

ARC and DCR comments on the EASO Country of Origin Information Report

Nigeria: Country Focus (June 2017)

7th November 2017

Asylum Research Consultancy (ARC) and the Dutch Council for Refugees (DCR) welcome the publication of the Country of Origin Information (COI) report: [Nigeria: Country Focus, June 2017](#).

As our previous responses to EASO consultations and comments on EASO Work Plans have indicated, we are particularly interested in the EASO COI methodology¹ and await the formal consultation on its proposed revision scheduled for later this year.

We are pleased to note that the EASO COI report of June 2017 on ‘Nigeria; Country Focus’ (from now on referred to as the EASO Nigeria report) does not ‘draw conclusions’ (as provided for in the COI Methodology report), or include distinct ‘summary’ or ‘analysis’ sections as for example earlier EASO COI reports did.²

As mentioned in our other joint commentaries³, as active members of the Consultative Forum, we would have welcomed the opportunity to input into the Terms of Reference of the report or to be able to provide the following comments in advance of the reports’ final publication.

Our comments are based on an initial reading of the report, first making some general observations and recommendations and further focusing on those sections that specifically relate to the availability of state protection notably:

- 1.2.1. State’s armed forces
- 1.6.3. Security Forces
- 1.6.5. Misconduct, Corruption and Justice

¹See ARC and Dutch Council for Refugees (DCR), [Comments on the EASO Country of Origin Information report methodology](#), November 2012

²See for example the EASO, [EASO Country of Origin Information report: Afghanistan: Insurgent strategies – intimidation and targeted violence against Afghans](#), December 2012

³For a list of our public joint commentaries see Asylum Research Consultancy (ARC), [International Projects: European Asylum Support Office \(EASO\)](#), Undated [Last accessed: 31st August 2017]

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A. General observations and recommendations

1. Methodology

1.1. Terms of Reference

On a positive note, we are pleased to see that the actual contents list and issues covered in the EASO Nigeria report far exceeds the limited initial ToR as presented in Annex II.

The EASO Nigeria report mentions the context in which the Terms of Reference (TORs) were defined and who drafted them, but does not explain further whether these were independently reviewed. We strongly recommend that as a matter of principle EASO invite UNHCR, relevant external bodies, institutions, civil society actors and country experts to also be involved in this process.

1.2. Review process

Unlike more recent EASO COI reports this EASO Nigeria report was only reviewed by national asylum and migration departments and by EASO but not reviewed by UNHCR, other external bodies or institutions, civil society actors or country experts. We strongly recommend that as a matter of principle EASO invite UNHCR and relevant external bodies, institutions, civil society actors and country experts to also be involved in the review process.

1.3. Reference period

The EASO Nigeria report does not specify a clear research or reference period nor does it mention when the research was conducted. It only states that the “drafting of this report was finalised on 8 May 2017”.⁴ For transparency purposes it would be useful if in future EASO COI reports such information be included.

1.4. Hyperlinks

It is a positive development that compared to previous EASO COI reports more inter-section hyperlinks have been added. It is however considered that additional ones would benefit the user-friendliness of such a big report and also would ensure that important information included is not missed. Unfortunately, but probably just a minor oversight, Annex I and Annex II in the contents list at page 8 are not hyperlinked despite all other items in the list being linked.

⁴EASO, [EASO Country of Origin Information Report: Nigeria: Country Focus](#), June 2017, *Disclaimer*, p. 9

1.5. Presentation of COI

1.5.1 Our regularly made recommendation on previous EASO COI reports not to summarise several reports in one sentence has been implemented almost throughout the whole EASO Nigeria report, making it clearer what information is EASO analysis, and what is a summary of COI. However, another recommendation on the use and presentation of COI was not fully taken on board as most COI continues to be presented in this report without mentioning the author or date of publication/date to which the information relates to, nor is the information presented as direct quotes. We continue to presume that this is because the report heavily relies on summaries. As our previous commentaries on EASO COI reports highlight we continue to consider it better practice if source material is directly cited where possible.

1.5.2 Another of our regularly made suggestions to include the page number or chapter of the original report when citing sources has been implemented throughout this EASO Nigeria report. This improves user-friendliness and traceability of the COI included. Where no page number exist, section or sub-section headings should be used instead if available.

1.6. Sources of COI

1.6.1 In the methodology section of the EASO Nigeria report it is stated that publicly available sources have been “supplemented with some information collected from oral sources on fact-finding missions to Nigeria conducted by Landinfo, the Norwegian COI unit. All consulted sources are listed in the bibliography”.⁵ However, in ‘Annex I: Bibliography’ under the sub-heading ‘Anonymous and non-public sources’ whilst three interlocutors are listed who have been interviewed by Landinfo in 2006, 2013 and 2016 respectively, no further explanation is provided as to which Landinfo report they are referenced in nor on what topics they were interviewed for.

1.6.2 This commentary focuses on a review of the sources included in assisting to make an assessment as to the availability and effectiveness of the Nigerian state’s protection provision in general and specifically in relation to victims of domestic violence, FGM and those witnessing violence due to their sexual orientation or gender identity. Despite the inclusion of a number of sources, the particular sections under review could have benefitted from additional, more specific sources available in the public domain at the time of publication. Below is a non-exhaustive selection of these:

Effectiveness of the Nigerian state apparatus

- Cleen Foundation, [Security and Governance in North-East Nigeria](#), 19 August 2016
- Nigerian Bar Association, [Practical Steps to Reforms of the Administration of Justice in Nigeria](#), April 2016
- Africa Center for Strategic Studies, [Fundamental Security Challenges Nigeria Must Face, Part 8: Governance](#), 11 June 2015

⁵EASO, [EASO Country of Origin Information Report: Nigeria: Country Focus](#), June 2017, Introduction, p. 13

Effectiveness of the Nigerian police force

- Immigration and Refugee Board of Canada, [Nigeria: Availability and effectiveness of state and police response in both urban and rural areas of southern Nigeria, for people who refuse to participate in ritual practices \(2014-October 2016\)](#), 14 November 2016
- Okenyodo O., Governance, [Accountability, and Security in Nigeria](#), June 2016, Africa Security briefing No. 31
- Premium Times, [Nigeria: Police Reform - What Does the Evidence Tell Us About State Policing?](#), 24 February 2016
- The News, [Implement Police Reform Report, NOPRIN tells FG](#), 20 September 2015
- Dr Olly Owen, [The Nigeria Police Force: predicaments and Possibilities](#), July 2014, NRN [Nigeria Research Network] Working Paper No. 15

Effectiveness of the Nigerian military

- National Human Rights Commission, [Nigerian Military Human Rights Dialogue](#), 9 August 2016
- International Crisis Group, [Nigeria: The Challenge of Military Reform](#), 6 June 2016
- Africa Center for Strategic Studies, [Fundamental Security Challenges Nigeria Must Face, Part 6: Military Professionalism](#), 11 June 2015

Corruption

- UN Office on Drugs and Crime (UNODC), [Corruption in Nigeria: Bribery: public experience and response](#), July 2017 [this is post-publication but given its relevance wanted to alert readers to it]

Additional protection related COI has been included further below under the relevant section headings in relation to domestic violence, FGM/C and LGBTI+.

1.6.3 Given the issues covered, it is our view the EASO report would have benefited from including a section on internal flight alternative (IFA)/internal relocation possibilities and restrictions with regards to particular profiles such as for example single women, female-headed households, LGBTI+ etc.

B. Section specific observations and recommendations

1.2. The north/south divide

1.2.1. State's armed forces

The information included under this sub-heading has no relation to Nigeria's armed forces. Rather, it seeks to provide contextual background to the country's 'north-south divide'. It suggests that the sub-heading has been included by mistake.

1.6. General human rights situation

1.6.3 Security Forces

1. The following additional human rights violations committed by the security forces were not mentioned in this sub-section despite being reported in the U.S. Department of State's annual report covering 2016 which was included in this sub-section [emphasis added]:

- [U.S. Department of State, Nigeria 2016 Human Rights Report, 3 March 2017](#)

Executive Summary [...]

In its response to Boko Haram attacks, and at times in response to crime and insecurity in general, security services perpetrated extrajudicial killings and engaged in torture, **rape, arbitrary detention, mistreatment of detainees, looting, and destruction of property.**

2. Despite including information from the U.S. Department of State's annual report covering 2016 that documents the widespread impunity for human rights violations committed by Nigeria's security forces, additional information found in Amnesty International's annual report which also covers 2016 and whose source is already included in this sub-section, would have been useful:

- [Amnesty International, Nigeria 2016/2017, 22 February 2017](#)

[...] Lack of accountability

There was continued lack of accountability for serious human rights violations committed by security officers. No independent and impartial investigations into crimes committed by the military had taken place despite the President's repeated promises in May [2016] [...]

3. Whilst referring to the 2015 research report by Amnesty International which details war crimes committed by the Nigeria military, the following additional information included in the original source would have been also useful to include in this sub-section [emphasis added]:

- [Amnesty International, Stars on their shoulders. Blood on their hands. War crimes committed by the Nigerian military, 2 June 2015](#)

Executive Summary

In the course of security operations against Boko Haram in north-east Nigeria, Nigerian military forces have extrajudicially executed more than 1,200 people; **they have arbitrarily arrested at least 20,000 people, mostly young men and boys; and have committed countless acts of torture. Hundreds, if not**

thousands, of Nigerians have become victims of enforced disappearance; and at least 7,000 people have died in military detention as a result of starvation, extreme overcrowding and denial of medical assistance. **Amnesty International has concluded that these acts, committed in the context of a non-international armed conflict, constitute war crimes for which military commanders bear both individual and command responsibility, and may amount to crimes against humanity [...]**

4. It would have been useful to include an internal hyperlink to the sub-section '1.6.5. Misconduct, Corruption and Justice' as additional information is included there on the availability and effectiveness of complaint mechanisms for police and security forces misconduct, as well as a link to section '3.2. Security forces and state protection' which provides information of relevance for an assessment of the availability of the state to provide protection.
5. The sub-section mentions the use of mistreatment of detainees to obtain confessions as reported by Amnesty International's annual human rights report covering 2016, but could also have included the U.S. Department of States information included in its annual report covering 2016 highlighting the use of ill-treatment to extort money from civilians [emphasis added]:
 - [U.S. Department of State, Nigeria 2016 Human Rights Report, 3 March 2017](#)
[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment [...]
The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and police often used torture to extract confessions later used to try suspects. **Police also repeatedly mistreated civilians to extort money.** [...]
6. Lastly, given that this section includes information on the treatment of detainees it would have been useful to include an internal hyperlink to the sub-section '3.3.1. Detention conditions'.

1.6.5. Misconduct, Corruption and Justice

1. It feels that the general order of sub-sections 1.6.1. – 1.6.5. could have benefited from a more intuitive order whereby sub-section 1.6.5. follows '1.6.3. Security Forces'.
2. The summary provided in this sub-section regarding the information included in the original source, the Canadian Immigration and Refugee Board's Research Directorate Information Request, does not fully encapsulate the original information which does not only state that police misconduct can be settled 'informally':

EASO report

The IRB interviewed representatives of civil society groups that monitor human rights and police conduct. These sources stated in 2014, regarding the availability and effectiveness of complaint mechanisms for police misconduct and corruption, that there are a number of formal procedures in place, however, there is still a widespread practice of settling such problems 'informally' due to obstacles having formal complaints resolved (54).

(54) IRB, Nigeria: Complaints mechanisms available for cases of police misconduct (2013-October 2014), 7 November 2014.

Instead the information included in the Canadian Immigration and Refugee Board's research request mention a number of reasons and factors that make oversight and accountability "extremely difficult":

➤ [Canada: Immigration and Refugee Board of Canada, Nigeria, Complaints mechanisms available for cases of police misconduct, including effectiveness \(2013-October 2014\), 7 November 2014](#)**[emphasis added]**

1. Overview [...]

In a telephone interview with the Research Directorate, an assistant professor of criminology at the University of Alberta, whose research is focused on resource conflicts, political kidnapping, and the use of force by police in Nigeria, the broader police system is still characterized by a "lack of accountability" (10 Oct. 2014). [...]

According to the Assistant Professor, **corruption, low morale, and lack of capacity make oversight and accountability of police "extremely difficult"** (10 Oct. 2014). Human Rights Watch reports that "most" complaint mechanisms against police **lack resources needed to investigate complaints received** (Aug. 2010, 87). Similarly, CLEEN Foundation reports that the Nigerian Police Force (NPF) **"lacks an effective database on complaints and discipline management" and that the police complaint management system is "generally inaccessible, ineffective, and does not enjoy the confidence of members of the public"** (CLEEN 30 Apr. 2013, 12-13). [...]

2.1 NPF Internal Investigation of Complaints Against Officers [...]

The Assistant Professor indicated that cases of police misconduct in Nigeria **are often not reported** (10 Oct. 2014). [...]

In correspondence with the Research Directorate, the program coordinator for NOPRIN indicated that when police receive written complaints from complainants, their lawyers, or human rights organizations, the complaints are referred by senior officers to the "police investigating unit" (NOPRIN 22 Oct. 2014). The same source notes that **"very few cases are conclusively investigated"** (ibid.). Similarly, Human Rights Watch reports that **complaints against police are "rarely investigated"** (Aug. 2010, 89). According to AI, "in practice," existing mechanisms such as reporting allegations directly to senior police officers or to police Human Rights desks, are **"ineffective" and "serious concerns exist about the independence of the investigations"** (AI 18 Sept. 2014, 45). *Country Reports 2013* indicates that "authorities did not investigate the majority of cases of police abuse or punish perpetrators" (US 27 Feb. 2014, 2). Two sources further report that the **centralized nature of the police force structure causes complaints to be dealt with slowly**(Assistant Professor 10 Oct. 2014; Nigeria 4 Nov. 2014).

3. External Complaint Mechanisms

3.1 Police Service Commission (PSC)

The PSC is the civilian oversight mechanism of the NPF, and has the power to recruit, promote, and discipline any Nigerian police officer, with the exception of the Inspector-General of the NPF (NOPRIN 10 Oct. 2014; Open Society Foundations 25 Jan. 2013). According to AI, the PSC has "the power to dismiss and exercise disciplinary control over almost all police officers" but "cannot refer cases to the courts for prosecution" (AI Sept 2014, 45). **Instead, the PSC refers complaints against police officers "back to the police for further investigation" and that this "invariably results in no further action and consequently human rights groups have stopped forwarding complaints" to the PSC** (AI Sept. 2014, 45). According to the NOPRIN program coordinator, the PSC is empowered to investigate and impose disciplinary sanctions on the police; "or if there is a need for criminal prosecution, it is expected to refer to the police for prosecution" (NOPRIN 22 Oct. 2014). The same source stated that "there is no record of the PSC referring any case for prosecution" (ibid. 22 Oct. 2014). [...]

The Assistant Professor indicated that, in his view, **the PSC is "not effective in disciplining members for misconduct" and there is "very little public trust in PSC's capacity to punish errant officers"** (10 Oct. 2014). [...]

3.2 National Human Rights Commission (NHRC) [...]

According to the Assistant Professor, the NHRC can receive complaints about police, but will "contact the entity concerned and serve as a peace broker" (10 Oct. 2014). According to NOPRIN, the **NHRC "lacks political support to effectively discharge its functions" and is not adequately funded or provided with trained staff** (NOPRIN 10 Oct. 2014). The Assistant Professor stated that the **slow pace of the judicial system has caused NHRC cases to remain unresolved** (10 Oct. 2014). According to the representative of the NHRC, feedback on the outcome of NHRC investigations, in terms of officers disciplined by the police, are usually not communicated back to the NHRC, which was identified as a "gap" that the police and NHRC are working to address (Nigeria 4 Nov. 2014). The NHRC indicated that the police is cooperative when working with the NHRC in "most cases" where they are confident they have acted within the law; however, in "**most cases where there is no such confidence, their cooperation is low**" (ibid.). [...]

4. Civil and Court Proceedings

CLEEN Foundation indicates that "the prospect of an aggrieved citizen taking recourse [through] civil action is limited because of grinding poverty among the majority of citizens" (30 Apr. 2013, 14). According to the Assistant Professor, in reference to the pursuit of private lawsuits against police for misconduct: **[p]rivate lawsuits against police can be brought, but generally only if someone has the time, resources, and financial ability to pursue the case in the court system. Someone who is from a rural area, poor, uneducated, will not be able to access this option.** People do bring lawsuits against the police and have been able to occasionally get justice this way. This has occurred in high profile cases of police misconduct. (Assistant Professor 10 Oct. 2014) [...]

4.1 Enforcing Judgements Against Police Officers

Country Reports 2013 states that the law provides for access to the courts, and "courts can award damages and issue injunctions to stop or prevent a human rights violation;" however, "the decisions of civil courts were difficult to enforce" (US 27 Feb. 2014, 15). AI reports that few compensation claims are filed in court and that "even in rare cases where victims have been awarded compensation by a court, the authorities have ignored it" (18 Sept. 2014, 47). The program coordinator of NOPRIN similarly indicated that there are "many" cases in which complainants carrying out civil suits have received a favourable court judgment awarding them compensation; however, "**the police habitually disrespect court orders and judgments**" (NOPRIN 22 Oct. 2014). [...]

7. Specific Obstacles Influencing Reporting of Complaints

According to the PCC, most agencies for police complaints are usually located in the FCT or state capitals (Nigeria 21 Oct. 2014). Sources report that urban residents are more likely to be able to access and file complaints than rural citizens (CLEEN Foundation 21 Oct. 2014; Assistant Professor 10 Oct. 2014). [...]

Sources report **that police complainants have been threatened to drop complaints** (NOPRIN 22 Oct. 2014; Nigeria 21 Oct. 2014). According to NOPRIN, "fear of reprisals" by police and "a tendency to cover up [for] their own are some of the major barriers people experience when trying to make a complaint against police for misconduct" (10 Oct. 2014). Similarly, "most" cases of torture by police documented by AI, in a report of cases gathered over a 10 year period, found that victims of human rights violations by the police or military were "**reluctant to report**" due to fear of "**reprisals**" (AI 18 Sept. 2014, 46). The PCC Head of Public Relations indicated that there is "palpable fear" among citizens that officers could retaliate (Nigeria 21 Oct. 2014) [...]

3. Similarly, the 2016 U.S. Department of State report not only reported that there was a lack of effective mechanisms to deal with, investigate, and punish abuses and corruption by security force but that impunity remained widespread and most major allegations of human rights violations were not investigated or prosecuted. Compare EASO report with original source below:

EASO report

There was reportedly a lack of effective mechanisms to deal with, investigate, and punish abuses and corruption by security forces, according to US DoS (55).

(55) US DoS, Country Reports on Human Rights Practices for 2016 – Nigeria, 3 March 2017.

➤ [U.S. Department of State, Nigeria 2016 Human Rights Report, 3 March 2017](#) [emphasis added]

Executive Summary [...]

The government took few steps to investigate or prosecute officials who committed violations, whether in the security forces or elsewhere in the government, and **impunity remained widespread at all levels of government. The government did not investigate or prosecute most of the major outstanding allegations of human rights violations by the security forces or the majority of cases of police or military extortion or other abuse of power** [...]

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

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings [...]

Authorities generally did not hold police, military, or other security force personnel accountable for the use of excessive or deadly force or for the deaths of persons in custody. State and federal panels of inquiry investigating suspicious deaths did not make their findings public. [...]

d. Arbitrary Arrest or Detention [...]

The police and military remained susceptible to corruption, committed human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, torture, and extrajudicial execution of suspects. The DSS also reportedly committed human rights abuses. In some cases private citizens or the government brought charges against perpetrators of human rights abuses, **but most cases lingered in court or went unresolved after an initial investigation** [...]

4. The last inclusion in this sub-section from the 2016 U.S. Department of State report that details judicial weaknesses causing lengthy pre-trial detention and poor detention conditions should be included in sub-sections '3.1. The Judiciary' and '3.3.1. Detention conditions'. A hyperlink to sub-section '3.1. The Judiciary' is also recommended.

3. State, law and order

3.1. The Judiciary

1. It is recommended that additional information found in the U.S. Department of State's annual report on 'International Religious Freedom' covering 2015/2016 that describes in greater detail the court system in Nigeria be included:

➤ [U.S. Department of State, International Religious Freedom Report for 2016, 10 August 2016](#)

[...] Section II. Status of Government Respect for Religious Freedom

Legal Framework [...]

The constitution provides for state-level courts based on common or customary law systems, which have operated in the region for centuries. It specifically recognizes sharia courts for "civil proceedings" but is silent on the use of such courts for criminal cases. In addition to civil matters, often involving issues related to marriage, inheritance, and other family matters, sharia courts in 12 northern states also hear criminal cases where both the Muslim complainant and the Muslim defendant agree to the venue. The sharia courts may pass sentences based on the sharia penal code, including *hadd* offenses (serious criminal offenses with punishments prescribed in the Quran) and prescribe punishments, such as caning, amputation, and death by stoning. Non-Muslims have the option to try their cases in the sharia courts if involved in civil disputes with Muslims. Common law courts hear the cases of Muslims and non-Muslims

who do not choose to use sharia courts. Sharia courts do not have the authority to compel participation by non-Muslims, but in the past some non-Muslims took cases to sharia courts, citing their speed and low cost. Aggrieved parties can appeal sharia court judgments to three levels of sharia appellate courts. Decisions by the state sharia courts of appeal (the highest level of the sharia courts) theoretically can be appealed to the Federal Court of Appeal and then to the Supreme Court, although none have been. [...]

2. The sub-section includes information about the reason why some non-Muslims chose to have their case heard in sharia courts from the U.S. Department of State's annual report on 'International Religious Freedom' covering 2011/2012. The same information can still be found in the 2015/2016 annual report, available at the time of publication. It is recommended that preference should be given to the inclusion of the latest annual reports for currency reasons. However, it should be noted that the same information (i.e. speed and low cost) is not included in the latest annual report covering 2016/2017, which was published post-publication of the EASO Nigeria report.⁶

3. Information is included in this sub-section on the penalty for army desertion, which has no relevance for an assessment of the Nigerian judiciary. It should be considered to move this information to a separate new sub-section.

4. Whilst information is included by the U.S. Department of State's 2016 annual report on human rights about the general efficiency of the Nigerian judiciary, the following information found in another of the sources included in this sub-section that provides an assessment on Nigeria's indigenous courts has not been included:

➤ [Akunle T.K., Nigerian indigenous courts and their dispute resolving mechanisms in global perspective, undated](#) [note that a PowerPoint presentation by the author on this paper was presented at the 2010 conference in Australia on 'Non-adversarial justice: Implications for the legal system and society conference' and can be accessed [here](#)]

[...] Reflection on Some Decided Cases of Indigenous Courts [...]

In the first place, the activities of the Shari'ah Courts present an interesting picture which had attracted different opinions from many parts of the globe. Perhaps, some of the cases decided by the courts will better illustrate this point. The case of Safiya Tungar Tundu portrays a pathetic example of the misplaced justice being perpetrated by these courts. In that case, which was decided in 2001, Safiya was alleged to have committed adultery with a man to whom she was not married. The Shari'ah Court of Sokoto State tried and found her guilty. She was accordingly convicted and sentenced to death by stoning in line with the provisions of the Shari'ah Penal Code. The decision received a world-wide condemnation, but fortunately the decision was over-ruled and set aside on appeal by the Shari'ah Court of Appeal and many Newspapers and public commentators heaved a sigh of relief.

Safiya's case was soon followed by that of Bello Jangedi whose hand was amputated on the order of a Shari'ah Court which convicted him for stealing a cattle [...]

Undoubtedly, a comparison of the punishments meted out to the culprits in each of the cases listed above reveals different instances of excessive punishment. Some of the questions one may wish to ask here is: Does the punishment actually fit the crime in each of the selected cases? Do the punishments not far outweigh the offences? Besides, can any of these cases stand the test of human right assessment of such International Human Right agencies like Amnesty International? The answers to this questions are obviously in the negative.

⁶See U.S, Department of State, [Nigeria 2016 International Religious Freedom Report](#), 15 August 2017

For now, let us take a glimpse at the performances of the Customary Courts in the Southern States of Nigeria. In most of the cases being handled by these courts, it is observed that they too have failed to measure up to international human right assessment standard.

What with their constant failure to observe the principles of natural justice, endless engagement in corruption²⁸ and “sale” of justice. For example, many Customary Court judges had taken part in delivering judgments in some cases in which they did not take part at the trial stage [...]

Assessment of the Courts on the Basis of Global Standard [...]

When the above provisions of the Universal Declaration of Human Rights are placed side by side with some of the decisions of Shari’ah Courts listed in Table I above, it is clear that the punishment meted out to the accused persons in those cases outrightly contravened the Human Rights provisions declared by the United Nations and universally accepted since 1948. For example, adultery which attracted death sentence from the Nigerian Indigenous Courts is, strictly speaking, a religious sin which, under normal circumstances, will only engender or attract religious admonition. This religious sin has now been elevated to the status of a crime punishable by death, courtesy of the Nigerian legislation and the indigenous courts, which are not shying away from invoking its provision to the letter [...]

Conclusion [...]

As useful and beneficial as the courts are, however, there is a pressing need to carry out a thorough reform in their conflict resolution mechanism. For instance, the judges of the Indigenous Courts could be given basic training in legal education. Such a training could be imparted while still on the job and should incorporate different methods of Appropriate Dispute Resolution procedures which will jettison imposition of punitive sanctions by the courts and endeavour to restore the social equilibrium of the society. Efforts should also be geared towards eradicating corruption from amongst the judges and their supporting staff. In order to achieve this, supervisory judges could be appointed from the crop of seasoned but tested legal practitioners who are men of honour and integrity. Likewise, their remunerations should be improved upon tremendously while the procedure for their appointment should no longer be based on political patronage. Rather, the experience and integrity of the individual judge should be the major yardstick for appointment. [...]

3.2. Security forces and state protection

3.2.1. Armed forces

1. Whilst the sub-section mentions that the armed forces have repeatedly been accused of involvement in human rights violations and that the federal government has failed to investigate and prosecute those involved, it fails to include a hyperlink to the sub-sections ‘1.6.3. Security forces’ and ‘1.6.5. Misconduct, Corruption and Justice’, which expand on these violations in greater detail and further highlight the impunity prevailing for these violations.

3.2.2. Police

1. As with the point made above in relation to ‘3.2.1 Armed forces’, this section also fails to include a hyperlink to the sub-sections ‘1.6.3. Security forces’ and ‘1.6.5. Misconduct, Corruption and Justice’, which expand on these violations in greater detail and further highlight the impunity prevailing for these violations.

2. Whilst the sub-section includes a sentence that describes how the Nigerian Police force has been “criticised for corruption and human rights abuses by researchers and organisations over the years” it

does not reference this particular assertion with any source despite such sources being available in the public domain at the time of compiling the EASO Nigeria report. The following are just illustrative examples:

- [Human Rights Watch, Nigeria: Events of 2016, 12 January 2017](#)
[...] Displaced women and girls suffer rape and sexual exploitation perpetrated by fellow IDPs, members of vigilante groups, policemen, and soldiers [...]
The ban imposed on the IMN by the Kaduna State government in October 2016 triggered a wave of bans against Shia in four northern states. Since then, Shia religious activities have been met with mob and police violence leading to the death of scores of IMN members in Kaduna, Kano, Katsina, Plateau, Sokoto, and Yobe States [...]

- [Amnesty International, Nigeria 2016/2017, 22 February 2017](#)
[...] The police and military continued to commit torture and other ill-treatment [...]
Unlawful killings [...]
On 9 February, soldiers and police officers shot at about 200 IPOB [Indigenous People of Biafra] members who had gathered for a prayer meeting at the National High School in Aba, in Abia state. Video footage showed soldiers shooting at peaceful and unarmed IPOB members; at least 17 people were killed and scores injured. On 29 and 30 May, at least 60 people were killed in a joint security operation carried out by the army, police, Department of State Security (DSS) and navy [...]

- [U.S. Department of State, International Religious Freedom Report for 2016, 10 August 2016](#)
[...] a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings
There were numerous reports the government or its agents committed numerous arbitrary and unlawful killings. The national police, army, and other security services used lethal and excessive force to disperse protesters and apprehend criminals and suspects and committed other extrajudicial killings. Authorities generally did not hold police, military, or other security force personnel accountable for the use of excessive or deadly force or for the deaths of persons in custody. State and federal panels of inquiry investigating suspicious deaths did not make their findings public.
[...] c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment [...]
The law prohibits the introduction into trials of evidence and confessions obtained through torture. Authorities did not respect this prohibition, however, and police often used torture to extract confessions later used to try suspects. Police also repeatedly mistreated civilians to extort money [...]
Local nongovernmental organizations (NGOs) and international human rights groups continued to accuse the security services of illegal detention, inhuman treatment, and torture of demonstrators, criminal suspects, militants, detainees, and prisoners. Military and police reportedly used a wide range of torture methods, including beatings, shootings, nail and tooth extractions, rape, and other forms of sexual violence. According to reports, security services committed rape and other forms of violence against women and girls, often with impunity [...]
Police continued to use a technique commonly referred to as “parading” of arrestees, which involved walking arrestees through public spaces and subjecting them to public ridicule and abuse. Bystanders often taunted and hurled food and other objects at arrestees [...]
Prison officials, police, and other security force personnel often denied inmates food and medical treatment to punish them or extort money [...]
d. Arbitrary Arrest or Detention
Although the constitution and law prohibit arbitrary arrest and detention, police and security services employed these practices. According to numerous reports, since 2013 the military arbitrarily arrested and detained--often in unmonitored military detention facilities--thousands of persons in the context of the

fight against Boko Haram in the Northeast (see section 1.g.). In their prosecution of corruption cases, law enforcement and intelligence agencies often failed to follow due process and arrested suspects without appropriate arrest and search warrants [...]

The police, DSS, and military reported to civilian authorities but periodically acted outside civilian control. The government lacked effective mechanisms and sufficient political will to investigate and punish security force abuse and corruption. The police and military remained susceptible to corruption, committed human rights abuses, and operated with widespread impunity in the apprehension, illegal detention, torture, and extrajudicial execution of suspects [...]

3. The sub-section also fails to include an important point made by the U.S. Department of State in its annual report covering 2016 in relation to the police's ability to protect, namely that:

- [U.S. Department of State, International Religious Freedom Report for 2016, 10 August 2016](#)
[...] d. Arbitrary Arrest or Detention [...]
Due to the inability of law enforcement forces to control societal violence, the government increasingly turned to the armed forces in many cases [...]

3.2.3. Other security forces and key security agencies

1. The National Agency for the Prohibition of Trafficking in Persons and other Related Matters (NAPTIP) is mentioned in this sub-section. It would have been useful to include a hyperlink to both the sub-section '4.5. Trafficking of human beings (THB) with the purpose of prostitution' and to EASO's 2015 Nigeria report on 'Sex trafficking of women'.

4. Gender-related issues

4.1. Domestic violence

4.1.2. Reporting violence to authorities; response, protection and shelter

1. This section is rather comprehensive in assisting in an assessment on whether effective state protection is available for women seeking protection against domestic violence. Yet, additional information found in the Immigration and Refugee Board of Canada's research response included in this sub-section could have also been added as follows:

- [Immigration and Refugee Board of Canada, Nigeria: Domestic violence, including Lagos State; legislation, recourse, state protection and services available to victims \(2011-October 2014\), 10 November 2014](#)

[...] 2. Legislation and Enforcement [...]

In a statement published in the Nigerian newspaper, *Premium Times*, the Chairman of the Nigerian National Human Rights Commission (NHRC) stated that domestic violence laws, in the states that have them, are "still quite poorly implemented" (*Premium Times* 25 Nov. 2013). In a telephone interview with the Research Directorate, a representative of the Legal Defence Assistance Project of Nigeria (LEDAP), a non-governmental organization of lawyers that provides free legal assistance to "poor and vulnerable victims of human rights violations," indicated that of the states with domestic violence legislation, Lagos State, is the "most organized" and the "only state where the state-level domestic violence law is being applied in practice" (16 Oct. 2014). In

a telephone interview with the Research Directorate, the Executive Director of ProjectAlert, a non-governmental women's rights organization that promotes and protects the rights of women and young girls and that founded Nigeria's first women's shelter, Sophia's Place, in Lagos, indicated that legislation is not being enforced in the states with domestic violence laws, but stated that it is "being used in court" in Lagos State, although there are still "problems with enforcement" (16 Oct. 2014).

3. State Protection and Recourse [...]

3.2 Reporting and Seeking Assistance [...]

A chapter on Nigerian domestic violence law in the 2014 book *Family Law in Nigeria*, by E.I. Nwogugu, of the Faculty of Law at the University of Nigeria, indicates that women subjected to domestic violence are unwilling to lodge formal complaints with the police against their partners (Nwogugu 2014, 112). [...]

Sources report that police often perceive domestic violence as a family issue (Nwogugu 2014, 112; *Vanguard* 15 June 2013). Sources state that victims of domestic violence are often told to settle the problem themselves (ProjectAlert 16 Oct. 2014; LEDAP 16 Oct. 2014) or involve other family members (ibid.).

The NHRC Chairman indicated that domestic violence is "poorly documented" and "hardly investigated" (*Premium Times* 25 Nov. 2013). In an interview with *Vanguard*, a Nigerian newspaper, a human rights activist involved with the Women's Human Rights Clinic in Lagos, which provides alternative dispute resolution to victims of domestic violence, said that "the Nigerian Police do not respond adequately to complaint[s] from women on domestic violence" (*Vanguard* 15 June 2013). [...]

According to the Executive Director of Partnership for Justice, an NGO that launched Nigeria's Lagos Mirabel Sexual Assault Referral Centre (SARC) in 2013, when reports are made to police about crimes dealing with sexual violence, police are reluctant to file charges, especially against a perpetrator who is the victim's family member (*Vanguard* 23 July 2013). In an interview with *Vanguard*, the Executive Director of ProjectAlert stated that due to "police insensitivity to and unprofessional handling of sexual violence cases due to poor training and lack of logistics" there are "especially" low reporting rates for sexual violence (ibid. 17 June 2013). She states that that "the greatest challenge" is "the poor response from the criminal justice system (police and courts) and social service providers (hospitals, social welfare) to victims and their families/friends" (ibid.)

According to the Executive Director of Partnership for Justice, "only medical reports from government hospitals are admitted in evidence in the courts" and there is a lack of forensic medical examiners to collect evidence in cases of sexual violence (ibid. 23 July 2013). Furthermore, police will cease their investigation without this evidence (ibid.). According to the same source, the process to obtain a medical report is "not victim friendly" (ibid.). [...]

3.4 Judiciary [...]

Similarly, *Premium Times* reports that, according to the Chairman of the NHRC, domestic violence perpetrators are "hardly" prosecuted and "few are ever held accountable for it" (25 Nov. 2013). [...] The Executive Director of ProjectAlert stated that the courts are "insensitive to domestic violence victims, with "frequent adjournments and delays" in the judicial process (*Vanguard* 17 June 2013). Additionally, she stated that victims cannot afford the costs associated with pursuing a case and as a result prosecution often does not occur (ibid.). [...]

6. Shelters and Services [...]

The LEDAP representative indicated that the Ministry of Women's Affairs has shelters in other parts of the country, but that the shelters in the cities of Lagos and Abuja have "better capacity" than those in "other less advanced parts of the country" (16 Oct. 2014). [...]

2. This section twice refers to "the 2016 thematic report by the UK Home Office", which in actual fact is a reference to the August 2016 UK Home Office Country Information and Guidance (CIG) 'Nigeria: Women fearing gender-based harm or violence'. Whilst the UK Home Office CIGs contain separate 'country information' sections where sources found in the public domain are included and referenced,

CIGs are compiled with a particular mandate to inform UK decision-makers on how to handle particular types of protection and human rights claims and should therefore not be confused with a COI report.

3. Additional sources (non-exhaustive) found in the public domain during the reporting period for this EASO report, which were not included, have been listed here:

- Freedom House, [Freedom in the World 2017: Nigeria](#), 14 February 2017
- [The Fund for Peace, Impact of Violence on Women and Girls in Kaduna, 8 March 2017](#)

4.2. Female Genital Mutilation/Cutting (FGM/C)

4.2.8. Legal framework concerning FGM/C

1. The last paragraph of this sub-section includes information from three sources interviewed by the Immigration and Refugee Board of Canada which suggests that women may seek protection from state actors (like the police), civil society organisations, as well as religious institutions. However, the original source provides additional information that would have been useful to have been included documenting the limits of state protection available:

- [Immigration and Refugee Board of Canada, Nigeria: Prevalence of female genital mutilation \(FGM\), including ethnic groups in which FGM is prevalent, particularly in Lagos State and within the Edo ethnic group; consequences for refusal; availability, 13 September 2016](#)

[...] 3. State Protection and Recourse [...]

However, according to German political research foundation Bertelsmann Stiftung [1], "[c]oncerning women and girls, in particular of lower [socio-economic] status, the State still lacks the capacity to protect them against violence, including ... female circumcision and abuse by customary law" (Bertelsmann Stiftung 2016, 9). [...]

Sources note the existence of laws in Lagos State which concern the practice of FGM (Doctoral Candidate 8 Sept. 2016; ICIR 7 Feb. 2015). However, according to ICIR, "even in states that have enacted legislation against it [FGM], the laws are weak in and most times not even implemented" (ibid.). [...]

Sources report that activists feel that the new law by itself is not sufficient to eliminate the practice as to do so necessitates a cultural change (*Christian Today* 10 June 2015; *The Huffington Post* 8 June 2015). According to the doctoral candidate, efforts "are somewhat concerned with surface occurrences rather than underlying processes - especially in rural areas in Lagos State" (Doctoral Candidate 8 Sept. 2016) [...]

2. It is noted in general that the section on FGM/C contains limited information on the possible availability of state protection for FGM and its title is slightly misleading as it suggests that it only contains information on the legal framework. It would have been preferable to include a separate sub-section with more detailed information about the availability and effectiveness of protection against FGM. The following sources available at the time of publication but not included in the report highlight the limits to state protection:

- [Freedom House, Freedom in the World 2017: Nigeria, 14 February 2017](#)

[...] G. Personal Autonomy and Individual Rights 5 / 16 [...]

Despite the existence of strict laws against rape, domestic violence, female genital mutilation, and child marriage, these offenses remain widespread, with low rates of reporting and prosecution. [...]

- [Immigration and Refugee Board of Canada, Nigeria: Availability and effectiveness of state and police response in both urban and rural areas of southern Nigeria, for people who refuse to participate in ritual practices \(2014-October 2016\), 14 November 2016](#)

[...] 2. Police [...]

The doctoral candidate stated regarding victims of ritual practices that, to his knowledge, the police response is not "recognised and institutionalised" (Doctoral Candidate 4 Nov. 2016). He further stated that "based on his direct observation and research experience over five years in Southern Nigeria, Nigerian police officers appear to be discriminatory in their treatment of [victims of] ritual practices," particularly for women, and that this attitude is informed by "customary norms and the subjugation of women in most Southern [Nigerian] societies" (ibid.). The same source added that a lack of trust in the police also inhibits the reporting of ritual practices, especially by women (ibid.). Further, according to this source, police officers are themselves a part of the culture in which ritual practices take place, and they can have difficulty recognizing whether ritual practices are criminal or not, as they weigh the evidence also against the religion, rites and intent of ritual practices (ibid.). Similarly, the junior fellow indicated that because Nigerian police officers themselves also come from these communities where different rituals apply, they "have to respect the culture and traditions" and are reluctant to provide protection to someone who is refusing to undergo a ritual (Junior Fellow 2 Nov. 2016). The same source stated that whether the police provide protection also depends on who brings the case; if it is someone more influential, with more education, connections and financial resources, then the police might be more likely to provide protection (ibid) [...]

5. Societal Factors [...]

Without providing details, the legal practitioner stated that social factors such as a victim's gender, class, family, education level, rural or urban status, or ethnic group, will have an impact on how the police respond (Legal Practitioner 1 Nov. 2016). The Professor of comparative religious studies similarly stated there is a close link between educational and financial levels and the access to protection from victimization in rituals, and that poverty and a lack of education are significant constraints (Professor of comparative religious studies 19 Oct. 2016). According to the same source, there is little chance of accessing protection from victimization from ritual practices when someone is poor or uneducated (ibid.). The junior fellow stated that whether a person can refuse to undergo a ritual depends on the person's power, connections, and resources, and that if a person can pay, they are more likely to access police protection, adding that urban areas are less governed by traditional beliefs and can be places of refuge, if the person has the means to support themselves (2 Nov. 2016). The doctoral candidate similarly indicated that the police response to a report of a forced ritual practice differs depending on whether the person reporting it is a man or a woman and the victim's capacity to pay bribes to police, noting that police support for women in ritual practice complaints remains rare (Doctoral Candidate 4 Nov. 2016). According to the same source, police respond more quickly to "upper-class women" than those of lower social status, because those with higher standing "have the money and the influence to secure protection themselves" (ibid.).

The doctoral candidate added that in rural communities, women are reluctant to report ritual practices to the police because there is a common view that often ritual practices are not spoken about and women do not report such situations due of fear of stigmatization and gossip, shame, a lack of perpetrator accountability, and a lack of privacy, and also because in small rural communities the police and other support workers often know both the victim and the perpetrator (ibid.). [...]

6. Response to Specific Rituals

6.3 Rituals Related to Marriage, Marital Relations, Pregnancy

The legal practitioner stated that the police would, in general, treat ritual practices related to marriage, marital relations, and pregnancy or widowhood "as a family [or] community affair and may not interfere at all" (1 Nov. 2016). [...]

- [28 Too many, Country Profile: FGM in Nigeria, October 2016](#)

[...] Challenges faced by anti-FGM initiatives [...]

Challenges fall into two categories: firstly, strategic issues, which are embedded in the structure of Nigerian society, representing tradition and social norms; and secondly, practical aspects of how to encourage individuals and communities to change their behaviour and deliver the kind of support needed by those who go against the social norms.

Strategic challenges can be divided into threetypes:

- the pervasiveness of cultural and social norms that support the continuation of FGM;
- the systemic failure of authorities to enforce the law in a way that curbs the practice and prevents it being driven underground; and
- poor physical infrastructure (lack of roads, electricity, telecoms, schools and properly equipped clinics), which makes it difficult to outreach and work effectively in many rural communities. FGM remains a deeply-entrenched tradition in Nigeria that continues to be reinforced from generation to generation by family and community pressures. [...]

13 of Nigeria's 36 states have put in place laws against FGM over the past couple of decades, but it was only in May 2015 that a federal law was passed – the VAPP. This, however, only covers the FCT, and similar legislation needs to be passed in those states that are still without an act criminalising FGM and other HTPs. Practical challenges to anti-FGM initiatives include: [...]

Continuing and increasing enforcement of the law, and making protection available to those women and men who want to save their daughters from being cut.

Speaking at a recent meeting on violence against women organised by New Initiative for Development, its Executive Director, Abiodun Oyeleye, said, 'There is a general apathy on the issue of violence against women on the part of the police institution.' He was supported in this view by Wale Adebajo of the British High Commission, who said that the challenge of the domestic violence law (the VAPP) is that it is not yet known to the people. '[C]itizens have no access to the law including the justice sector stakeholders which makes it very difficult to enforce,' he said (Oyeleye and Adebajo cited in Ezeamalu, 2016b) [...]

Based on a comparison of the available data on the number of women cut to the number of daughters being cut, there would appear to be a decline in the practice across generations. Conversely, there may be an element of under-reporting due to the illegality of the procedure in some states where a law against it already exists. There may be increased under-reporting in the future if the VAPP is taken up and adopted in the remaining states. This is evidenced in other countries when laws banning FGM have been introduced [...]

➤ [The Nigerian Observer, Female Genital Mutilation: Growing Incidence Generates Fresh Concern, 3 June 2016](#)

The growing incidence of the practice of Female Genital Mutilation in several communities in Nigeria, including Edo State, despite the fact that Edo State legislature, in 1999, passed a law banning the traditional practices of Female Genital Circumcision (FGC), otherwise known as Female Genital Mutilation (FGM), has started generating serious concerns today in several quarters.

Penultimate week, at a one-day stakeholders' dialogue on the enforcement of the law on FGM, organized by Women's Health and Action Research Centre (WHARC), the Chief Judge of Edo State, Justice Cromwell Idahosa expressed serious worries over the non-functionality of the Anti-Female Genital Mutilation law in the state, several years after it was enacted [...]

The Chief Judge while advising that emphasis be laid on sensitizing the people on the health implications of the practice however noted that the challenge of enforcement of the law stems from the fact that the practice is accepted by some traditions and customs as a rite of passage [...]

Also speaking, the commissioner of Police, Edo State, Mr. Chris Ezike represented by DCP Walter Inyang rebuffed the allegation that the police had failed in arresting offenders of the FGM law. He stressed that the major reason the police were yet to either charge or convict anyone guilty of FGM, was because there have been no reported complaints from anyone on the issue as the police cannot act in vacuum in such regard. However, there have been some claims that even where such incidents have been reported to the

police in the past, they have been inclined to perceive such as issues within traditional domains that are better resolved without police intervention [...]

- [Immigration and Refugee Board of Canada, Nigeria : Prevalence of female genital mutilation \(FGM\) among the Urhobo, including the consequences for refusing to undergo this procedure, particularly pregnant women; state protection available \(2014-March 2015\), 19 March 2015](#)

[...] 3. State Protection [...]

3.2 Implementation

Some sources characterize the penalties provided by state laws as being "mild" (IQ4News 6 Feb. 2014; Oluchi 20 May 2013, 15; *Daily Trust* 14 Feb. 2012). According to the former executive director of WERHC, as quoted by *Daily Trust*, the law in Delta "stipulates a three months' imprisonment and a fine" (ibid.) [...]

According to a 2014 article by IQ4News, an online news site that reports on African issues, "even [in Nigerian] States that have legal provisions in place to prosecute the perpetrators of FGM, either under general or specific criminal laws, prosecutions are very rare" (6 Feb. 2014) [...]

According to the lecturer, police are seldom turned to for assistance as "they are not trusted," adding that NGOs and civil society organizations as well as religious leaders were more effective recourse (Lecturer 6 Mar. 2015). He also stated that "[t]he problem however is that women do not usually have the courage to seek formal/outside assistance as those practices are sometimes seen as family and community issues" (ibid.). He also noted that NGOs, police and religious leaders were more present in urban areas (ibid.) [...]

4.2.9. Social sanctions against women and their parents refusing FGM/C

1. Conclusions are drawn in this sub-section, which are not attributable to any of the sources referenced in this section:

EASO report

Parents mostly have the final say in the decision on whether a daughter will be cut or not in Nigeria. But there is considerable variation both individually and between different ethnic groups regarding whether it is the father or the mother who makes the final decision [...]

In some social settings in Nigeria, other relatives than parents may try to influence them when they make the decision on whether they will subject their daughter to FGM/C or not. However, there might be considerable variation on this subject. Very few studies focus on the involvement from members of the extended family [...]

We strongly recommend to avoid making unsubstantiated comments. In this particular case it clouds the influence grandmothers could have on whether or not a child is being cut or not. For example, a source included in this sub-section but whose information was not fully included states:

- [Immigration and Refugee Board of Canada, Nigeria: Prevalence of female genital mutilation \(FGM\), including ethnic groups in which FGM is prevalent, particularly in Lagos State and within the Edo ethnic group; consequences for refusal; availability, 13 September 2016](#)

[...] 4. Ability of a Family to Refuse a Ritual Practice Such as FGM and Consequences for Refusal, Particularly in Lagos State and Among the Edo People [...]

According to the CWSI representative, [...] "intergroup relationship[s]" sometimes affect one's ability to refuse FGM, and cited the example of a "family where the [grandmother] from the wife's side would carry out this act unknown to the father of the victim" (CWSI 2 Sept. 2016). [...]

2. Information is included in this section of the EASO report which has been selectively chosen from the original source:

EASO report

The more educated, informed, and independent a woman is, the better her means to refuse FGM/C, compared to less educated women from rural areas who are more susceptible to cultural pressures (252).

(252) IRB, Nigeria: Prevalence of female genital mutilation (FGM) (2014-September 2016), 13 September 2016.

In fact, the original source referenced in footnote 252 is much more nuanced about whether or not prevalence amongst more educated women is indeed lower and just concluded with regards to educated women in Lagos that they are less likely to have been cut:

➤ [Immigration and Refugee Board of Canada, Nigeria: Prevalence of female genital mutilation \(FGM\), including ethnic groups in which FGM is prevalent, particularly in Lagos State and within the Edo ethnic group; consequences for refusal; availability, 13 September 2016](#)

1. Prevalence of FGM

1.1 Overview [...]

The UN Population Fund (UNFPA) office in Nigeria states that the practice of FGM varies "according to the level of poverty and education of girls and their mothers" (UN 21 June 2016). The *Survey* also reports that [f]emale circumcision is less prevalent among women with no education and those in the lowest wealth quintile. For instance, about one in three women with a primary education or higher are circumcised, as compared with only 17 percent of women with no education. Similarly, 17 percent of women in the lowest wealth quintile are circumcised, compared with 31 percent in the fourth and highest quintiles (Nigeria June 2014, 348). [...]

1.2 Lagos State [...]

According to the Professor of African history, "FGM [in Lagos State] is dying out" (9 Sept. 2016). The Lecturer likewise stated that[w]hile very reliable data may not be readily available due to common data gaps in Africa, experiences and observations suggest there has been drastic reduction of FGM in Nigeria and much more in Lagos. This reduction is certainly expected to be so due to increasing education, enabling laws and advocacy in Lagos by the government and civil societies. Residents of Lagos are expected to adhere to the policies and laws regardless of the state of origin. (Lecturer 9 Sept. 2016) [...]

4. Ability of a Family to Refuse a Ritual Practice Such as FGM and Consequences for Refusal, Particularly in Lagos State and Among the Edo People [...]

The Professor of African history likewise stated that residents of Lagos can refuse FGM, explaining that [t]he difference is in the scale of western influence. Lagos is more urban and more western than Edo society. Also inter-ethnic marriages are more popular in Lagos than in Edo towns and this serves as a moderating influence on the more conservative cultural practice. (Professor of African history 9 Sept. 2016)

The same source added that

more educated, more informed, and more economically independent wom[e]n have better means of refusing FGM whereas a non-educated woman or one who lives in the rural area is more susceptible to cultural pressure. (ibid.)

The doctoral candidate also expressed the view that he did not believe "that pressures are mounted on parents who reside in Lagos city in terms of allowing their children to undergo genital mutilation or otherwise" (Doctoral Candidate 8 Sept. 2016). However, the same source stated that it is possible for the family members to mount pressure on the father or mother in order to preserve their cultural values. And the occurrence of genital mutilation may go unnoticed by the appropriate authorities

due to fear of what may likely happen to their child if [the] do not perform the ritual for her. In fact, in some areas in Lagos a person who has not undergone FGM rites may not be viewed as a full adult no matter the age. (ibid.) [...]

Moreover, a 2011 UNICEF report quoted in a 2015 Immigration and Refugee Board research response noted that educated, wealthier and urban women were more likely to undergo FGM:

- [Immigration and Refugee Board of Canada, Nigeria : Prevalence of female genital mutilation \(FGM\) among the Urhobo, including the consequences for refusing to undergo this procedure, particularly pregnant women; state protection available \(2014-March 2015\), 19 March 2015](#)

[...] 1.2 Prevalence [...]

A 2011 UNICEF Nigeria report on the situation of children and women in Nigeria also notes that surveys suggest that FGM is more prevalent in urban areas than in rural areas and practiced more among wealthier and more educated people (UN [2012], 117) [...]

3. Lastly, one of the conclusions drawn by the author of this EASO report is that it “seems very unusual” that relatives would disregard the parents’ decision and subject a girl to FGM though “a few such cases are mentioned in available source material”, whilst at the same time including a reference that FGM is a very family based/private matter that would not be reported on. Moreover, the way the conclusion is presented, i.e. by ending with footnote 254, suggests to the user that that source has come to such a conclusion when in fact it has been the author of this EASO report:

EASO report[emphasis added]

Even when other relatives try to influence the decision, their means of pressure are mostly restricted to threats of withholding support, as adults who make ‘wrong’ decisions on behalf of their own children are generally not subjected to violence or threats of violence in Nigeria. It also **seems very unusual** that the parents’ decision not to subject a daughter to FGM/C is disregarded by other relatives, who then take the matter into their own hands, **but a few such cases** are mentioned in available source material (254). According to informants by IRB ‘[FGM] is considered a family issue’; people’s attitude toward FGM being practiced is ‘it’s not my business’ and so no one is reported (255).

However, information included in more recent sources which have been included in other parts of this report paint a different picture whereby families or family members refusing to have their child cut might face ostracism, stigmatisation, or physical abuse:

- [Immigration and Refugee Board of Canada, Nigeria: Prevalence of female genital mutilation \(FGM\), including ethnic groups in which FGM is prevalent, particularly in Lagos State and within the Edo ethnic group; consequences for refusal; availability, 13 September 2016](#)

[...] 4. Ability of a Family to Refuse a Ritual Practice Such as FGM and Consequences for Refusal, Particularly in Lagos State and Among the Edo People [...]

According to the doctoral candidate, "there may be consequences of refusing to take part in FGM practice among the mother's or father's kin groups or home communities (either in Lagos or Edo). That always happens in the private sphere" (Doctoral Candidate 8 Sept. 2016). The Professor of African history stated that that "[i]n a conservative family a refusal could lead to withdrawal of family/communal support" and that "poor women risk neglect by their husbands" (9 Sept. 2016). The Lecturer also indicated that consequences for refusing to take part in FGM within Lagos State or by members of the Edo ethnicity could include ostracism, stigmatisation and blackmailing, denial of intracultural benefits and physical abuse (Lecturer 9 Sept. 2016).

- [Immigration and Refugee Board of Canada, Nigeria : Prevalence of female genital mutilation \(FGM\) among the Urhobo, including the consequences for refusing to undergo this procedure, particularly pregnant women; state protection available \(2014-March 2015\), 19 March 2015](#)
 [...] 2. FGM Among the Urhobo [...]
 - 2.2 Consequences of refusing FGM
 The Project Coordinator stated that she "hear[s] that if the woman refuses [to undergo FGM] her husband may reject her" (6 Mar. 2015a). [...]

See also the following source, though not included in the EASO report was available at the time of publication:

- [The Nigerian Observer, Female Genital Mutilation: Growing Incidence Generates Fresh Concern, 3 June 2016](#)
 [...] Whichever way it is examined, investigations have revealed that FGM is an acceptable traditional practice observed by the female gender in most communities in Nigeria, Edo State inclusive, which is believed to prepare the female gender, culturally, for a fulfilled womanhood and motherhood. And there are elements in every community that are determined to ensure that this illicit practice continues in perpetuity despite legislative prohibition. Normally, those who refuse to subject their infant children and wards to this practice are regarded as renegades who are invariably targeted for primitive punishments and attacks [...]

5. Situation of Lesbian, Gay, Bisexual, Transgender (LGBT) persons

5.4. Ability of state protection for sexual minorities

1. This section includes information from an October 2016 Human Rights Watch report that specifically focused on the impact of Nigeria's Same Sex Marriage (Prohibition) Act. Additional information found in this source would have been useful to have included in this sub-section:

- [Human Rights Watch, "Tell me where I can be safe": The Impact of Nigeria's Same Sex Marriage \(Prohibition\) Act, October 2016](#)
 [...] III. Police Abuse of LGBT People [...]

LGBT people are fearful of arrest and imprisonment on the basis of their real or perceived sexual orientation or gender identity and many interviewees reported a new and profound fear of extortion, violence, and abuse at the hands of the police [...]

IV. A Climate of Fear [...]

Fear of Reporting Crimes [...]

Hazel, the representative of an LBT organization in Cross River State told Human RightsWatch that she was aware of cases where lesbians in particular did not report sexualassault to the police.¹⁰¹ Reluctance to report sexual abuse is especially true for lesbian and bisexual women, who are not only more vulnerable to physical and sexual violence, butalso less likely to report abuses than other members of the LGBT community [...]

Michael and many other interviewees said people who intend to perpetrate homophobic violence seem to have been lying low, but now that the widely publicized SSMPA was passed, they believe they can unleash terror, and the victims will be terrified of reporting to the police due to the "threat of 14 years in prison." [...]

Human Rights Watch documented only a handful of cases in which victims reported crimes to the police. None of them resulted in the arrest of perpetrators [...]

2. Another source included in one of the footnotes in this sub-section also contains useful information with regards to the possibility to approach the police for protection:

- [Bisi Alimi Foundation, Not dancing to their music: The effects of homophobia, biphobia, and transphobia on the lives of LGBTQ people in Nigeria, January 2017](#)

[...] Experiences and Prevalence of Abuse [...]

Police violence and harassment was also noted, either when people were being questioned or arrested, or if trying to seek help following a Homo/Bi/Transphobic attack [...]

Perhaps in light of this situation, the majority of those who told us they had been assaulted or abused stated they did not report it. Reasons for this included feeling ashamed 14% (n=63), being scared of Homo/Bi/Transphobic reprisals 12% (n=51), and the belief that nobody would be able to do anything to help 6% (n=29).

We note, in this context, if physical or sexual abuse occurs there is likely to be psychological and physical trauma, quite possibly needing urgent medical care. However, people may not access or trust healthcare services. For those who do report physical or sexual abuse to healthcare staff and receive a negative or hostile reaction, their initial trauma will be compounded and the likelihood of future PTSD greatly increased. Equally, it is not possible to report a physical or sexual assault to the police if you believe that you may be charged with an offence if your sexuality or gender identity were to be discovered. Put bluntly, in spite of high levels of abuse, there are very few safe spaces for LGBT sexual and physical assault survivors in Nigeria at this time [...]