



August 2013

Refugee Documentation Centre

Country Marriage Pack

Nigeria

Disclaimer

Country Marriage Packs (CMPs) are prepared by researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. CMPs contain a selection of representative links to and excerpts from sources under a number of categories for use as Country of Origin Information. Please note that CMPs are not, and do not purport to be, exhaustive with regard to conditions in the countries surveyed or conclusive as to the merit of any particular claim to refugee status or protection.

1. Types of Marriage

Civil Marriages

An *Immigration and Refugee Board of Canada* response to an information request, in a section titled “Background”, refers to marriages in Nigeria as follows:

“Marriages in Nigeria take place under three legal systems: Islamic (*Maliki* school of law), civil (statutory law), and customary (tribal/traditional law). In general, marriages in the northern states of the country, including Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebi, Nasarawa, Niger, Sokoto, Yobe, and Zamfara are under Islamic law, while those in the south are under statutory law. However, even when couples marry under statutory law, customary law generally prevails in personal matters. Customary law tends to vary ‘from one ethnic group to another, from state to state, and most often from one town to another’”. (Immigration and Refugee Board of Canada (16 March 2006) *NGA101045.E – Nigeria: Levirate marriage practices among the Yoruba, Igbo and Hausa-Fulani; consequences for a man or woman who refuses to participate in the marriage; availability of state protection* (February 2006))

A country profile of Nigeria published on the *Everyculture.com* website, in a section titled “Marriage, Family, and Kinship”, states:

“Marriage. There are three types of marriage in Nigeria today: religious marriage, civil marriage, and traditional marriage. A Nigerian couple may

decide to take part in one or all of these marriages.” (Everyculture.com (undated) *Culture of Nigeria*)

The *Social Institutions and Gender Index* profile for Nigeria, in a section titled “Discriminatory Family Code”, states:

“Three forms of marriage are recognised in the country: monogamous marriage registered under the civil marriage law, marriages performed under customary law, and marriages performed under Islamic law. The Child Rights Act of 2003 amended the Constitution to set the minimum age of marriage at 18 years of age, but only 16 of Nigeria’s 36 states have adopted the Act. As a result, state laws on the minimum age of marry vary: in southern Nigeria, the minimum legal age for marriage is between 18 and 21 years of age, depending on the region; in the north it ranges from 12 to 15 years. The 2003 Demographic and Health Survey estimated that 33.2 percent of girls between 15 and 19 years of age were married, separated, divorced or widowed. Additionally, the DHS found that nearly 22 percent of married Nigeria women were betrothed by age 15, a figure that rises to 46 percent by age 18. As of 2008, a process of reviewing existing family laws was being undertaken by the Nigerian Law Reform Commission, with a view to eventually proposing a new, comprehensive family law. Polygamy is prohibited in civil marriages, but authorised under customary and Islamic law.[20] The 2008 DHS found that 33 percent of married women were in polygamous unions” (Social Institutions and Gender Index (undated) *Gender Equality and Social Institutions in Nigeria*)

A report on a fact-finding mission to Nigeria jointly published by the *UK Home Office* and the *Danish Immigration Service*, in a section titled “Marriage and child custody” (paragraph 10.1.1), states:

“There are four legal forms of marriage in Nigeria and different procedures for marriage and dissolution apply to each category.

- Islamic (Maliki school of law)
- Christian
- Civil (statutory law)
- Customary (tribal/traditional) (Danish Immigration Service (18 March 2005) *Report on human rights issues in Nigeria: Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria*)

In a section titled “Civil marriages” (paragraph 10.4.1) this report states:

“According to the Visa Section, BHC, registry offices conduct civil marriages. A certificate is issued in every case. Either party may file for a divorce on various grounds i.e. separation, unreasonable behaviour, infidelity, irreconcilable breakdown. The court deals with such files. A certificate of divorce is issued in all cases.” (Ibid)

Religious Marriages

An *Immigration and Refugee Board of Canada* response to an information request, in a section titled “Background”, refers to marriages in Nigeria as follows:

“Marriages in Nigeria take place under three legal systems: Islamic (*Maliki* school of law), civil (statutory law), and customary (tribal/traditional law). In general, marriages in the northern states of the country, including Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebi, Nasarawa, Niger, Sokoto, Yobe, and Zamfara are under Islamic law, while those in the south are under statutory law. However, even when couples marry under statutory law, customary law generally prevails in personal matters. Customary law tends to vary ‘from one ethnic group to another, from state to state, and most often from one town to another’”. (Immigration and Refugee Board of Canada (16 March 2006) *NGA101045.E – Nigeria: Levirate marriage practices among the Yoruba, Igbo and Hausa-Fulani; consequences for a man or woman who refuses to participate in the marriage; availability of state protection (February 2006)*)

A country profile of Nigeria published on the *Everyculture.com* website, in a section titled “Marriage, Family, and Kinship”, states:

“Marriage. There are three types of marriage in Nigeria today: religious marriage, civil marriage, and traditional marriage. A Nigerian couple may decide to take part in one or all of these marriages.” (Everyculture.com (undated) *Culture of Nigeria*)

This profile also states:

“Religious marriages, usually Christian or Muslim, are conducted according to the norms of the respective religious teachings and take place in a church or a mosque. Christian males are allowed only one wife, while Muslim men can take up to four wives.” (ibid)

The *Social Institutions and Gender Index* profile for Nigeria, in a section titled “Family code”, states:

“There are three forms of marriage in the country: monogamous marriage registered under the civil marriage law, customary marriage and Islamic marriage. In southern Nigeria, the minimum legal age for marriage is between 18 and 21 years of age, depending on the region; in the north it ranges from 12 to 15 years. In some regions, customary law allows girls to marry from the age of only nine years; such marriages are banned in two states, but remain common overall. The incidence of early marriage is high in Nigeria: a 2004 United Nations report estimated that 28 per cent of girls between 15 and 19 years of age were married, divorced or widowed. Polygamy is prohibited in civil marriages, but authorised under customary and Islamic law. The practice is widespread: more than one-third of Nigerian women are in polygamous unions.” (Social Institutions and Gender Index (undated) *Gender Equality and Social Institutions in Nigeria*)

A report on a fact-finding mission to Nigeria jointly published by the *UK Home Office* and the *Danish Immigration Service*, in a section titled “Marriage and child custody” (paragraph 10.1.1), states:

“There are four legal forms of marriage in Nigeria and different procedures for marriage and dissolution apply to each category.

- Islamic (Maliki school of law)

- Christian
- Civil (statutory law)
- Customary (tribal/traditional) (Danish Immigration Service (18 March 2005) *Report on human rights issues in Nigeria: Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria*)

Paragraph 10.1.2 of this report refers to information provided by the Nigerian women's rights group *BAOBAB* as follows:

"According to BAOBAB Muslim personal law in northern Nigeria is generally practised in preference to statutory law. Muslims very rarely choose to marry under statutory law. In the southern parts of Nigeria marriage under statutory law is much more common. However, throughout Nigeria, other than where Muslim law is applied, it is generally the various customary laws that govern personal matters – even when couples have married under statutory law." (Ibid)

In a section titled "Islamic Marriages" (paragraph 10.2.1) this report states:

"According to the Visa Section, BHC, the rules, which apply to Islamic marriages in Nigeria, are the same as elsewhere in the Islamic world. A man may take a maximum of four wives. Normally no marriage certificate will be issued, but an Imam on request will issue such a document." (Ibid)

In a section titled "Christian marriages" (paragraph 10.3.1) this report states:

"According to the Visa Section, BHC, polygamy is not permitted in Christian Nigerian marriages. For the marriage to proceed, both parties must be baptised, and the woman is often required to take a pregnancy test. A marriage certificate will be issued in all cases." (Ibid)

An *Immigration and Refugee Board of Canada* response to a request for information on Islamic marriages in Nigeria, in a section titled "The Fatiha Ceremony", states:

"The *fatiha*, also spelled '*fatihah*', refers to the opening verse of the Qur'an which is read to 'solemnize' an Islamic marriage (Mir-Hosseini 1997, 171). A 2004 journal article published in *African Population Studies* indicated that Nigeria's Hausa-Fulani Muslims practice a marriage ceremony, referred to as the 'wedding *fatiha*' (Aug. 2004). According to the report, the *fatiha* is usually an all male affair, lasting about ten to fifteen minutes. When the *fatiha* is over, the celebration becomes a female affair. After the wedding, the responsibility of feeding, clothing, educating and sheltering of the lady is shifted from her father to the husband (*African Population Studies* Aug. 2004).

"*Fatiha* ceremonies are also practiced among the Nupe, located primarily in Nigeria's Middle Belt, who first introduced Islam to Edo State in the nineteenth century. A 2003 report on the Nupe people of Nigeria described the *fatiha* as follows:

On the wedding date, Mu'alims (Islamic scholars) are invited by the girl's parents to carry out the solemnization of their children's wedding *fatiha* with

representatives of the boy's family in attendance and other well-wishers present to bear witness and share the joy of the occasion.

After the pronouncement of the couple as husband and wife, celebrations follow all through the night. In some families, Islamic preaching is observed all night, while in a majority, beating of drums and folk songs are engaged in with well-wishers joining the families in celebrations.

Late in the evening of the wedding *fatiha*, the new bride is prepared for the journey to her husband's home. She goes round relatives to bid them farewell ... Others give her final counselling and guidance for a successful marriage life. Then the parents finally hand over the girl ... and she is usually accompanied by a little girl and another married woman to her new home.

In the new home she is received into a newly prepared room by the groom's family ... [T]he entire ceremony is [usually] completed within 24 - 48 hours.” (Immigration and Refugee Board of Canada (17 March 2006) *NGA100418.E – Nigeria: Forced marriage under Islamic law; whether an Islamic marriage requires the final ‘Fatiha’ ceremony be completed for the marriage to be consummated and for it to be recognized by Islamic authorities; consequences for a woman who refuses to participate in the wedding; likelihood of a university-educated woman in her twenties from Etsako, Edo state being forced into marriage*)

A document published on Nigerian lawyer Kehinde Adegbite’s website *Laws for Everybody*, in a section headed “Islamic Law Marriage”, states:

“Islamic law marriage refers to a marriage celebrated by two Muslims (i.e a male & a female) in line with the dictates of the Sharia law. Islamic law allows a Muslim male to marry up to 4 wives provided that he will ensure fairness, equity and justice among them.

To have a marriage validly celebrated in line with the Islamic law, the following must be fulfilled:

- the parties to the marriage must have agreed to marry each other
- the consent of the woman’s father or uncle or any male family member is compulsory
- the man must give a gift (it could be money or an article) as dowry. The monetary value of whatever is given must not be less than N5000. There is no maximum
- celebration of marriage itself must be witnessed by the minimum of two witnesses.

Once the above requirements are met, an Islamic law marriage is deemed to have taken place.” (Laws for Everybody (16 January 2012) *Laws of Marriage in Nigeria*)

An Immigration and Refugee Board of Canada response to a request for information on interreligious marriage refers to correspondence from a senior

research fellow at the Institute of African Studies of the University of Nigeria which states:

“Response to interreligious marriage in Nigeria varies among its different ethno-religious groups. The Hausa-Fulani [predominant ethnic groups in northern Nigeria] leadership views any act of conversion to Christianity as ‘treasonable,’ and those who convert face ostracism by their communities and cease to receive the protection of their state governments. The Hausa-Fulani discourages Muslim women from marrying Christians. However, marriage between a Christian woman and a Muslim man is ‘encouraged’ due to the ‘pattern of family succession, according to which the religion of the father is also the religion of the children and their mother.’ Also, ‘educated’ women are challenging the ‘rigidity’ of the marriage policy adopted by the Hausa-Fulani, which has led to persecution of those who challenge the traditional practice.” (Immigration and Refugee Board of Canada (19 November 2012)
NGA104212.E – Nigeria: Social attitudes toward religious intermarriage; treatment of intermarried couples and their children by society and the authorities; protection and services available to intermarried couples)

This correspondence also states:

“In Yorubaland, religion is more attached to social vocation than politics. Muslims, for example, adopt certain Western and Christian practices in their ceremonies. Interreligious marriage is common and lacks the religion-based conflicts experienced with the Hausa-Fulani. Among the Yoruba, ‘it is not uncommon to see a multi-religious family living in harmony.’ After a marriage has taken place, with either Christian, Muslim, or customary rites, a couple seeks a marriage under common law, for two purposes: to provide effective protection to the woman and to avoid forcing one partner to attend the other's religious rites. Among the Yorubas, interreligious marriages are mostly between a Christian female and a Muslim male, with the Christian female retaining her religion. On rare occasions, marriages between a Muslim female and a Christian male occur, and in most of these cases the woman converts to Christianity.” (ibid)

Proxy Marriage

“Since both parties to the marriage technically must be physically present at the same location with witnesses to sign certain marriage documents, proxy marriages have ceased to be valid but still occur.” (US Department of State (Bureau of Consular Affairs) (undated) *Country Reciprocity Schedule: Nigeria*)

The most recent UK Border Agency country report on Nigeria, in a section titled “Proxy Marriage” refers to a letter from the UK Foreign and Commonwealth Office which, in response to the question “Are proxy marriages recognised as being legal by the Federal Government of Nigeria?”, states:

“Proxy marriage is a fairly common practice amongst communities in Nigeria. It is recognised under Nigerian customary law as a form of customary law marriage. A marriage is by proxy where the presence of the bride and groom is not required at the ceremony. In most cases, it is celebrated by the immediate and extended family of the bride and groom...Proxy marriages||

find their origin in the fact that under customary law, marriage creates a relationship not only between the parties to the marriage but also between their families. Because customary law marriages are legally binding and recognised as one of the types of marriages in Nigeria, proxy marriages which form part of customary law marriages are also legally binding where celebrated in accordance with the native law and custom of the particular community.” (UK Border Agency (14 June 2013) *Nigeria: Country of Origin Information (COI) Report*, p.144)

In response to the question ‘If proxy marriages are legal, what process is followed in order to obtain legal recognition of the marriage?’ the FCO letter states:

“One of the functions of local governments in Nigeria is to register all marriages. This is provided for in the Fourth Schedule to the 1999 Constitution of the Federal Republic of Nigeria. As a result, some local governments have bye-laws for the registration of customary law marriages...Some of these bye-laws make registration of customary law marriages compulsory and prescribe a penalty for failure to register such marriage. In addition to the foregoing, the Birth, Deaths etc (Compulsory Registration) Act Cap.B9, Laws of the Federation of Nigeria, 2004 (the ‘Act’) also stipulates that a customary law marriage be registered within a specific period after its celebration. Specifically, section 30 of the Act provides as follows:

‘Notwithstanding anything contained in any enactment every customary marriage is to be registered within sixty (60) days in the area court or customary court where the marriage was contracted.’

The foregoing provision of the Act presupposes the statutory and therefore legal recognition of customary law marriages. The Honorary Legal Adviser is therefore of the opinion that so called ‘proxy marriages’, as an aspect of customary law marriage, are legal; and legal recognition is conferred by registration in an area or customary court.’ (ibid, p.144)

Traditional/Other Marriages

An *Immigration and Refugee Board of Canada* response to an information request, in a section titled “Background”, refers to marriages in Nigeria as follows:

“Marriages in Nigeria take place under three legal systems: Islamic (*Maliki* school of law), civil (statutory law), and customary (tribal/traditional law). In general, marriages in the northern states of the country, including Adamawa, Bauchi, Borno, Gombe, Jigawa, Kano, Katsina, Kebi, Nasarawa, Niger, Sokoto, Yobe, and Zamfara are under Islamic law, while those in the south are under statutory law. However, even when couples marry under statutory law, customary law generally prevails in personal matters. Customary law tends to vary ‘from one ethnic group to another, from state to state, and most often from one town to another’”. (Immigration and Refugee Board of Canada (16 March 2006) *NGA101045.E – Nigeria: Levirate marriage practices among the Yoruba, Igbo and Hausa-Fulani; consequences for a man or woman who refuses to participate in the marriage; availability of state protection (February 2006)*)

This response also states:

“However, even when couples marry under statutory law, customary law generally prevails in personal matters (ibid.). Customary law tends to vary ‘from one ethnic group to another, from state to state, and most often from one town to another’.” (Ibid)

A country profile of Nigeria published on the *Everyculture.com* website, in a section titled “Marriage, Family, and Kinship”, states:

“Marriage. There are three types of marriage in Nigeria today: religious marriage, civil marriage, and traditional marriage. A Nigerian couple may decide to take part in one or all of these marriages.” (Everyculture.com (undated) *Culture of Nigeria*)

This profile also states:

“Civil official weddings take place in a government registry office. Men are allowed only one wife under a civil wedding, regardless of religion. Traditional marriages usually are held at the wife's house and are performed according to the customs of the ethnic group involved. Most ethnic groups traditionally allow more than one wife.” (Ibid)

The *Social Institutions and Gender Index* profile for Nigeria, in a section titled “Family code”, states:

“There are three forms of marriage in the country: monogamous marriage registered under the civil marriage law, customary marriage and Islamic marriage. In southern Nigeria, the minimum legal age for marriage is between 18 and 21 years of age, depending on the region; in the north it ranges from 12 to 15 years. In some regions, customary law allows girls to marry from the age of only nine years; such marriages are banned in two states, but remain common overall. The incidence of early marriage is high in Nigeria: a 2004 United Nations report estimated that 28 per cent of girls between 15 and 19 years of age were married, divorced or widowed. Polygamy is prohibited in civil marriages, but authorised under customary and Islamic law. The practice is widespread: more than one-third of Nigerian women are in polygamous unions.” (Social Institutions and Gender Index (undated) *Gender Equality and Social Institutions in Nigeria*)

A report on a fact-finding mission to Nigeria jointly published by the *UK Home Office* and the *Danish Immigration Service*, in a section titled “Marriage and child custody” (paragraph 10.1.1), states:

“There are four legal forms of marriage in Nigeria and different procedures for marriage and dissolution apply to each category.

- Islamic (Maliki school of law)
- Christian
- Civil (statutory law)
- Customary (tribal/traditional)

(Danish Immigration Service (18 March 2005) *Report on human rights issues in Nigeria: Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria*)

In a section titled “Customary marriages” (paragraph 10.5.1) this report states:

“According to the Visa Section, BHC, there is no upper limit to the number of wives a man may take under tribal custom. An elderly, respected male member of the community, normally a member of the bride’s family, performs the marriage ceremony.” (Ibid)

A document published on Nigerian lawyer Kehinde Adegbite’s website *Laws for Everybody*, in a section headed “Customary Law Marriage”, states:

“Customary law marriage is the easiest marriage to contract in Nigeria. It is a marriage celebrated according to the customs and traditions of any local tribe in Nigeria. In terms of marriage, varied tribes in Nigeria have a lot in common.

Essentials of a Customary Law Marriage

Agreement between a man and a woman to be husband and wife
Parental consent especially that of the woman’s side
Payment of the dowry by the man to the woman’s family
Handing over of the woman to the man. Once the above conditions are fulfilled, a Customary law marriage is validly contracted. This marriage accommodates polygamy so the man can marry as many wives as he wishes. In fact, there is no limit to the number of women that a man can marry under various native customs in Nigeria.” (Laws for Everybody (16 January 2012) *Laws of Marriage in Nigeria*)

A country of origin information seminar report published by the *Austrian Centre for Country of Origin and Asylum Research and Documentation*, in a section titled “Mixed marriages” (section 2.8.4), states:

“Depending on the tribe and ethnic community there are mixed marriages. Fulani women are considered as quite beautiful and therefore it is a matter of prestige to be married to a Fulani woman. But Fulani generally do not like to see their women married to a member of another tribe. One can often see Tiv-Igbo couples, less so Tiv-Yoruba couples, as the Yoruba have a reputation of being loud and overbearing. Inter-marriage between Igbo tribes is more common. One has to keep in mind, however, that the Igbo have a hierarchy based on caste, and inter-caste marriage is not favourably considered. Those couples can only marry in church, but will not be able to marry based on customary laws. There should be no difficulty for a Christian to marry a Muslim; there might be a pressure to convert on the woman. If a woman cannot deliver a boy she has to count on the husband taking a second wife.” (ACCORD/UNHCR (November 2002) *8th European Country of Origin Information Seminar Vienna, 28-29 June 2002 - Final Report: Nigeria*)

In a section titled “Marriage” in *Culture and Customs of Nigeria* the author tells us that:

“Arranged marriages are becoming less common. In the past, a daughter could be engaged to a man chosen by her parents. Important dignitaries,

such as chiefs and kings, priests, imams (prayer leaders of mosques) and respected Islamic scholars, diviners, and others, may be persuaded to take on additional wives, usually girls from families who have received, or anticipate, favor from them. Even when the choice is made by the partners themselves, the families still become involved in information gathering to ensure that the other family has a good reputation and a tolerable medical history. Where certain diseases are thought to be hereditary, a family in which such a disease appears is avoided in order to prevent possible contamination. While arranged marriages have declined in importance, men and women still announce their choices and decisions to their parents and other family members, with the hope that consent will be granted. Parents ask questions regarding ethnicity, town of origin, religion, and occupation to ensure that a good choice has been made. Most parents still prefer that their children marry a member of the same ethnic group as themselves.”(Falola, Toyin (2001) *Culture and Customs of Nigeria*. Westport: Greenwood Press)

In a section of this book titled “Marriage Forms” the author comments on the practice of polygyny as follows:

“Monogamous marriage-one man, one wife-is not the only marriage form that exists, although it is the most popular among the educated elite. Polygyny remains widespread among traditionalists and Muslims. A marriage in church or court disallows it, and an anti bigamy law exists to deal with its violation in these cases. However, a number of men are known to keep mistresses if their marriages are in trouble or they are not blessed with children. Although the statistics cannot be confirmed, almost one-third of the married population in Nigeria is polygynous. Customary and Islamic laws allow it, thus enabling the traditional practice to survive.” (Ibid)

This section of the book also tells us that:

“There are a few exceptions to the widespread rule that the members of the same kinship cannot intermarry. Some nomadic Fulani groups allow intermarriage among clan members. This seems to be a device to perpetuate the nomadic lifestyle by rejecting as partners people from sedentary or urban populations. A junior brother can marry the wife of a deceased brother, a system known as the levirate, although the senior brother cannot marry his junior brother's wife. When a wife dies, the husband can marry her sister, if she is single. A number of Fulani clans also allow some types of marriage between cousins, that is, a man can marry the daughter of his aunt, or a person can marry his or her uncle's child.” (Ibid)

2. Formalities of Marriage (Consent, Minimum Age and Registration of Marriage)

A *Country of Origin Research and Information (CORI)* report, in a section titled “Social discrimination and stigma” (2.1.2), states:

“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 being practiced. "(Country of Origin Research and Information (CORI) (December 2012) *CORI Thematic Report, Nigeria: Gender and Age*, pp.30-31)

The 2012 *US Department of State* country report on Nigeria, in a section titled "Children", states:

"Child Marriage: 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. 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." (US Department of State (19 April 2013) *2012 Country Reports on Human Rights Practices – Nigeria*)

An *Immigration and Refugee Board of Canada* response to a request for information on forced marriage, in a section titled "Prevalence of Forced Marriage", states:

"In correspondence with the Research Directorate, Uju Peace Okeke, a lawyer and sexual-and-reproductive-rights activist, indicated that there is a 'high' incidence of forced marriage in Nigeria. Sources indicate that the prevalence of forced marriage is dependent on a number of different factors. Okeke says it depends on culture. In correspondence with the Research Directorate, a project coordinator at Women's Rights Watch Nigeria, a Nigerian women's rights advocacy organization, notes, in addition to culture, the factors of religion, location, socio-economic status, and ethnic group. Similarly, the Director of Widows for Peace through Democracy (WPD), a UK-based advocacy organization for widows in developing countries, says that factors include tribe and sub-clan, location, education, and income." (Immigration and Refugee Board of Canada (9 November 2012) *NGA104207.E – Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage*)

This response also states:

"The Women's Rights Watch Nigeria project coordinator indicated that forced marriage is 'very prevalent' in the north of Nigeria, where the population is largely Muslim, and that it is 'not common' in the south and among Yoruba communities. Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. The Women's Rights Watch Nigeria project coordinator stated that, in the north, forced marriage is part of the culture and religion. Okeke attributes the higher prevalence of forced marriage in the north to the cultural

and religious practice of polygamy. According to the Women's Rights Watch Nigeria project coordinator, in the north, forced marriage is 'very prevalent' among the urban and rural poor, but 'not very common' among educated populations." (ibid)

An *Immigration and Refugee Board of Canada* response to a request for information on arranged or forced marriages among the Igbo, states:

"Referring to the Igbo community, the executive director of WACOL, in 13 December 2005 correspondence sent to the Research Directorate, pointed out that

[t]he practice of forced marriage and betrothal has died down even though we still have cases of early marriage in some [I]gbo communities. However, teen pregnancy is frowned upon and teen mothers are in most cases forcefully married off by their families to avoid the shame of having a child out of wedlock.

However, the executive director explained that victims of forced marriages

are protected if under 18 years by the Child's Rights Act 2003 particularly in states that have passed the law. Three of [five] Igbo speaking states [-] Ebonyi, Anambra and Imo states [-] have passed the law. Further, NGOs providing legal aid can support such a person to seek redress under the law. In fact the 1999 constitution contains bill of rights that protect right to freedom of association, privacy and religion amongst others including freedom from discrimination based on sex.

Regarding the prevalence of forced marriages between Igbo Christian women and Muslim men, the executive director stated such marriages do not exist any more; explaining that this happened only during the Nigerian Civil war (1967-1970)." (*Immigration and Refugee Board of Canada* (14 December 2005) *NGA100902.E – Nigeria: Prevalence of arranged marriages within the Igbo community and of arranged or forced marriages between Igbo Christian women and Muslim men; information on the availability of state protection and recourses for victims of those kinds of marriage (2001- 2005)*)

An *Immigration and Refugee Board of Canada* response to a request for information on forced marriage among Muslims, in a paragraph headed "Forced Marriage Under Islamic Law", states:

"Under Shari'a law, a woman cannot be given away in marriage without her consent, except in the case of a minor. However, under the Maliki school of law, which is practiced by Muslims in Nigeria, the choice of husband by a Muslim woman is subject to the ijbar, or over-ruling power, of her father or guardian. Ijbar allows the father or guardian to select a husband for his daughter based on her 'wider interests'. According to a report by Theresa Akumadu, cited in a 2003 Center for Reproductive Rights report, a father's ijbar allows him to 'arrange the marriage of his virgin daughter, regardless of her age and without her consent'. A prevalent marriage practice in northern Nigeria is that of daurin aure, where a girl continues to go to school until she completes her education before the marriage is consummated. However, forced marriage is generally limited to girls who have not been to school or

who have not yet reached puberty.” (Immigration and Refugee Board of Canada (17 March 2006) *NGA100418.E – Nigeria: Forced marriage under Islamic law; whether an Islamic marriage requires the final ‘Fatiha’ ceremony be completed for the marriage to be consummated and for it to be recognized by Islamic authorities; consequences for a woman who refuses to participate in the wedding; likelihood of a university-educated woman in her twenties from Etsako, Edo state being forced into marriage*)

A resource document published by *BAOBAB* for Women’s Human Rights, in a section titled “Consent to Marriage”, states:

“There is no Qu’ranic source for the requirement of a guardian in marriage of free (i.e. non-slave) women and, therefore, there is no Qu’ranic requirement of needing any other person’s consent for a free woman’s choice of marriage partner.” (BAOBAB for Women’s Human Rights (2005) *Women’s Rights In Muslim Laws*, p.33)

This document comments on cultural influences as follows:

“The freedom of a female to choose a marriage partner is often times determined by cultural influences as well as the age and exposure of the girl. Increasingly the practice of consulting girls and young women about their choices is not adhered to. One well-known variant of Maliki law permits a father to compel his virgin daughter to marry, even without her consent. However, in the case of Hajja Kaka and Zama Bukma at the Sharia Court of Appeal (BOS /SCA/CV/81/91), the marriage was declared null and void for not seeking the consent of the girl before forcing her into it.” (Ibid, pp.35-36)

A report on a fact-finding mission to Nigeria jointly published by the *UK Home Office* and the *Danish Immigration Service*, in a section titled “The practice of forced marriage” (paragraph 1.7), states:

“According to BAOBAB [Nigerian NGO] forced marriages are especially common in northern Nigeria and is mostly a concern for young women who are being forced to marry an older man. BAOBAB was aware of many young women from the north escaping forced marriages but the organisation also receives reports on this from the southern part of the country. Women from the north who find themselves under pressure to marry against their own wish may take up residence in another state in the northern part of Nigeria or in the south, especially in Lagos. Those women can seek legal assistance from a number of NGOs and some do so. Women who are trying to escape forced marriage may be assisted by WACOL [Nigerian NGO], but WACOL emphasized that the vast majority of such disputes have been solved and the parties reconciled by the assistance of WACOL. In some cases women are underage when they are forced to marry. Finally, WACOL regretted that the organisation is only able to provide assistance to victims arriving at its office in Abuja.” (Danish Immigration Service (28 October 2008) *Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria*)

In a section titled “Possibilities to escape domestic violence, FGM and forced marriage” (paragraph 1.12), this report states:

“Regarding forced marriages, WACOL explained that it is very uncommon for young girls to run away from a forced marriage. It was added that forced marriages are very common in the north of Nigeria and that poverty is a frequent reason for forced marriages. Poor families often cannot afford to pay for their daughter’s education, and early marriage is often seen as a way to secure her a livelihood. However, families who are economically better off can afford to pay for their daughter’s education, and these girls are less likely to be forced into marriage at an early age.” (Ibid)

An *IRIN News* report on early marriage in Nigeria states:

“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.” (IRIN News (26 November 2008) *Nigeria: Early marriage adds to socioeconomic woes, NGOs say*)

A *BBC News* report states:

“The BBC’s Haruna Shehu Tangaza in Sokoto says that these days forced marriages are frowned on in the predominately Muslim north of Nigeria. People have generally supported Ms Mayana and she has been seen as courageous in bringing the case against her father and Senator Ya’u, he says. Judge Isiyaku Mohammed said under the constitution, the federal court could not intervene in the affairs of an Islamic court. Ms Mayana was not in court for the ruling, but her lawyers told the BBC they would not relent in their efforts to dissolve the marriage as she was not married to a man of her choice. They said they would file a new case at ‘an appropriate court’, which by implication would be an Islamic court, our reporter says. Ms Mayana, who is studying at Ahmadu Bello University, says she has been engaged to another man for five years. Senator Ya’u was already married before his wedding to Ms Mayana in July, although it is not known exactly how many wives he has, our correspondent says. Under Islamic law, a man can take up to four spouses.” (BBC News (22 October 2010) *Nigeria court rejects ‘forced marriage’ case*)

For information on Nigerian marriage certificates see the relevant section of a country reciprocity schedule published by the *US Department of State’s Bureau of Consular Affairs* which states:

“Available from local government bodies if the couple performed civil marriage at the Marriage Registry. Traditional marriages may also be recorded with the local government and a certificate of marriage issued. Places of worship that are registered with the Nigerian Government may also issue marriage certificates for ceremonies performed there. It is obligatory that every registrar and religious minister furnish such documents to the Lagos Marriage Registry, but some fail to do so. Records are generally available through the local government where the marriage took place. The Marriage Registry in Lagos has marriage records dating back to 1802. They are filed by year and place of marriage and can be obtained by writing to the Marriage Registry, 19 Kingsway Road, Ikoyi, Lagos.” (US Department of State (Bureau of Consular Affairs) (undated) *Country Reciprocity Schedule: Nigeria*)

For information on marriage registration see paragraphs 4-6 of the Nigerian *Marriage Act* which state:

4. (1) There may from time to time be appointed a fit and proper person to be the Principal Registrar of Marriages.

(2) There may likewise be appointed a fit and proper person to be the registrar of marriages for each marriage district, and may also appoint a deputy registrar of marriages for any district to act in the absence or during the illness or incapacity of the registrar.

5. Every registrar shall have an office at such place as the Minister shall direct. The office of the Principal Registrar shall be at such place, as the Minister shall direct.

6.(1) The Minister may license any place of public worship to be a place for the celebration of marriages, and may at any time cancel such licence; in either case he shall give notice thereof in the Federal Gazette.

(2) Every place of public worship licensed as a place for the celebration of marriages under any enactment repealed by this Act shall be deemed to be licensed under this Act unless and until the Minister shall cancel the licence in respect thereof.” (Laws of the Federation of Nigeria (1990) *Marriage Act: Chapter 218*)

In a section titled “Preliminaries to Marriage” (paragraphs 7-10) the *Marriage Act* states

7. “Whenever any persons desire to marry, one of the parties to the intended marriage shall sign and give to the registrar of the district in which the marriage is intended to take place a notice as in Form A in the First Schedule.

8. If the person giving such notice is unable to write or is insufficiently acquainted with the English language, or both, then it shall be sufficient if he place his mark or cross thereto in the presence of some literate person who shall attest the same as in Form B in the First Schedule.

9. Every registrar shall supply forms of Notice gratuitous to any persons applying for the same.

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.” (Ibid)

A document published on the website of the *Australian High Commission* in Nigeria states:

“Marriage is registered at a local public registry, which requires a Letter of Marriage Intention and payment of a fee of Naira 2,000.

A person under 18 years of age, who wishes to register a marriage, is required to present a letter of consent from his or her parents.

The registry will display the Letter of Marriage Intention for 21 days on a public notice board.

Provided that no objection to the intended marriage is made during the 21 day period, a couple may then register their marriage.

Birth certificates or official documents showing the ages of the couple are required together with the results of HIV and genotype tests.

A divorcee must produce a divorce certificate, while a widow or a widower is required to present the death certificate of the late spouse.

A marriage registrar may witness the exchange of oaths by the couple.”
(Australian High Commission – Nigeria (undated) *How to register a marriage in Nigeria*)

A document published on Nigerian lawyer Kehinde Adegbite’s website *Laws for Everybody*, in a section headed “Conditions for Valid English Law Marriage”, states:

- Parties to the marriage must have agreed to be husband and wife
- The man must have filed a notice in the Marriage Registry within the area where the marriage is to be celebrated, stating his intention to get married
- The notice is then entered in the Marriage Notice Book by the registrar
- The notice remains open for a minimum of 21 days before the Registrar can issue Marriage Certificate
- During the 21 days, anybody who so wishes may enter a caveat as an objection to the planned marriage
- At this point, the Registrar will refer the caveat to the High Court which will determine the fate of the caveat one way or the other
- Where the caveat is held valid by the High Court, the Registrar will be stopped from issuing the Marriage Certificate until the objection raised in the caveat ceases to exist

Where the High Court invalidates the caveat, the Registrar will proceed to issue the Marriage Certificate. The issuance of the Marriage Certificate should not be earlier than 21 days or later than 3 months from the time of filling a notice of intention to get married by the man. (Laws for Everybody (16 January 2012) *Laws of Marriage in Nigeria*)

3. Divorce

The country reciprocity schedule published by the *US Department of State's Bureau of Consular Affairs*, in a section titled "Divorce Certificates", contains the following information:

"Civil Divorce: The High Court of the state in which the divorce is pronounced is the only court that has jurisdiction over civil divorces in Nigeria. This is without prejudice to the right of appeal to the Court of Appeal where a party is dissatisfied with the judgment of the High Court. The proper documentation for the dissolution of a civil marriage is a 'Decree Absolute', or a 'Certificate of Decree Nisi Having Become Absolute' or 'Enrolment of Order' also called 'Enrolment Order' both of which contain the judgment ordering the final divorce or divorce absolute.

Customary Divorce: Marriage under native law and custom may be dissolved by a Magistrate Court or a Customary Court. It may also be dissolved in accordance with the Native Law and Custom of the place where the marriage was contracted without recourse to any Court, be it Customary or Magistrate Court. The proper documentation for customary divorce is a Court Judgment or Order granting the divorce or where recourse was not had to the Court, an affidavit deposing to the fact of the divorce.

Islamic Divorce: Islamic courts are the only courts with jurisdiction in dissolution of Islamic marriages. Divorce by traditional rulers, affidavits and statutory declarations of divorce have standing under Nigerian law." (US Department of State (Bureau of Consular Affairs) (undated) *Country Reciprocity Schedule: Nigeria*)

An *Immigration and Refugee Board of Canada* response to a request for information on divorce among Christians, in a section titled "Grounds for Divorce, states:

"According to BAOBAB, in most Christian denominations in Nigeria, divorce is still prohibited, since couples are expected to "endure whatever challenge they are facing ... even at the risk of their lives (in the case of domestic violence) and this has been justified through interpretations of the scriptures".

For marriages that have taken place under common law, the Matrimonial Causes Act says that a divorce may be granted to the petitioner if the 'marriage has broken down irretrievably'. Section 15 of the Matrimonial Causes Act further says that the petitioner must satisfy the court that the marriage has broken down irretrievably, with one or more of the following conditions:

- a. that the respondent has wilfully and persistently refused to consummate the marriage;
- b. that since the marriage the [r]espondent has committed adultery and the petitioner finds it intolerable to live with the respondent;

- c. that since the marriage the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
 - d. that the respondent has deserted the petitioner for a continuous period of at least one year immediately preceding the presentation of the petition;
 - e. that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent does not object to a decree being granted;
 - f. that the parties to the marriage have lived apart for a continuous period of at least three years immediately preceding the presentation of the petition;
 - g. that the other party to the marriage has, for a period of not less than one year failed to comply with a decree or restitution of conjugal rights made under this Act;
 - h. that the other party to the marriage has been absent from the petitioner for such time and in such circumstances as to provide reasonable grounds for presuming that he or she is dead.”
- (Immigration and Refugee Board of Canada (2 November 2012)
NGA104209.E – Nigeria: Divorce law and practices among Christians, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family)

For further information please refer to the *Matrimonial Causes Act: Chapter 220* (Laws of the Federation of Nigeria (1990) *Matrimonial Causes Act: Chapter 220*)

A report on a fact-finding mission to Nigeria jointly published by *the UK Home Office* and the *Danish Immigration Service*, in a section titled “Christian Marriages” (section 10.3), states:

“Either party may petition for divorce through the family courts, but only on the grounds of infidelity. A certificate of divorce will be issued in all cases. Following a divorce, the children will normally remain with the mother. The father may contest this through the family court, but such applications are rare. In the case of children born outside marriage, they would remain with the mother. The only legitimate means by which the father could gain custody would be by reaching an agreement with the mother. The courts would not become involved in such cases.” (Danish Immigration Service (18 March 2005) *Report on human rights issues in Nigeria: Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria*)

In a section titled “Civil Marriages” (paragraph 10.4.2) this report states:

“In case of divorce children would normally remain with the mother. Any contest would be before the court.” (Ibid)

An *Immigration and Refugee Board of Canada* response to a request for information on Muslim divorce law, in a section titled “Talaq” (section 3.1) refers to information provided by Ayesha Imam, an independent consultant on women's rights, as follows:

“Imam indicated that talaq divorce consists of the unilateral repudiation of the marriage and is the most common one in Nigeria (Imam 19 Oct. 2012). She pointed out that repudiation is available only to men, unless the husband has delegated this right to his wife, something almost ‘unknown’ in Nigeria.

(Immigration and Refugee Board of Canada (7 November 2012)
NGA104210.E – Nigeria: Divorce law and practices among Muslims, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family)

A resource document published by *BAOBAB* for Women's Human Rights, in a section titled "Divorce", states:

"Unilateral repudiation by the husband – with no necessity for discussion or reasonable offence on the part of the wife - is the most common form of divorce in Muslim communities." (*BAOBAB for Women's Human Rights (2005) Women's Rights In Muslim Laws*)

An *Inter Press Service* article, in a paragraph headed "Can a woman also seek a divorce under Islamic law?" quotes *BAOBAB* senior programme officer Mufuliat Fijabi as saying:

"Under Muslim law, a woman can also seek for divorce. The woman can ask for 'redemption' from her marriage, get her freedom if she feels that the marriage is no longer working for various reasons. It could be on the ground of battery, domestic violence. It could also be on the ground of the sexual state of the husband. But what we find in Nigeria is that any time a woman attempts to seek for divorce using this method - especially in Kano because the judges that are there are also patriarchal in their thinking - they make the process difficult for a woman to achieve." (*Inter Press Service (20 August 2009) Nigeria: Divorce a Tool to Relegate Women*)

In a paragraph headed "Divorce by means of proclaiming, I divorce you three times. Is this not the normal standard in Islam?" Mufuliat Fijabi is quoted as saying:

"To divorce a woman through pronouncing it three times at a go is not found anywhere in Muslim law or contained in the Islamic jurisprudence. It is just that over the years, it has become the tradition. It is out of place. The Islamic provision is that if you are divorcing a woman, it has to be spread over a three-months period. And the pronouncement must be made during her menstrual period so that she is sure she is not pregnant during the process of the divorce and also to ensure that as they stay together during the process, there might be some kind of reconciliation. But if a husband pronounces it three times at a go, there will not be any room for reconciliation. I must also mention that under Islamic understanding, it is stated clearly that divorce is one of the things Allah hates most and does not encourage his adherents to go through that process, but that if it is needed to go through it. They should in order to maintain their sanity. That is why the pronouncement has to take place over a period of three months. Some couples who adhere to the standard sometimes reconcile after the first or second month." (*Ibid*)

In a section titled "Islamic Marriages" (paragraph 10.2.2) the *UK-Danish FFM* report referred to above states:

"A divorce may only come about at the man's instigation. The marriage will be considered legally dissolved if the husband pronounces the Talaq three times in succession. No certificate of divorce will normally be issued, but it can be

obtained from an Imam. There is no means by which a woman may divorce a man. If a husband refuses to divorce a woman who no longer wishes to remain in a marriage, the only recourse she has is to seek the support of her husband's family members in the hope that they will exert pressure on the man to effect a divorce." Danish Immigration Service (18 March 2005) *Report on human rights issues in Nigeria: Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria*)

Paragraph 10.2.3 of this report notes that:

"BAOBAB explained that Muslim women in the north practically never leave or divorce their husbands. However, a woman can ask for a court to arbitrate or pronounce a divorce on the following reasons: The husband fails to provide maintenance, is insane, impotent or frigid, prolonged absence, injury or discord, failure to provide sexual satisfaction or refusal of the husband to enable the woman to undertake her religious obligations. Finally, a woman may divorce by 'ransom' (khul'u) i.e. return of bride price. Courts usually decide such cases and also set the amount of the ransom." (Ibid)

In a section titled "Customary marriages" (section 10.5) this report states:

"The issue of customary marriages is complicated since no marriage certificate is issued, or even obtainable. Either party may seek to dissolve the marriage for any reason. This would simply require the agreement of the official at the wedding, or the local chief. No certificate of divorce is either issued or obtainable. Children remain with the father if this is his wish, but this is rarely the case. Child support is the responsibility of the mother and her family. BAOBAB explained that a woman could try a claim of custody in a court in the event of divorce. This is in general very difficult as the child, according to customary law, belongs to the father's family or lineage. Divorced women, who find themselves in a weak family position, will also find it very hard to return to their home village. In such circumstances the children often stay with their father." (Ibid)

With regard to the issue of child custody the *UK-Danish FFM* report, in a section titled "Marriage and child custody" (paragraph 10.1.3), states:

"BAOBAB stated that the courts might determine custody in divorce cases based on, in principle, the best interest of the child. However, various traditions and customs have in many places replaced the law. Also, there is often a gap between what is stated by law and what is in fact the reality." (Ibid)

Paragraph 10.4.1 of this report states:

"Many women may refrain from divorcing even a violent man, as they have no prospect of attaining the custody of the children unless they try their case at a court. However, it was stressed by BAOBAB that the Nigerian courts are corrupt and that this refrain many from bringing custody cases to the courts. Furthermore, the court may grant the custody to the father purely based on economic reasons." (Ibid)

Paragraph 10.1.5 states:

“BOABAB (sic) considered that if child custody were contested in court the father would almost certainly win the case. According to the social norms the child is the property of the father and his family and not the woman as an individual.” (Ibid)

In a section titled “Marriage” in *Culture and Customs of Nigeria* the author refers to divorce as follows:

“Traditional marriages record a low divorce rate. Indeed, it was assumed in the past that all marriages would last forever. It is true that marriages experienced greater stability in traditional societies than modern ones. Coping with a bad marriage carried less social stigma than divorce. Members of the kinship group were involved in conflict resolution and they applied pressure to prevent a divorce. Attitudes toward divorce have adjusted to profound societal changes. While it is still frowned upon, it is no longer a social stigma in urban areas. Many couples also separate without formal divorce in the hope of becoming reunited at a future date. In Islamic areas, there are rules for divorce based on adultery, mutual incompatibility, and the man's failure to meet the basic needs of his wife. Court and Christian marriages follow the British legal system in separating couples. Divorce occurs, and now more regularly than in the past, although not at a rate as high as in Western societies. Barrenness is a cause of tension in a number of cases. Where male children are highly valued, a man may be pressured by his kin to marry another wife, one who can produce sons. Where one of the parties exhibits antisocial behavior, like criminality, the shame arising from it may terminate the marriage. Where a couple lives among a large number of relatives, the wife may find it difficult to manage them, as she is pressured to choose between satisfying herself, her husband, or her in-laws. The husband's relations may intrude unnecessarily into their affairs, to the extent that their meddling may anger the woman. Adultery on the part of the woman constitutes a ground for divorce. In polygynous settings, men justify adultery as an attempt to seek their next wife, but women do not put forward similar reasons.” (Falola, Toyin (2001) *Culture and Customs of Nigeria*. Westport: Greenwood Press)

This chapter of the book also states:

“Where divorce is agreed upon, the process is not very complicated but it is costly. In most cases, attorneys are not involved and the man retains most of the property. In elite marriages, property sharing may be discussed, but it is generally agreed that children will stay with their fathers. If they are babies, the mother takes care of them until they can go to their father unless he makes no claim. In traditional marriage, divorce never stops the woman from visiting the house of her ex-husband to see her children. She can even live with her grown-up male children a short distance away.” (Ibid)

4. Marriage between Non Nationals and Nationals

A section titled “Foreign Marriages” (paragraphs 49-52) of the Nigerian *Marriage Act* states:

49. Subject to sections 50 to 53, a marriage between parties one of whom is a citizen of Nigeria, if it is contracted in a country outside Nigeria before a marriage officer in his office, shall be as valid in law as if it had been contracted in Nigeria before a registrar in the registrar's office.

50. For the purposes of this Act, every Nigerian diplomatic or consular officer of the rank of Secretary or above shall be regarded as a marriage officer in the country to which he is accredited.

51. The office used by a marriage officer for the performance of his diplomatic or consular duties shall be regarded as the marriage officer's office for the purposes of this Act.

52. Subject to the modifications specified in section 53 this Act shall apply in relation to a marriage contracted before a marriage officer as nearly as may be as it applies in relation to a marriage contracted before a registrar.” (Laws of the Federation of Nigeria (1990) *Marriage Act: Chapter 218*)

An *Immigration and Refugee Board of Canada* response to a request for information on the marriage of a Nigerian to a foreigner states:

“A Nigerian professor of political science, who is a specialist on African and Nigerian politics at the University of Texas in Austin, provided general information on the validity of marriages legally entered into in foreign countries. During a telephone interview, the professor stated that Nigerian authorities recognize the validity of marriages lawfully entered into in foreign countries. According to the professor, in order to establish the legality of a marriage, a person must be prepared to produce a marriage certificate. The professor recalled a divorce case in Nigeria between a Nigerian and his Australian wife. The professor said that the Nigerian wanted to end the relationship, because the two were not married. However, during the trial, the Nigerian's wife established that a marriage legally took place in Australia by producing the marriage certificate and pictures of the wedding. According to the professor, the judge recognized that a marriage had indeed taken place between the two in Australia and determined that the marriage was legal in Nigeria as well. The Texas University professor's information concerning recognition by the Nigerian authorities of the validity of a lawful marriage entered into in foreign countries was corroborated in interviews by a Nigerian professor of art history at Indiana State University in Terre Haute, Indiana, and a Nigerian history and religious studies teacher at Milliken Mills High School in Unionville, Ontario.” (Immigration and Refugee Board of Canada (1 February 1995) *NGA19735.E – Nigeria: Information on whether the authorities in Nigeria recognize the validity of a lawful marriage conducted in Ontario*)

Marriage between Two Non Nationals

No information on the above issue could be found among sources available.

References

ACCORD/UNHCR (November 2002) *8th European Country of Origin Information Seminar Vienna, 28-29 June 2002 - Final Report: Nigeria*
<http://www.unhcr.org/refworld/pdfid/402d06554.pdf>

Australian High Commission – Nigeria (undated) *How to register a marriage in Nigeria*
http://www.nigeria.highcommission.gov.au/aaja/reg_marriage.html

BAOBAB for Women's Human Rights (2005) *Women's Rights In Muslim Laws*
<http://web.archive.org/web/20130718222147/http://baobabwomen.org/Women'sRightsinMuslimLaws.pdf>

BBC News (22 October 2010) *Nigeria court rejects 'forced marriage' case*
<http://www.bbc.co.uk/news/world-africa-11607532?print=true>

Country of Origin Research and Information (CORI) (December 2012) *CORI Thematic Report, Nigeria: Gender and Age*
<http://www.refworld.org/docid/514830062.html>

Danish Immigration Service (28 October 2008) *Report of Joint British-Danish Fact-Finding Mission to Lagos and Abuja, Nigeria*
<http://www.nyidanmark.dk/NR/ronlyres/2F5AF3E1-0D42-431D-9013-B75488053160/0/NigeriafactfindingrapportIFAfinal.pdf>

Danish Immigration Service (18 March 2005) *Report on human rights issues in Nigeria: Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria*
http://www.nyidanmark.dk/NR/ronlyres/A12BB34C-56F3-4745-9977-E6332D1DAAC0/0/Nigeria2005_web2.pdf

Everyculture.com (undated) *Culture of Nigeria*
<http://www.everyculture.com/Ma-Ni/Nigeria.html>

Falola, Toyin (2001) *Culture and Customs of Nigeria*. Westport: Greenwood Press
Refugee Documentation Centre Library

Immigration and Refugee Board of Canada (19 November 2012)
NGA104212.E – Nigeria: Social attitudes toward religious intermarriage; treatment of intermarried couples and their children by society and the authorities; protection and services available to intermarried couples
<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454264>

Immigration and Refugee Board of Canada (9 November 2012)
NGA104207.E – Nigeria: Prevalence of forced marriage, particularly in Muslim and Yoruba communities; information on legislation, including state protection; ability of women to refuse a forced marriage
<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454245>

Immigration and Refugee Board of Canada (7 November 2012)
NGA104210.E – Nigeria: Divorce law and practices among Muslims, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family
<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454233>

Immigration and Refugee Board of Canada (2 November 2012)
NGA104209.E – Nigeria: Divorce law and practices among Christians, including grounds, procedures, length of process, property dispositions, child custody and consequences for the woman and her family
<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=454232>

Immigration and Refugee Board of Canada (17 March 2006) *NGA100418.E – Nigeria: Forced marriage under Islamic law; whether an Islamic marriage requires the final 'Fatiha' ceremony be completed for the marriage to be consummated and for it to be recognized by Islamic authorities; consequences for a woman who refuses to participate in the wedding; likelihood of a university-educated woman in her twenties from Etsako, Edo state being forced into marriage*
<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=449976>

Immigration and Refugee Board of Canada (16 March 2006) *NGA101045.E – Nigeria: Levirate marriage practices among the Yoruba, Igbo and Hausa-Fulani; consequences for a man or woman who refuses to participate in the marriage; availability of state protection (February 2006)*
<http://www.irb-cisr.gc.ca/Eng/ResRec/RirRdi/Pages/index.aspx?doc=449978>

Immigration and Refugee Board of Canada (14 December 2005)
NGA100902.E – Nigeria: Prevalence of arranged marriages within the Igbo community and of arranged or forced marriages between Igbo Christian women and Muslim men; information on the availability of state protection and recourses for victims of those kinds of marriage (200 1- 2005)
<http://www.refworld.org/docid/45f1480120.html>

Immigration and Refugee Board of Canada (1 February 1995) *NGA19735.E – Nigeria: Information on whether the authorities in Nigeria recognize the validity of a lawful marriage conducted in Ontario*
<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=3ae6ad063c>

Inter Press Service (20 August 2009) *Nigeria: Divorce a Tool to Relegate Women*
<http://www.ipsnews.net/2009/08/nigeria-divorce-a-tool-to-relegate-women/>

IRIN News (26 November 2008) *Nigeria: Early marriage adds to socioeconomic woes, NGOs say*
<http://www.irinnews.org/printreport.aspx?reportid=81667>

Laws for Everybody (16 January 2012) *Laws of Marriage in Nigeria*

<http://web.archive.org/web/20120404170410/http://lawforeverybody.com/laws-of-marriage-in-nigeria/>

Laws of the Federation of Nigeria (1990) *Marriage Act: Chapter 218*
<http://www.nigeria-law.org/Marriage%20Act.htm>

Laws of the Federation of Nigeria (1990) *Matrimonial Causes Act: Chapter 220*
<http://www.nigeria-law.org/Matrimonial%20Causes%20Act.htm>

Social Institutions and Gender Index (undated) *Gender Equality and Social Institutions in Nigeria*
<http://genderindex.org/country/nigeria>

UK Border Agency (14 June 2013) *Nigeria: Country of Origin Information (COI) Report*
<http://www.ukba.homeoffice.gov.uk/sitecontent/documents/policyandlaw/coi/nigeria/report-06-1121.pdf?view=Binary>

US Department of State (19 April 2013) *2012 Country Reports on Human Rights Practices – Nigeria*
<http://www.state.gov/documents/organization/204365.pdf>

US Department of State (Bureau of Consular Affairs) (undated) *Country Reciprocity Schedule: Nigeria*
http://travel.state.gov/visa/fees/fees_5455.html?cid=9704#