The ugly incident ended up in a magistrate Court in Lagos, and i was subsequently jailed when i pleaded guilty to cross dressing and transgenderism. I had no lawyer to fight my cause, most unfortunately as all the individuals i relied on practically disappointed me one way or the other. I have been behind bars for the past ten weeks and i can assure you that my ordeal has been more than dehumanizing. [] To my utmost chagrin, i was distransgendered and compelled to looking masculine at all cost."⁴²⁷

2.5 Intersex

We were unable to find any information relating specifically to intersex persons on this issue during the timeframe for this research.

3. ***Societal attitude to LGBTI persons, evidence of non-state persecution and discrimination***

In 2011 the *USDOS Human Rights Report* stated that because of widespread taboos against homosexuality few revealed their sexual orientation,

"Because of widespread societal taboos against homosexuality, very few persons openly revealed their 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 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. The government and its agents did not impede the work of these groups during the year."⁴²⁸

In 2011 a media report by the human rights capacity-building organization *Global Rights* stated that LGBTI issues and events were given a disproportionate amount of negative coverage by the Nigerian press but that there had been an observable increase in positive reporting,

"LGBTI issues and current events (including those outside Nigeria) were given a disproportionate amount of negative coverage by the Nigerian press. Headlines addressed: the various Nigerian churches' condemnation of gay rights, including likening homosexuality to disease; negative health patterns in gay relationships; the predatory nature of gay men soliciting minors; Nigeria's rejection of gay rights as human rights; anti-lesbian comments by the coach of Nigeria's Women's World Cup football team; and the negative impact of the endorsement by a gay rights' organization on a political candidate's campaign, among other things. While this does not mean all articles demonstrated bias against LGBTI rights, it does mean that the Nigerian public is receiving overwhelmingly negative information regarding LGBTI issues and current events.

And, in fact, various articles did take a negative tone in the discussion of LGBTI issues and current events. Some were more subtle in their disapproval of LGBTI rights, while others demonstrated blatant opposition. For example, an article in the Vanguard Newspaper referred to homosexuals as "slimy creatures" and labeled the Nigerian Gay Forum's

⁴²⁷ Gender Dynamix, Stephanie Adaralegbe, October 2012, <http://www.genderdynamix.org.za/documents/stephanie-adaralegbe/>, accessed 01 December 2012

⁴²⁸ USDOS Human Rights Report 2011, Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 20 November 2012

endorsement of a Nigerian presidential candidate as a “destructive challenge” to his campaign.⁴²⁹ Such reporting violates journalistic ethics by disregarding the duty to report objectively. It also has the potential to foster and reinforce anti-gay sentiment.⁴²⁹

In 2011 a media report by the human rights capacity-building organization *Global Rights* also stated that there had been an observable increase in positive reporting on LGBTI issues,

"Nonetheless, there was an observable increase in positive reporting. As noted in our prior media report, the Nigerian press gave LGBTI issues and current events virtually zero positive or encouraging coverage. In the past year, there have been a few articles in various Nigerian newspapers that have reported in the interest of LGBTI persons. For example, The Punch newspaper released an article entitled “Parents’ acceptance may help protect gay teens.” The article discussed ways in which parents of LGBTI youth can build their child’s self-esteem and confidence while also effectively reducing depression and suicidal thoughts. Such articles offer a new perspective to Nigerian parents and encourage parental responsibility and empathy toward LGBTI Nigerians rather than alienation, “conversion,” and violence.”⁴³⁰

In December 2011 the Nigerian newspaper *The Daily Times of Nigeria* stated that an Abuja-based Islamic scholar had called for the imposition of the death penalty on homosexuals in Nigeria,

"Malam Abdulkadir Apaokagi, an Abuja-based Islamic scholar, on Sunday called for the imposition of the death penalty on homosexuals in Nigeria. Apaokagi, in a sermon preached at the weekly prayer session of Nasrul-lahi-L-Fatih Society of Nigeria (NASFAT), said gays in Nigeria were perverts who did not deserve to co-exist with right thinking and decent people. According to him, they are worse than murderers and deserve stiffer penalties than those accused of killing fellow human beings. “Homosexuality and lesbianism are just too dirty in the sight of Allah, those who engage in them deserve more than capital punishment, he said. “When they are killed, their corpse should also be mistreated.”

Apaokagi, who is the deputy chief Imam at the Abuja branch of NASFAT, said in his lecture entitled: “The position of Islam on gay marriage”, that gay people were mentally unstable and could bring severe instability to the society in which they lived. “None of them can pass a psychiatric test, because they are not normal,” he said. [] Apaokagi also urged Nigerians to ignore criticisms from the West, and come together as one to fight practices that might bring destruction to their country. In his contribution, Alhaji AbdulHakeem Bello, told the congregation: “Whenever any of you sees something that is indecent, change it with your hands. If you cannot change it with your hands, use your tongue to condemn it. “The anti-gay law is very popular in Nigeria because it aligns with popular religious, cultural and moral principles of majority of citizens.”⁴³¹

In April 2010, a collaborative report by *The Observatory for the Protection of Human Rights Defenders*, a joint programme of the *World Organisation Against Torture (OMCT)*, the *International Federation for Human Rights (FIDH)*, and the Irish NGO *Front Line Defenders (the International Foundation for the Protection of Human Rights Defenders)* stated that human rights defenders working on LGBT rights were particularly exposed to harassment and violations and often targeted by the public rather than the authorities,

⁴²⁹Global Rights, Fighting human rights abuses against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, communities, and human rights defenders in Nigeria, Media Report, July 1, 2010-July 1, 2011, http://www.globalrights.org/site/DocServer/LGBTI_Nigeria_Media_Report_2010-2011.pdf?docID=12803, accessed 26 November 2012

⁴³⁰Global Rights, Fighting human rights abuses against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals, communities, and human rights defenders in Nigeria, Media Report, July 1, 2010-July 1, 2011, http://www.globalrights.org/site/DocServer/LGBTI_Nigeria_Media_Report_2010-2011.pdf?docID=12803, accessed 26 November 2012

⁴³¹Daily Times NG, Islamic scholar seeks death penalty for homosexuals, 5 December 2012%20%20http://dailytimes.com.ng/article/islamic-scholar-seeks-death-penalty-homosexuals&date=2011-12-05, accessed 27 November 2012

"Human rights defenders working on LGBT rights are particularly exposed to harassment and violations. While violations against other groups of defenders often come from the authorities, LGBT defenders are often targeted by the community and the public at large due to widespread societal hostility against homosexuality. In particular, the media all over the country display the same homophobic attitude towards LGBT people and activists. [] The media contribute to the negative stereotyping of gay people and are responsible for encouraging homophobia. [] In one recent case, the names and pictures of a number of LGBT activists were published in several newspapers, which resulted in many of them having to go into hiding. They were all involved in the House of Rainbow, a religious group overtly open to LGBT people and advocating for their acceptance."⁴³²

In 2011 an article by Marc Epprecht and Sule E. Egya for the journal *Gender and Education* stated that Nigeria appears to be unified by a strong taboo against homosexuality but that research suggests this may belie greater openness than originally assumed,

"Nigeria's diverse cultures, religions and political parties appear to be unified by a strong taboo against homosexuality and gay rights. This has affected academic research, HIV/AIDS programmes, and sexuality education, all which commonly show evidence of heterosexism, self-censorship and even explicit condemnations of homosexuality. Yet a dissident discourse in Nigeria, as well as research from elsewhere in the region, suggests that this appearance of unity may belie greater openness to the issues than assumed. Indeed, research shows that (1) many African societies are traditionally more accommodating toward non-normative sexualities than contemporary nationalist or cultural claims would allow, and (2) secretive 'bisexuality' is more common in practice (and tacitly acknowledged) than previously understood."⁴³³

3.1 Lesbian

In 2011, a report by the *International Gay and Lesbian Human Rights Commission (IGLHRC)* stated that women rarely reported being targeted by police or agents of the state. Instead, they were threatened by those they knew in the private sphere,

"Gender also matters, shaping both how people are victimized and who they can turn to for help. Azuah shows how blackmail and extortion impact upon the lives of lesbian and bisexual women in Nigeria, who face threats from family, friends, lovers, and the people in their schools and workplaces. It is notable that the women rarely reported being targeted by police or agents of the state. Instead, they were threatened by those they knew in the private sphere, who were still able to force them to surrender money, cars, apartments, sex, and labour – and, in many instances, still disclosed their secret and forced them to flee their community"⁴³⁴

3.2 Gay

In 2011 the *BBC* stated that living openly is out of the question for most Nigerians and that although many traditional and religious leaders in Africa condemn homosexuality as "unAfrican" there are calls for gay rights to be recognised,

⁴³² *The Observatory for the Protection of Human Rights Defenders*, NIGERIA: Defending Human Rights: Not Everywhere Not Every Right, International Fact-Finding Mission Report, April 2010, available at http://www.omct.org/files/2010/05/20688/nigeria_mission_report.pdf, accessed 20 November 2012

⁴³³ Marc Epprecht and Sule E. Egya, Teaching about homosexualities to Nigerian university students: a report from the field, *Gender and Education* Volume 23, Issue 4, 2011 pages 367-383, <http://www.tandfonline.com/doi/abs/10.1080/09540253.2010.491791>, accessed 23 November 2012

⁴³⁴ International Gay and Lesbian Human Rights Commission, Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa. February 2011, <http://www.iglhrc.org/cgi-bin/iowa/article/publications/reportsandpublications/1328.html>, accessed 29 November 2012

"For most gay Nigerians, fear of the law and the depth of public hostility mean living openly is out of the question. But Rashidi Williams, a 25-year-old from northern Nigeria, has refused to be silenced. When we meet at a safe house in Abuja, he is wearing simple pink shoes and is frank about the abuse he has suffered. "I have been attacked on several occasions," he says, telling me how earlier this year his collarbone was smashed when he was out walking with a male friend. "Apart from that, you get verbal assaults every day, it's very frustrating."

[] Many traditional and religious leaders in Africa condemn homosexuality as unAfrican but there are also growing calls from activists across the continent for gay rights to be recognised. [] In October, UK Prime Minister David Cameron suggested that the aid budget could be cut to countries that didn't recognise gay rights [] but - if anything - Mr Cameron's comments appear to have encouraged the Senate to show their independence. "If there is any country that does not want to give us aid on account of this, it should keep its aid," David Mark, President of the Senate, proclaimed as the bill completed its third reading. "We hold our values, customs and tradition dearly. No country has the right to interfere with the way we make our laws," he added."⁴³⁵

In August 2012 the American online news platform *Global News* stated that gay men in Abuja have been the subject of harassment, threats and violent attacks,

"Abuja, Nigeria —There are no gay bars in this city and few, if any, people have heard of gay pride. Politicians and the press are openly hostile toward homosexuals, regularly calling them "barbaric" and "repulsive." None of this, however, stops Ifeanyi Kelly Orazulike, an openly gay rights activist. Here in Africa's most populous country, he is one of just dozens of openly gay men, he says. His openness comes at a steep price. "I have attacks," he told GlobalPost in his office, the location of which is a closely guarded secret. "I've been beaten up — gotten my head broken. I've gotten death threats." [] he said numerous threats warned him never to come home. At home months later, he was cornered and attacked. "A few guys, who were walking directly opposite me, shouted at me: 'That homosexual!'" he recalled. "One of them hit me on my head and it bled. I had to shave some of my dreads to get it treated."

In August 2012 the American online news platform *Global News* also stated that despite this, the rights network in Nigeria is growing stronger ,

Despite [] reports of gay people being harassed, jailed or even killed, Adeniyi said the rights network in Nigeria is growing stronger. The House of Rainbow, the only church in Nigeria that openly accepts homosexuality, quietly re-opened last year. The church closed in 2008 when its pastor, after receiving death threats, fled the country. Orazulike said the gay community supports itself in many ways, with homosexuals in the city helping people who flee the countryside find homes and jobs. In some urban communities and churches, he added, locals are slowly getting used to the idea that there are homosexuals in Nigeria and some of them are friends or family.

When he was attacked a few months ago he said his neighbors may have saved his life. "People in my neighborhood know me, know about my sexuality, know I'm open," he said. "They came out to say, 'You can't do that to him. He's a nice person. He's with us.' They went as far as to chase some of the guys and fight them back."⁴³⁶

In February 2010 British based newspaper *The Economist* stated that gay Nigerians regularly participated in online Christian worship as to go to a mainstream church would risk beatings or even a forced exorcism,

⁴³⁵ BBC News Africa, Nigerian leaders unite against same-sex marriages by Jonah Fisher, 5 December 2011, <http://www.bbc.co.uk/news/world-africa-15992099?print=true>, accessed 2 December 2012

⁴³⁶ Global Post, Nigeria: Where being openly gay comes at a steep price by Heather Murdock, August 13, 2012, <http://www.globalpost.com/dispatch/news/regions/africa/nigeria/120802/nigeria-gay-rights-goodluck-jonathan-hiv-aids>, accessed 30 November 2012

"Once a fortnight, 50 or so Nigerians furtively log on for an online Bible study class. "This is the only way we can worship because of the stigma," says one of them. The reason for the secrecy is that the participants, ranging from students to married men, are gay. To go to a mainstream church in Nigeria would risk beatings or even a forced exorcism. So hundreds are turning to House of Rainbow, Nigeria's only gay-friendly church, which is flourishing online after almost meeting a violent end two years ago. [] The dominant role of religion is widely seen as the root of the country's homophobic culture. Punishing gays is one of the few common themes that politicians can promote with equal zest in the mainly Christian south and the largely Muslim north. [] The founder of House of Rainbow, Rowland Jide Macaulay, a gay Nigerian pastor, knows all about anti-gay intimidation. Two years after he set up his church in Lagos in 2006, the project was brought to a halt. Members of his congregation had been beaten and sometimes raped as they left Sunday services in order—said their assailants—to "correct their sexuality". After receiving death threats Mr Macaulay fled to Britain, from where he now preaches via YouTube.

[] The exclusion of gays from Nigeria's mainstream churches can limit their educational chances. Mosques and churches often perform the duties of a state that has all but collapsed in many parts of the country. [] As Anthony, a 27-year-old bisexual living in Lagos, says: "In Nigeria the church is not just about a spiritual lift...they run our [social] services. If they say 'We don't want you', where do you go?"⁴³⁷

In April 2011 British newspaper *The Guardian* stated that the House of Rainbow, Nigeria's only gay church may reopen after a forced closure in 2008,

"When Ade's aunt learned he was gay, the then 16-year-old Nigerian was made to go through an exorcism to expel "the demon of homosexuality". "The priest came to the house with candles, holy water and anointing oils. I had to kneel down, holding candles in my hands," recalls Ade, now 25, as he sits in a cafe in Lagos. He does not wish to reveal his full name. "He kept shouting 'Come out! Come out! Come out!' in a fevered voice ... I was allowed to go back to church after that but I had to pretend to be straight."

[] However, an alternative could soon be at hand. Ade is helping to resurrect a religious refuge for himself and his friends. He is part of the team restarting House of Rainbow, the country's only gay church, which was forced to close in 2008 after a witch-hunt stirred by exposés in local newspapers. The Rev Rowland Jide Macaulay, the gay minister who founded the church, is leading the comeback even though he remains in self-imposed exile in London. "Religion is a backbone to life in Nigeria, so we all want to go to church," he says. "But we don't want to lie to God about who we are." Macaulay first set up House of Rainbow in 2006, when he openly held Sunday services in a Lagos hotel hall decked out with rainbow flags. A public backlash culminated in members being beaten as they left church. Macaulay fled to the UK after death threats.[] A full church might be set up again if it is considered safe."⁴³⁸

In April 2011 *The Guardian* also stated that religious groups are central to the culture of homophobia in Nigeria and rob many of basic services in addition to excluding them from church,

"Religious groups are central to Nigeria's culture of homophobia. [] Apart from being on the wrong side of the law, many homosexual Nigerians say exclusion from church is one of the hardest parts of being gay. [] In oil-rich Nigeria, where corruption robs many of even basic services, religious groups provide more than spiritual assistance. Muslim movements such as Izala have built schools in the north, while southern pentecostal groups such as the Redeemed Christian Church of God run universities. "[We] lose out on all these services," says the young man.

⁴³⁷ The Economist, Homosexuality in Nigeria; Go online if you're glad to be gay, 11 February 2010 <http://www.economist.com/node/15503420>, accessed 29 November 2012

⁴³⁸ The Guardian World News, Nigeria's gay church is reborn amid a climate of fear, 24 April 2011 <http://www.guardian.co.uk/world/2011/apr/24/gay-nigerians-church-services-secret>, accessed 28 November 2012

Some argue that African homophobia is slowly waning. Marc Epprecht, an expert on sexuality in Africa at Queen's University in Canada, says the continent's growing number of gay rights groups are challenging negative stereotypes. He adds that despite the bad press it attracts, African homophobia is not markedly stronger than that of poor or patriarchal parts of the Middle East and South America.

Macaulay, however, is not taking any chances this time. Prayer sessions are being held in secret locations. No unknown newcomers are being admitted. He continues to preach via YouTube from London – he thinks it would be unwise to return home. "We have learnt our lesson," he says. "It is a hostile situation."⁴³⁹

3.3 Bisexual

In December 2011 the online community the *Nigerian Village Square* published an interview with "bisexual Nigerian lawyer" Yemisi Ilesanmi, stating that many LGBTI Nigerians lead double lives, even marrying a person of the opposite sex to take suspicion away and keep family members happy,

"Yemisi Ilesanmi describes herself as 'proudly bisexual'. [] The coordinator of the campaign group Nigerian LGBTI in Diaspora Against Anti-Same Sex Laws, she has travelled extensively as guest speaker to promote gender and youth issues, labour rights, sexuality rights and international human rights.

[] On the challenges that come with being LGBT in Nigeria, Yemisi says, 'It is indeed difficult living as a person with a different sexual orientation in a country like Nigeria; people who are attracted to same sex or transgender are often abused, treated with cruelty and sometimes molested to death. Transgender are so misunderstood that they are mostly treated like criminals; people believe they hide their real identity so as to defraud unsuspecting individuals'. She points out that 'many lesbians, bisexuals and gays often marry the opposite sex just to keep their family members happy and take away suspicion from the ever vigilant community. [] They live double lives, pretending to be heterosexual at home and at work while slowly dying inside and meeting in the dark with same sex partners to have a minute of peace with their real self. This double life is dangerous and unfair to all concerned and the society at large' [] 'Many claim Homosexuality is Alien to Africa. I am an African, I am bisexual, I was bisexual before I ever met any white person or stepped foot on European shore, so does that mean I am a fake African?'⁴⁴⁰

3.4 Trans

In October 2012 the African based organisation *Gender Dynamix*, which focuses solely on the transgender community, published an "essay" on its website entitled "A paper to have been delivered at the Geneva Conference" by Stephanie Adaralegbe, a "prolific writer on the vicissitudinous life of a transgender in a typical third world African Country, Nigeria" which stated that she had decided to become the first Nigerian to be reassigned into a "right and appropriate body",

"Transgendered people indeed cross Society's deepest divide and it is equally a point that Gender identity lies at the core of our personhood. In this regard, it is a fact that Transgendered exist in every society and they deserve to be helped and assisted in all ramifications. The advent of sex change Surgeries which came in the early 50's had definitely enlightened the entire World and made more people realize that there was

⁴³⁹ The Guardian World News, Nigeria's gay church is reborn amid a climate of fear, 24 April 2011 <http://www.guardian.co.uk/world/2011/apr/24/gay-nigerians-church-services-secret>, accessed 28 November 2012

⁴⁴⁰ The Nigerian Village Square, I Am Bisexual And An Atheist, So What? by Yemisi Ilesanmi 8 December 2011 <http://www.nigeriavillagesquare.com/guest-articles/i-am-bisexual-and-an-atheist-sowhat.html>, accessed 29 November 2012

something more to gender identity than just reporting on one's genitals. George Jorgensen who is now Christine Jorgensen in the early 50's made it palpable to the World that sex was more or less a matter of hormones and with the proper dosage of the correct hormones the human nature could be redefined. [] If George could be successful with the sex change and become first individual and first American to be reassigned into a ' right body ' then i have decided to become the first Nigerian to be reassigned into a ' right and appropriate body '.

Before this realization i have gone through alot of psychological trauma and i have practically been on the precipice of indecision. [] Though, i never liked my body as a Male, i still could not reconcile myself to the idea of having my genitals sliced off just like that. I definitely would not want to be used as a biological specimen, [] Later, i began to realize that Transsexuals lived more fulfilled and peaceful lives than the mere Transgender."⁴⁴¹

In October 2012 the African based organisation *Gender Dynamix*, which focuses solely on the transgender community, published an "essay" on its website by Nigerian transgender writer Stephanie Adaralegbe, which stated that she had been attacked by a sex client during sex work,

"ALMOST DAGGERED AND KILLED BY SEX CLIENT DURING SEX WORK
..... i jumped into his car with so much excitement and ardour, and the effusive smile on my face was unmistakable. [] At an instance, i candidly thought sex work was pretty crazy ! Yet it was something i really enjoyed doing [] we drove off in a kind of frenetic ecstasy and i was somewhat jubilant to have atleast gotten a client for the night. I got into his bedroom and i could instantly perceive the seeming desperation in him [] Suddenly, he felt me below and he stopped abruptly."You must be crazy" he spat out in anger. Immediately, fear engulfed me as i stood practically speechless, yet feigning oblivion. "What is it ?" i managed to say pretending all was in control. Then to my utter astonishment he brought out a dagger from his closet as he advanced towards me menacingly.'I will kill you today you devil" he said, as he accosted me with daggers drawn."Today you must die, i have been eager to kill people like you, i never knew you could exist for real, but today you must die" he said. In utter fear and trepidation i started saying my Lord's prayers, just incase it was my last moment.I prayed to God to rescue me as nobody else could. My shouting or trying to attract attention would only worsen the situation, because anyone who came to the point of the scene would only add more fuel to the burning fire. So the best thing to do was keep quiet and pray. [] This incident occurred to me on a particular day during sex work.I have not had any respite ever since this incident happened."⁴⁴²

3.5 Intersex

In November 2011 a research article on "ambiguous external genitalia in childhood" in Port Harcourt, Nigeria for the journal *Paediatrics and Therapeutics* stated that parents of a child born with ambiguous genitalia can view the problem as spiritual rather than medical,

"The birth of a child with ambiguous genitalia still represents an enormous challenge especially in developing countries with limited diagnostic and therapeutic facilities, for this reason, the structuring of diagnostic procedures, decision making and therapeutic interventions for a child with ambiguous genitalia should involve a highly specialised team of physicians of different subspecialties. An expert to give psychosocial care is also needed to counsel parents and patients accordingly.

[] Patient 4 This is a 7 months old who presented on account of abnormal looking external genitalia characterized by hypertrophy of clitoris, rudimentary scrotal sac with no palpable

⁴⁴¹ Gender Dynamix, Stephanie Adaralegbe, October 2012, <http://www.genderdynamix.org.za/documents/stephanie-adaralegbe/>, accessed 01 December 2012

⁴⁴² Gender Dynamix, Stephanie Adaralegbe, October 2012, <http://www.genderdynamix.org.za/documents/stephanie-adaralegbe/>, accessed 01 December 2012

gonads and no visible urethral orifice. [] Patient was lost to follow up and parents believe child's problem is spiritual.

Patient 5 This 7 year old presented with complaint of progressive swelling in the vagina. Examination of the external genitalia revealed hypertrophy of the clitoris with a urethral opening at the tip. [] The sex of rearing was female. She was also lost to follow up. Parents also believe child's problem is spiritual."⁴⁴³

In November 2011 a research article for the journal *Paediatrics and Therapeutics* also stated that the birth of a child who cannot be readily identified as either male or female still presents a challenge and is a cause of parental anxiety,

"[] The birth of a child with ambiguous genitalia is a major cause of parental anxiety and can lead to psychosocial problems if not managed properly. The general consensus on the management of a child with ambiguous genitalia is for prompt diagnosis to be made before discharge so that an early sex of rearing can be assigned to the child as well as to plan treatment. [] The late presentation of most cases in this report is however similar to reports from other parts of Nigeria, this goes to highlight the low level of awareness of this condition in our environment despite the fact that most of the children were born in hospitals. [] In most developing countries such as Nigeria there is poor level of awareness and many children with even major aberrations of external genitalia are missed at birth, this resulted in the challenges of gender reassignment [] The management of a child with ambiguous genitalia needs a multidisciplinary approach involving the paediatrician, endocrinologist, surgeon, psychologist and if need be a religious leader

[] Most of our patients were lost to follow up, this is because investigations were either not available and or expensive and patients could not afford them. Also considering the importance of male children in our society, it was difficult for parents to accept the fact that there male babies could be females. This prompted most of the parents to feel their children's condition was spiritual and beyond medical science as was noted in this study where two patients contacted after loss to follow up stated that their child had a spiritual problem not medical and were not willing to return for further evaluation. [] the management of a child with ambiguous genitalia is still a challenge in our environment."⁴⁴⁴

We were unable to find any further sources with information relating specifically to intersex persons on this issue during the timeframe for this research.

4. Access to social and economic rights for LGBTI persons (access to employment, housing markets)

4.1 Lesbian

In 2011, a report by the *International Gay and Lesbian Human Rights Commission (IGLHRC)* stated that Nigerian lesbians are regularly the target of extortion or blackmail attempts by their employers, who may request sexual favours as well as monetary payments,

"Extortion and blackmail are fundamental realities of homosexual life in Nigeria. [] The strong legal, religious, and social prohibitions of homosexuality empower families, neighbors, and communities to police gender norms among homosexual men and women – and allow practices like extortion and blackmail to flourish.

⁴⁴³ Jaja T, Yarhere I, Anochie IC (2011) Ambiguous External Genitalia in Childhood in Port Harcourt, Nigeria, *Pediatr Therapeut* 1:106. doi:10.4172/2161-0665.1000106 <http://www.omicsonline.org/2161-0665/2161-0665-1-106.php?%20aid=3389>, accessed 20 December 2012

⁴⁴⁴ Jaja T, Yarhere I, Anochie IC (2011) Ambiguous External Genitalia in Childhood in Port Harcourt, Nigeria. *Pediatr Therapeut* 1:106. doi:10.4172/2161-0665.1000106 <http://www.omicsonline.org/2161-0665/2161-0665-1-106.php?%20aid=3389>, accessed 20 December 2012

[] While lesbianism is more tolerated than male homosexuality, a significant number of Nigerian lesbians and bisexual women are also targets of extortion and blackmail. [] the extortion and blackmail experienced by Nigerian lesbians and bisexual women are not limited to demands for monetary payments alone. Some women are forced to grant sexual favours or run dangerous errands for extortionists and blackmailers. A substantial number of lesbian and bisexual women are forced to accept and live with the exploitation they face because of their sexual orientation. A few Nigerian lesbian and bisexual women make the difficult choice to quit their jobs in those instances where their bosses threaten to fire them if they do not satisfy their demands. There are others – though not many – who come out to put a stop to the extortion or blackmail, face ostracism and hostility, and are often compelled or forced to move to new cities and change their names and identities."⁴⁴⁵

In 2011, a report by the *International Gay and Lesbian Human Rights Commission (IGLHRC)* stated that Nigerian lesbians were also subjected to blackmail by their co-workers, friends, family or even their lesbian lovers,

"[] In the workplace, women were subject to extortion and blackmail from co-workers and employers alike. [] Six of the lesbians interviewed had to regularly compensate their co-workers to keep them from disclosing the fact that they are lesbians. Two lesbians ended up accepting their bosses' constant sexual requests, even though they were ultimately forced to quit their jobs when the pressure became unmanageable for them. In the family, the consequences of extortion and blackmail are emotional as well as material. Four of the lesbians interviewed were blackmailed by their parents, who demanded that they give them their salaries or dictated what they did with their money – for example, one woman was forced to buy her father a car, while another had to borrow money and go into debt in order to buy her mother a house. In these instances, family members not only threatened to disown or expel their lesbian and bisexual wives, daughters, or sisters, but used these threats for their own material gain. [] In many instances, they were held emotionally and materially hostage by their lesbian lovers. In a number of instances, they also didn't want to lose those lovers, putting them in a difficult position when they were forced to choose between the important relationships in their lives."⁴⁴⁶

4.2 Gay

In 2011 the online Nigerian newspaper the *Daily Post* stated that there had been cases where persons had been fired from their employment based on their sexual orientation or gender identity but that it had proved difficult to challenge employers on these grounds,

"There are a few known cases in Nigeria where several persons have been fired from their employment based on their sexual orientation or gender identity. These dismissals are not contested because of the fear that it will only make matters worse when people find out that it is because of their sexual orientation that is why they were fired. According to Dele Ajayi, one of Nigeria's leading employment consultants: "there are a few instances where my clients have told me that the reason why they were dismissed was because of their sexual orientation but we find it difficult to challenge their employers on that ground because our laws have not put discrimination in terms of sexual orientation into reality. We have not yet subscribed to the fact that discrimination such grounds are prejudicial and inequitable that is why in many instances I resort to alternative dispute resolution other than litigation."

Labour Lawyer, Hadiza Ashabu adds that "employers can be somewhat fraudulent by looking for flimsy reasons to dismiss their employees. There are types of businesses where a person would serve his/her master for a year or two or even five years without

⁴⁴⁵ International Gay and Lesbian Human Rights Commission, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*. February 2011, <http://www.iglhrc.org/cgi-bin/iowa/article/publications/reportsandpublications/1328.html>, accessed 29 November 2012

⁴⁴⁶ International Gay and Lesbian Human Rights Commission, *Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa*. February 2011, <http://www.iglhrc.org/cgi-bin/iowa/article/publications/reportsandpublications/1328.html>, accessed 29 November 2012

remuneration but under the consensus to be settled with a lump sum at the end of the tenure. What happens is that once it's getting close to the end of the agreed duration, the employer may then accuse the employee of some crime or dismiss him/her on insubstantial reasons in order to avoid "settling" the employee. Also, many employers in Nigeria abuse the rights of employees because many employees are helpless and dependent on their meager salaries to survive. Talking about the issue of discrimination on grounds of sexual orientation in the workplace, it is rather unspoken, but a few are actually affected. I see no reason why anyone will be fired from their employment because of their sexual orientation as long as it doesn't affect their work delivery."⁴⁴⁷

In 2011 the online Nigerian newspaper the *Daily Post* also stated that there is no specification within the Nigerian constitution regarding discrimination on the grounds of sexual orientation as homosexuality is perceived as an aberration,

"[] In Nigeria, Section 42 of our constitution guarantees every Nigerian a right to freedom from discrimination; however, there is no specification on discrimination on basis of sexual orientation. [] In Nigeria, proposing a federal law for non-discrimination on grounds of sexual orientation is like waiting to find tomorrow already continuing yesterday because homosexuality is perceived as an aberration from moral rationality; hence such a law may fail on the grounds that it will go against public morality. [] nothing restricts corporate entities from having workplace policies that would prohibit discrimination on basis of sexual orientation after all there is a rise on HIV work place discrimination policies established in many Nigerian institutions even though the HIV anti-stigma bill is yet to be passed. Having a policy to deter discrimination based on sexual orientation will do a company well because diversity in the workplace always advances continued success.

In *Chukwuma v. Shell Petroleum Development of Nigeria Limited* (1993) 4 NWLR (Pt. 289) 512. The Supreme Court of Nigeria which is the Apex court held that where parties have reduced the term and conditions of service into an agreement, the conditions must be observed. In addition, the court held that a master is entitled to dismiss his servant from his employment for good or bad reasons or for no reason at all. Consistent with this principle, that the court will not impose an employee on an employer. That is one of the principles of Nigerian employment law. [] in Nigeria [] the pressing issue would be the determination of the scope of the rights of LGBT persons, for as it is, they are no better than un-sentenced convicts."⁴⁴⁸

4.3 Trans

We were unable to find any information relating specifically to transgender/transsexual persons on this issue within the timeframe of this research.

4.4 Bisexual

In December 2011 the online community the *Nigerian Village Square* published an interview with "bisexual Nigerian lawyer" Yemisi Ilesanmi, who stated that many LGBT workers risk losing their jobs if they are outed,

'I am open about my sexual orientation in my workplace [] However, I wish trade unions in Nigeria and Africa would start treating sexual orientation as a workplace issue, many LGBT workers stand the risk of losing their jobs if they are outed. I try my best to make sure this issue is put on the trade union agenda. I raise it at every opportunity. 'I believe trade unions are sitting on the fence because they are not forced to make a decision; however I believe

⁴⁴⁷ Daily Post, Okechukwu Effoduh: Legal considerations on employment discrimination based on sexual orientation, August 2012 <http://dailypost.com.ng/2012/08/20/okechukwu-effoduh-legal-considerations-employment-discrimination-based-sexual-orientation/>, accessed 30 November 2012

⁴⁴⁸ Daily Post, Okechukwu Effoduh: Legal considerations on employment discrimination based on sexual orientation, August 2012 <http://dailypost.com.ng/2012/08/20/okechukwu-effoduh-legal-considerations-employment-discrimination-based-sexual-orientation/>, accessed 30 November 2012

many progressive trade unions would support rights of workers not to be discriminated against because of their sexual orientation. This is simply the logical thing to do. It might not be a popular cause, but human rights causes are not fought based on popularity but based on justice. Trade unions and human rights organisations should always be on the side of justice’.

[] "Criminalising same sex relationships makes us refugees; it turns us into asylum seekers in other countries. This also affects our beloved country as emigration causes brain drain. Many talented Nigerians are living in Diaspora openly as gays, lesbians, bisexuals, and transsexuals. We contribute positively to the development of our country of residence but we are afraid to come live and contribute to the development of our motherland because of fear of victimisation. We visit home with trepidation because at home we have to live a life full of lies and deny who we are for us to be accepted. Why do we want to keep subjecting our citizens to such psychological and emotional torture?"⁴⁴⁹

4.5 Intersex

We were unable to find any information relating specifically to intersex persons on this issue during the timeframe of this research.

5. *Homophobia and transphobia in government institutions*

On 15 November 2011 the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs, the *Integrated Regional Information Networks (IRIN)* stated that LGBT people face discrimination if they reveal their sexual orientation at medical facilities,

"Fear of "coming out" also means many homosexuals - who are at high risk of HIV - are unable to access medical services or receive adequate treatment, as they give incomplete personal information, activists say. "Gay people who are courageous enough to come out have reported being humiliated by medical staff," Ugwu noted. At least two homosexuals who spoke to IRIN on condition of anonymity said they feared even going to hospitals for fear of being "outed" by staff."⁴⁵⁰

In April 2011 the Nigerian NGO *The Initiative for Equal Rights (TIER)* stated that the International Center for Advocacy on Right to Health (ICARH) a Nigerian NGO had set up the first health clinic specifically for LGBTI persons in Abuja,

"In April 2011, the International Center for Advocacy on Right to Health (ICARH) a registered Nigerian non-governmental organization sets up a health clinic specifically for LGBTI persons in Abuja. With funding from the Center for Disease Control (CDC), ICARH collaborates with the Institute of Human Virology Nigeria (IHVN) with the aim to provide comprehensive sexual health care for LGBT persons in Abuja.

In a conversation with Ifeanyi Orazulike- ICARH Executive Director, he informed BTM "The project has recorded a significant success since inception. The challenges of accessing health care especially HIV/AIDS has reduced drastically within the MSM community in Abuja." He added "Unlike in the past when it was very difficult for MSM to access HIV and other health care services in other health facilities because of stigma and discrimination associated with homosexuality and same sex practice, they (MSM) now feel more comfortable coming to ICARH's facility to access HIV and other health care services." [] Furthermore he mentioned the challenges faced saying "The extension of the clinic is yet to

⁴⁴⁹The Nigerian Village Square, I Am Bisexual And An Atheist, So What? by Yemisi Ilesanmi 8 December 2011 <http://www.nigeriavillagesquare.com/quest-articles/i-am-bisexual-and-an-atheist-sowhat.html>, accessed 29 November 2012

⁴⁵⁰ United Nations, Integrated Regional Information Networks (IRIN), Nigeria: Tightening the Noose on Gay Rights, 15 November 2011. <<http://www.irinnews.org/printreport.aspx?reportid=94207>>, accessed 2 December 2012

be done and this has affected the work flow process which at times even causes distress to the clients, in addition most of the equipment provided by IHVN is yet to be operational due to lack of space which ultimately affects the quality of services provided. "Nutritional supplements, prophylaxis, pain killers and pain medications are inadequate, salaries for more permanent staff since most of the people working in the clinic are working on volunteer basis" Audu said."⁴⁵¹

In April 2010, a collaborative report by *The Observatory for the Protection of Human Rights Defenders*, a joint programme of the *World Organisation Against Torture (OMCT)*, the *International Federation for Human Rights (FIDH)*, and the Irish NGO *Front Line Defenders (the International Foundation for the Protection of Human Rights Defenders)* stated that those who identify as LGBT face discrimination in almost all areas of life,

"Illustrative of the climate of hostility against LGBT rights is the statement provided by the Nigerian Ambassador to the UN in Geneva, who stated at the second session of the UNHRC that death by stoning for gay people is a "just and appropriate punishment" for unnatural sexual acts.

[] LGBT people are often expelled from secondary schools and face discrimination in virtually all areas of life. Lesbians are often targeted for 'curative rape'. [] It was also reported that LGBT defenders face discrimination within the human rights community itself, which is not supportive of the issue they work on. Hostility by society at large is fostered by the attitudes of State institutions and is reflected in legislation. [] In one recent case, an LGBT organisation sought registration three times but every time the authorities claimed the names chosen were not appropriate. At the first attempt, it was claimed that the name was too similar to the name of another organisation; at the second attempt, the word 'campaign' was considered not appropriate; at the third attempt, the name was considered too vague. While there is no evidence that registration was refused because of the issues the organisation works on, this example is illustrative at the very least of how the registration procedure is at times used by the authorities to obstruct the work of human rights defenders."⁴⁵²

5.1 Lesbian

In 2011, a report by the *International Gay and Lesbian Human Rights Commission (IGLHRC)* stated that high school students who were interviewed described being punished with suspension or expulsion if exposed as lesbian,

"The five high school students who were interviewed had similar stories of being blackmailed by their classmates or bunk mates because they were caught in compromising positions with their female lovers or were careless with their love letters. They discussed having to give money, belongings, or their food to avoid being publicly exposed in the school assembly. When a school principal was told that students had female lovers, they were punished by administrators – for example, they were lashed with several strokes from a cane, suspended, or expelled from school. Whether they were expelled from school or simply taken advantage of, extortion and blackmail in schools interfered with the education of the victims – an effect with lifelong consequences."⁴⁵³

⁴⁵¹ The Initiative for Equal Rights, Nigeria's NGO Sets Up First LGBTI Health Clinic, April 2011, <http://www.initiative4equality.org/nigerias-ngo-sets-up-first-lgbti-health-clinic/>, accessed 29 November 2012

⁴⁵² *The Observatory for the Protection of Human Rights Defenders*, NIGERIA: Defending Human Rights: Not Everywhere Not Every Right, International Fact-Finding Mission Report, April 2010, available at http://www.omct.org/files/2010/05/20688/nigeria_mission_report.pdf, accessed 20 November 2012

⁴⁵³ International Gay and Lesbian Human Rights Commission, Nowhere to Turn: Blackmail and Extortion of LGBT People in Sub-Saharan Africa. February 2011, <http://www.iglhrc.org/cgi-bin/iowa/article/publications/reportsandpublications/1328.html>, accessed 29 November 2012

5.2 Gay

In December 2011 the web-based legal news and research service *Jurist* stated that the same-sex marriage bill institutionalise discrimination and therefore act as an incitement to violence against LGBT persons,

"On November 29, 2011, the Nigerian Senate unanimously passed a bill prohibiting same-sex marriage and further criminalizing homosexuality. [] It is expected that the bill will go through the House of Representatives and will be sent to the President for final accent and passage into law. [] the bill will amount to an incitement to persecute persons on the basis of their sexual orientation. Article 7 of the Universal Declaration of Human Rights prohibits any incitements to discrimination; the present bill will act as a license for torture and ill treatment based on sexual orientation. By institutionalizing discrimination, the law will act as an official incitement to violence against lesbians and gay men in the community as a whole, whether in custody, in prison, on the street or in the home. Additionally, the bill will deprive gays and lesbians the right to life by obstructing access to HIV/AIDS programs, as it is capable of driving people already suffering stigma for their sexual identity still further underground. Clearly it is wrong to prevent persons from accessing medical facilities on the basis of their sexual orientation. If it becomes impossible under the legal regime for the gay community to access medical facilities, or if they cannot be beneficiaries of the HIV prevention and campaign efforts, this amounts to a violation of the right to life guaranteed under Section 33 of the Constitution.

[] The bill will also open avenues for human rights violations by the Nigerian police even among heterosexual individuals, including thousands of migrant workers and students who share rooms in major Nigerian cities for economic reasons. In the wake of a similar bill in 2007, security men forced their way into a party and arrested 18 young men in August 2007 in Bauchi, Northern Nigeria. They were later charged with organizing gay marriages. Also expected to increase is the practice of police and vigilantes breaking into hotel rooms, seeking out gay couples."⁴⁵⁴

5.3 Bisexual

In December 2011 the online gay news service *Pink News* stated that Nigeria's health minister warned that bisexual men posed a "challenge" to efforts to tackle the spread of HIV in the country,

"Nigeria's health minister has warned that bisexual men pose a "challenge" to efforts to tackle the spread of HIV in the country, as the prevalence of HIV among gay and bisexual men in the country was found to have risen. Onyebuchi Chukwu, launching the 2010 Integrated Biological and Behavioural Surveillance in Abuja, said that HIV prevalence among men who have sex with men has risen to 17.2%, up from 13.5% in 2007, Nigeria's Daily Trust reports. But the report says half of the surveyed men who have sex with men also said they have sexual contact with women. Chukwu said the link between the groups of men who have sex with men and the female population "poses a challenge to the national response to HIV epidemic."

"If care is not taken, this behaviour may erode the gains we have made in the national response to HIV/AIDS." The survey studied some 14,987 people classified in high-risk groups—including female sex workers, men who have sex with men, police and armed forces personnel, transport workers and injecting drug users. It found the prevalence of HIV among female sex-workers and the armed forces had fallen over the three year period."⁴⁵⁵

⁴⁵⁴ Jurist, Friday, December 16, 2011, Nigerian Same-Sex Marriage Ban Infringes Individual Rights, <http://jurist.org/hotline/2011/12/damian-ugwu-nigerian-marriage.php>, accessed 28 November 2012

⁴⁵⁵ Pink News, Nigerian health minister says bisexuals "pose a challenge" to HIV efforts, 22 December 2011 <http://www.pinknews.co.uk/2011/12/22/nigerian-health-minister-says-bisexuals-pose-a-challenge-to-hiv-efforts/>, accessed 25 November 2012

5.4 Trans

In October 2012 the African based organisation *Gender Dynamix*, which focuses solely on the transgender community, published an "essay" on its website entitled "Stephanie's Fears" by Stephanie Adaralegbe, stating that she had been denied access to a public library and assaulted by the security guard with a baton,

"[] As i approached the library door i was confronted by the fierce grin of the security man. Perhaps my perception was wrong, sometimes i think i could be a little bit assumptuous. About to dash through the door a figure blocked my accessibility.".....excuse me ", i retorted with perplexed eyes.".....you can not enter the library, now you may leave" Spontaneously, i uttered "...I beg your pardon, for what reasons ? "The somewhat livid security man looked down at me in scorn and then continued."This is a decent place for decent people and you have been marked down never to be allowed to come here again, do you understand ?". In utter shock and disbelieve, i gazed directly into the eyes of my assailant and protested, "...you must be kidding me, what right have you got to disallow me from coming here and what have i done in any case ? i demand an explanation, and i will not leave till i get one." [] Incidentally, some passers by were making their way in and out of the library but at that very instance one or two people seemed to have been ensnared in what was going on."See how you are dressed, you should be ashamed of yourself, what exactly do you think you are doing ? You joke ! "Immediately, i knew what his bone of contention was and it only made me more furious." [] The security man disappeared subsequently [] Apparently, he was going to report me someone in the library,

[] I had almost forgotten about the security man when suddenly i felt a huge bang on my back. What the hell was going on ! Mesmerized and dazzled by the moment i swiftly turned to see who my attackist was. In utter consternation, i saw the security man with a long weep and baton in his hands. What barbarism ! In expostulation my eyes held on to his heinous glare as he panted like a berserked lion."Are you crazy ?", i lamented."What have i done to you that you resort to weeping me !"[] ."Get out ! You are an animal and you will always be treated as one." In abject despair and exasperation i slowly made my way away [] with teary eyes and a lurid face i walked down the street, wondering in my own morbid thoughts who next would be my assailant."⁴⁵⁶

On 29 February 2012 the "independent news update provider" NigerianEye stated that Stephanie Adaralegbe had been expelled from Obafemi Awolowo University in 2001 "because of his identity crisis",

"Incredible! ridiculous!! unbelievable!!!... call it anything you want to. (She) was once a guy. He was born Dapo Adaralegbe, but he's now Stephanie Adaralegbe.

Dapo also known as "Dapo Sexy" was a popular homosexual law student back in the day in Obafemi Awolowo University but was expelled in 2001 because of his identity crisis. He moved to Spain where he is now living as a woman. Apparently she (he) even did A breast surgery to complete the transformation."⁴⁵⁷

5.5 Intersex

We were unable to find any information relating specifically to intersex persons on this issue during the timeframe for this research.

⁴⁵⁶ Gender Dynamix, Stephanie Adaralegbe, October 2012, <http://www.genderdynamix.org.za/documents/stephanie-adaralegbe/>, accessed 1 December 2012

⁴⁵⁷ Nigeria Eye, Nigerian Man Turns Woman: Mr Dapo Adaralegbe, now Miss Stephanie Adaralegbe, 29 February 2012, <http://www.nigerianeve.com/2012/02/nigerian-man-turns-woman-mr-dapo.html>, accessed 2 December 2012

6. State willingness and ability to provide effective protection to LGBTI persons

In 2012 a report on sexual minorities living in Lagos and Abuja by the Immigration and Refugee Board of Canada stated that according to a representative of The Initiative for Equal Rights (TIER) in correspondence with the Research Directorate, LGBT people are not able to report incidents of violence against them to the police,

"The representative of TIER maintains that LGBT people are not able to report incidents of violence against them to the police. He explained that when some LGBT people have tried to report violence, they have been mocked and, in some cases, detained"⁴⁵⁸

According to a statement by the NGO Queer Alliance Nigeria on 31 October 2011, violence against sexual minorities is underreported and perpetrators are not punished,

"[] in Nigeria violence against sexual minorities are frequent and occur on a daily basis, mostly under-reported. People with same sex orientation are being attacked by members of the society, using the discriminatory laws that exist in our statute books and religious texts to fuel their acts. These people go unpunished for these dastardly acts. This bill will escalate the tension that we are already experiencing as a result of our sexuality. Discriminatory laws found in the penal and Criminal Codes also prevent sexual minorities from seeking redress because state actors, especially law enforcement agencies use these laws to further abuse and violate their human rights. The killing of Innua Yakubu, a student of the Government College, Jigawa in 2002. Innua Yakubu was tagged gay by his classmates. This is a vivid example of the daily horrific experiences that sexual minorities in Nigeria go through."⁴⁵⁹

In 2012 a report on sexual minorities living in Lagos and Abuja by the Immigration and Refugee Board of Canada stated that according to the country rights director of the NGO Global Rights in correspondence with the Research Directorate, there were cases of "police abuse" of LGBT people in Lagos in 2011,

"[] the Global Rights country director explained that "LGBT people are often unable to report violence and mistreatment to the police because they become prone to even more violence and they are often afraid of being charged with one of the sodomy laws". The Country Director said that he knew of cases of "police abuse" of LGBT people in Lagos in 2011.

The Global Rights country director similarly stated that LGBT people must be "discreet" in order to live safely in Lagos or Abuja. While the Country Director said that he was aware of "underground clubs" in both Abuja and Lagos, he noted that there is no state protection or state-supported services for LGBT victims of discrimination. Instead, he claimed that "LGBT persons are prone to police brutality and discrimination"⁴⁶⁰

6.1 Lesbian

In 2011 the *USDOS Human Rights Report* stated that a gang of ten boys attacked and raped three girls they suspected were lesbians who then went into hiding due to fear of further violence,

⁴⁵⁸ 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, NGA103958.E, available at: <http://www.unhcr.org/refworld/docid/50aa361f2.html>, accessed 1 December 2012

⁴⁵⁹ Queer Alliance Nigeria. 31 October 2011, Statement on Same Sex Marriage Prohibition Bill 2011, <http://www.queeralliancenerigeria.blogspot.com>, accessed 3 December 2012

⁴⁶⁰ 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, NGA103958.E, available at: <http://www.unhcr.org/refworld/docid/50aa361f2.html>, accessed 1 December 2012

"In March a gang of 10 boys beat and raped three girls they suspected were lesbians in Benin, Edo State. The boys videotaped the attack, and the footage circulated throughout the state. The girls went into hiding due to fear of further attacks and of harassment by the general public. There were no charges filed and no further developments in the case by year's end."⁴⁶¹

6.2 Gay

In 2011 the *USDOS Human Rights Report* stated that authorities took no action against persons who stoned and beat members of the House of Rainbow Church in Lagos and that church members and clergy continued to receive threats throughout the year,

"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. During the year church members and the clergy continued to receive threatening e-mail messages, telephone calls, and letters from unknown persons. The church and partner groups cancelled conferences on sexual rights and health scheduled for Lagos and Abuja in December due to concerns about the safety of conference attendees after the proposed Same-Sex Marriage (Prohibition) bill refocused negative attention on the Church."⁴⁶²

6.3 Bisexual

We were unable to find any information relating specifically to bisexual persons on this issue during the timeframe for this research.

6.4 Trans

In October 2012 the African based organisation *Gender Dynamix*, which focuses solely on the transgender community, published an "essay" on its website entitled "A paper to have been delivered at the Geneva Conference" by Stephanie Adaralegbe, a "prolific writer on the vicissitudinous life of a transgender in a typical third world African Country, Nigeria" which stated that "transgenders" were subjected to arrest and brutalisation by the police force,

"And in most Societies Transgenders are subjected to a whole lot of agony and problems. Infact the problematic state of the Transgender is so fearsome and worrisome that at the end of the day the sex change Surgery is more preferable. Why on earth will i subject myself to the harrowing stress of confronting an antagonistic Society that is embedded in cultural fanaticism. Why would i want to be continually arrested and brutalized by a Police force that is been orchestrated by Societal norms and values. And why on earth i thought would i want to be ridiculed and disgraced a thousand times by mere individuals who prefer to see me as an aberration."⁴⁶³

6.5 Intersex

We were unable to find any information relating specifically to intersex persons during the timeframe for this research.

⁴⁶¹ USDOS Human Rights Report 2011, Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 20 November 2012

⁴⁶² USDOS Human Rights Report 2011, Nigeria, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>, accessed 20 November 2012

⁴⁶³ Gender Dynamix, Stephanie Adaralegbe, October 2012, <http://www.genderdynamix.org.za/documents/stephanie-adaralegbe/>, accessed 01 December 2012